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Please ask for:
Graham Seal

13 February 2018

Dear Councillor

You are requested to attend a special meeting of the WELWYN HATFIELD BOROUGH COUNCIL to be held on Wednesday 21 February 2018 at 7.30pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE.

Yours faithfully



Executive Director
Public Protection, Planning and Governance

AGENDA
PART 1

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence, if any.

2. **DECLARATIONS OF INTERESTS BY MEMBERS**

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on the Agenda.

3. **COUNCIL TAX SETTINGS 2018/19** (Pages 3 - 12)

Report of the Director (Resources, Environment and Cultural Services) on the Council Tax setting for 2018/19.

4. MATTERS ARISING FROM THE CABINET

To consider recommendations from the meeting of the Cabinet on 6 February 2018:-

(a) Public Space Protection Order (Pages 13 - 74)

(b) Tenancy Policy and Flexible Tenancy Policy (Pages 75 - 120)

5. MATTER ARISING FROM COMMITTEE

To consider a recommendation from the meeting of the Environment Overview and Scrutiny Committee on 30 January 2018:-

(a) Safety Advisory Team Update (Pages 121 - 138)

6. INTERIM REVIEW OF POLLING DISTRICTS, POLLING SPACES AND POLLING STATIONS (Pages 139 - 166)

Report of the Chief Executive and Acting Returning Officer on interim proposals for changes to the current arrangements.

Circulation: The Mayor and Members of the Welwyn Hatfield Borough Council
Executive Board
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Graham Seal, Governance Services Unit on 01707 357444 or email – g.seal@welhat.gov.uk / democracy@welhat.gov.uk

Part I
Item No: 0
Main author: Ka Ng, Richard Baker
Executive Member: Duncan Bell
All Wards

WELWYN HATFIELD BOROUGH COUNCIL
SPECIAL COUNCIL – 21 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (RESOURCES, ENVIRONMENT AND
CULTURAL SERVICES)

COUNCIL TAX SETTING 2018/19

1 Executive Summary

- 1.1 The Council is required under the Local Government Finance Act 1992 to set the Council Tax for its area by no later than 11th March. The Council has always aimed to approve the budget by early March in order to ensure prompt despatch of bills and hence quicker collection of sums due. The Council approved the 2018/19 budget on 5 February and the purpose of this report is to set the Council tax for 2018/19.
- 1.2 The 2018/19 Local Government Finance Settlement was announced 6 February 2018, and does not alter the 2018/19 budget that had already been approved.
- 1.3 As set out in the budget report, the Council will increase the average Band D Council tax (excluding parish precepts) by £5 (2.48%) to £206.61 in 2018/19.
- 1.4 Parish Precepts have decreased by 0.3% overall to £1.628m and this is the spending for which the council has no control over. The average band D council tax increase for the borough (excluding county and police precepts) will be 1.6% higher when the parish precepts are taken into account.
- 1.5 For 2018/19, the council tax referendum thresholds set by Government are as follows (i.e. a referendum must be held if the authority wishes to increase council tax by more than these amounts):
 - County Councils 6% (including 3% specifically for adult social care)
 - District/Borough Councils 3% or up to £5 on a Band D, whichever is greater
 - Police up to and including £12

2 Recommendation(s)

- 2.1 That it be noted that the 2018/19 General Fund budget as approved by Council meeting on 5 February is shown in Appendix A.
- 2.2 That it be noted that at the Cabinet and Council meetings on the 9 January and 5 February respectively, the following amounts for the year 2018/19 were agreed

in accordance with regulations made under Section 31B of the Local Government Finance Act 1992, as amended (the "Act").

- a) The gross 2018/19 Tax base for the District is 41,612.8 equivalent Band D properties before the application of a collection rate.
- b) 41,363.2 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (the Regulations), as its Council Tax Base for the year 2018/19; including deductions for council tax support and a collection rate of 99.4%.
- c) Part of the Council's Area being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate;

	<u>100% TAXBASE</u>	<u>99.4% TAXBASE</u>
Ayot St Lawrence	70.8	70.4
Ayot St Peter	115.1	114.4
Essendon	433.2	430.6
Hatfield	11,507.7	11,438.7
North Mymms	4,367.1	4,340.9
Northaw & Cuffley	3,059.7	3,041.3
Welwyn	4,622.8	4,595.1
Welwyn Garden City	16,901.5	16,800.1
Woolmer Green	534.9	531.7

2.3 In accordance with the statutory legislation the Council is recommended to resolve:

2.4 That the following amounts be calculated by the Council for the year 2018/19 in accordance with sections 31 - 36 of the Local Government Finance Act 1992.

- a) £147,874,789 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils.
- b) £137,701,013 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- c) £10,173,776 being the amount by which the aggregate at 2.4(a) above exceeds the aggregate at 2.4(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
- d) £245.96 being the amount at 2.4(c) above, all divided by the Council tax base at 2.2(b) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.
- e) £2,200,039 being the aggregate amount of all special items referred to in Section 34(1) of the Act.

f) £192.77 being the amount at 2.4(d) above less the result given by dividing the amount at 2.4(e) by 2.2(b) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

g) Part of the Council's area:

Being the amounts given by adding to the amount at 2.4(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 2.2(c) above, calculated by the Council, in accordance with Section 34 (3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

	Band D Amount
	£
Ayot St Lawrence	204.13
Ayot St Peter	205.88
Essendon	237.88
Hatfield	271.80
North Mymms	233.60
Northaw & Cuffley	264.80
Welwyn	285.68
Welwyn Garden City	218.12
Woolmer Green	240.15

h) Part of the Council's Area:

Amounts given by multiplying the amounts at 2.4(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Valuation bands £

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Ayot St Lawrence	136.09	158.77	181.45	204.13	249.49	294.85	340.22	408.26
Ayot St Peter	137.25	160.13	183.00	205.88	251.63	297.38	343.13	411.76
Essendon	158.59	185.02	211.45	237.88	290.74	343.60	396.47	475.76
Hatfield	181.20	211.40	241.60	271.80	332.20	392.60	453.00	543.60
North Mymms	155.73	181.69	207.64	233.60	285.51	337.42	389.33	467.20
Northaw & Cuffley	176.53	205.96	235.38	264.80	323.64	382.49	441.33	529.60
Welwyn	190.45	222.20	253.94	285.68	349.16	412.65	476.13	571.36
Welwyn Garden City	145.41	169.65	193.88	218.12	266.59	315.06	363.53	436.24
Woolmer Green	160.10	186.78	213.47	240.15	293.52	346.88	400.25	480.30

2.5 That it be noted that for the year 2018/19 the major precepting authorities, Hertfordshire County Council and the Police and Crime Commissioner for Hertfordshire have stated the amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Act 1992, for each of the categories of dwellings in the Council's area as indicated in the table below.

a) Hertfordshire County Council

Hertfordshire County Council	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Ayot St Lawrence	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92
Ayot St Peter	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92
Essendon	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92
Hatfield	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92
North Mymms	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92
Northaw & Cuffley	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92
Welwyn	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92
Welwyn Garden City	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92
Woolmer Green	880.31	1,027.02	1,173.74	1,320.46	1,613.90	1,907.33	2,200.77	2,640.92

b) Police and Crime Commissioner for Hertfordshire

Police and Crime Commissioner for Hertfordshire								
	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Ayot St Lawrence	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00
Ayot St Peter	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00
Essendon	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00
Hatfield	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00
North Mymms	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00
Northaw & Cuffley	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00
Welwyn	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00
Welwyn Garden City	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00
Woolmer Green	109.33	127.56	145.78	164.00	200.44	236.89	273.33	328.00

2.6 That having calculated the aggregate in each case of the amounts at 2.4(h) and 2.5 (a) and (b) above, the Council, in accordance with Section 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2018/19 for each part of its area and for each categories of dwellings.

Part of the Council's Area								
	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Ayot St Lawrence	1,125.73	1,313.35	1,500.97	1,688.59	2,063.83	2,439.07	2,814.32	3,377.18
Ayot St Peter	1,126.89	1,314.71	1,502.52	1,690.34	2,065.97	2,441.60	2,817.23	3,380.68
Essendon	1,148.23	1,339.60	1,530.97	1,722.34	2,105.08	2,487.82	2,870.57	3,444.68
Hatfield	1,170.84	1,365.98	1,561.12	1,756.26	2,146.54	2,536.82	2,927.10	3,512.52
North Mymms	1,145.37	1,336.27	1,527.16	1,718.06	2,099.85	2,481.64	2,863.43	3,436.12
Northaw & Cuffley	1,166.17	1,360.54	1,554.90	1,749.26	2,137.98	2,526.71	2,915.43	3,498.52
Welwyn	1,180.09	1,376.78	1,573.46	1,770.14	2,163.50	2,556.87	2,950.23	3,540.28
Welwyn Garden City	1,135.05	1,324.23	1,513.40	1,702.58	2,080.93	2,459.28	2,837.63	3,405.16
Woolmer Green	1,149.74	1,341.36	1,532.99	1,724.61	2,107.86	2,491.10	2,874.35	3,449.22

3 Special items - Parish Precepts

3.1 In accordance with the legislation under the Local Government Finance Act 1992, all Parish Precepts have to be charged to the Council's General Fund.

3.2 For 2018/19, the total parish precepts (net of the council tax support grant) will be reduced by £4,430 (or 0.3%). The table below shows the precepts for each of the parish councils in 2018/19 and year on year change.

Parish Councils	2017/18 Parish Precepts (net of the Council Tax Support grant)	2018/19 Parish Precepts (net of the Council Tax Support grant)	Change	Change
	£	£	£	%
Ayot St Lawrence	799.27	799.86	0.59	0.07%
Ayot St Peter	1,500.00	1,500.00	0.00	0.00%
Essendon	14,808.92	16,464.32	1,655.40	11.18%
Hatfield	783,279.17	818,370.48	35,091.31	4.48%
North Mymms	173,745.00	177,220.00	3,475.00	2.00%
Northaw & Cuffley	254,097.42	199,103.57	-54,993.85	-21.64%
Welwyn	379,204.75	389,077.15	9,872.40	2.60%
Welwyn Garden City	-	-	-	-
Woolmer Green	24,721.00	25,190.00	469.00	1.90%
Total	1,632,155.53	1,627,725.38	-4,430.15	-0.27%

4 Special items – Special Expenses

- 4.1 The Council meeting held on 5 February 2018 agreed the amounts to be included in the “Special Expenses” scheme for 2018/19 as £572,314.

5 Billing Authority Precepts

- 5.1 The Borough’s Council Tax requirement for 2018/19 including the parish precept will be £10,173,776.

6 Hertfordshire County Council

- 6.1 The Hertfordshire County Council precept for 2018/19 is expected to be formally approved on 20 February 2018. The band D council tax will be £1,320.46 and the County precept is £54,618,451.07 for 2018/19. This is a 2.99% increase in their Band D council tax, along with a 3% increase for the adult social care precept.

7 Police and Crime Commissioner for Hertfordshire

- 7.1 The Police and Crime Commissioner for Hertfordshire’s precept for 2018/19 was formally approved at their meeting on 1 February 2018. The band D council tax will be £164.00 and the precept is £6,783,564.80 for 2018/19. This is a £12 (7.9%) increase in their Band D council tax.

8 Overall average band D council tax

8.1 To summarise, after taking into account the precepts from Parish Councils, Hertfordshire County Council and Police and Crime Commissioner for Hertfordshire, the average band D Council tax for the borough area for 2018/19 is £1,730.42, this is an increase of £90.50 or 5.52%. However, the band D council tax varies from £1,688.59 to £1,770.14 and the table below also shows that the tax change for 2018/19 will range from 4.81% to 5.92%.

	2017/18	2018/19	
	Band D £	Band D £	% Change
Ayot St Lawrence	1,596.60	1,688.59	5.76%
Ayot St Peter	1,597.95	1,690.34	5.78%
Essendon	1,626.00	1,722.34	5.92%
Hatfield	1,663.28	1,756.26	5.59%
North Mymms	1,626.19	1,718.06	5.65%
Northaw & Cuffley	1,669.04	1,749.26	4.81%
Welwyn	1,672.72	1,770.14	5.82%
Welwyn Garden City	1,614.10	1,702.58	5.48%
Woolmer Green	1,632.08	1,724.61	5.67%
Borough Area Council Tax	1,639.92	1,730.42	5.52%

Implications

9 Financial Implication(s)

9.1 The financial implications are set out within this report.

10 Link to Corporate Priorities

The Council's budget proposals directly support all of the Council's Corporate Priorities.

11 Legal Implication(s)

11.1 The Council is required by the Local Government Finance Act 1992 to make estimates of gross revenue expenditure and anticipated income, leading to a calculation of a council tax requirement and the setting of an overall budget and Council Tax. The amount of the budget must be sufficient to meet the Council's legal and financial obligations, ensure the proper discharge of its statutory duties, and lead to a balanced budget. The Council should be satisfied that the proposals put forward are a reasonably prudent use of resources in both the short and long term, and that the interests of both Council Tax payers and ratepayers on the one hand and the users of Council services on the other are both taken into account.

11.2 Section 25 of the 2003 Local Government Act requires the Chief Finance Officer, Executive Director (Resources, Environment and Cultural Services), to make a formal report to the Council on the robustness of the budget and adequacy of reserves. This report was presented in the Budget report presented to Council at its meeting on 5 February 2018.

12 Climate Change Implication(s)

12.1 None arising from this report.

13 Security and Terrorism Implications

13.1 None arising from this report.

14 Risk Management Implications

14.1 There are considerable risks to the council's short and medium term budget strategy including continued government funding restrictions, the impact of the economic downturn, inflation and other changes in the national economy, spending exceeding budgets, pressures on existing budgets, legislative change demands for new spend and the delivery of challenging efficiency targets. The budget process includes the recognition of these risks in determining the 2018/19 budget and relevant risk provisions are set out in the body of the report.

15 Equality and Diversity

15.1 In developing individual budget proposals officers have undertaken an equality impact assessment, where applicable.

Name of author
Title
Date

Ka Ng and Richard Baker
Executive Director and Head of Resources
12 February 2018

Description	Original Budget 2017/18 £ '000	Proposed Budget 2018/19 £ '000	Variance £ '000
Head of Resources	3,123	2,536	(587)
Head of Environment	5,136	5,423	287
Head of Policy and Culture	2,902	2,590	(312)
Executive Director (Resources, Environment & Cultural Services)	11,160	10,548	(612)
Head of Law and Administration	2,097	2,193	96
Head of Planning	2,000	1,756	(244)
Head of Public Health and Protection	1,035	1,078	44
Executive Director (Public Protection, Planning and Governance)	5,131	5,027	(104)
Head of Community & Housing Strategy	1,935	2,067	132
Executive Director (Housing and Communities)	1,935	2,067	132
Budgets directly managed by Chief Executive and Executive Directors	1,562	2,042	480
Net Controllable Income and Expenditure	19,788	19,683	(77)
Net Recharge to the Housing Revenue Account	(5,024)	(5,054)	(30)
Net Cost of Services	14,764	14,630	(134)
Taxation and non-specific grants			
Income from Council Tax	(9,762)	(10,173)	(411)
Business Rates Income	(3,763)	(4,600)	(837)
Plus/Less collection fund deficit/(surplus)	198	(379)	(577)
Revenue support grant	(558)	(104)	454
New Homes Grant	(2,042)	(1,529)	513
Council Tax Support Admin Subsidy Grant	(117)	(105)	12
Transition Grant	(78)	0	78
Other Operating Income and Expenditure			
Interest & Investment Income	(273)	(65)	208
Capital Financing (Leases, MRP and interest costs)	320	603	283
Parish Precepts	1,632	1,627	(5)
Payment to Parishes for Council Tax Support	28	5	(23)
Net Total before movements in reserves	350	(91)	(441)
Other Movements in reserves			
Contribution (from) / to Earmarked Reserves	(211)	191	(402)
Contribution (from) / to GF balances	(139)	(100)	(39)

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WELWYN HATFIELD BOROUGH COUNCIL
COUNCIL – 21 FEBRUARY 2018

Recommendations from the Cabinet on 6 February 2018:-

36. PUBLIC SPACE PROTECTION ORDER

The Cabinet considered the outcome of the public consultation on proposals to implement a Public Space Protection Order (PSPO) designed to tackle anti-social behaviour in Hatfield Town Centre which took place between 12 and 26 November 2017.

The Cabinet noted that Hatfield Town Centre had long standing issues with street drinking, rough sleeping and begging associated anti-social behaviour; with the people involved in such activity, urinating or defecating in public spaces. These specific behaviours caused harassment, alarm and distress to members of the public, but were particularly difficult to deal with through other legal channels due to the burden of evidence required to pursue them as a criminal act. In addition local residents who were affected by the behaviour were often unwilling to act as witnesses.

Rough sleeping was one of the issues of concern raised by consultees. The PSPO could be used against rough sleepers but only as a last resort, where the person persistently failed to engage with the Council. Council Officers were committed to providing support to rough sleepers and signposting them to the other specialist agencies. The Council had introduced a new initiative 'Housing First' to reduce the number of rough sleepers in Welwyn Hatfield.

It was accepted that there was a risk of raising expectations by making an Order, but the Council had an excellent working relationship with its partners, supported by the Police who wanted to be able to use the Order.

There would be signage and the operation of the Order would be monitored and could be varied if felt to be appropriate.

The formal consultation responses received on the proposed PSPO for Hatfield Town Centre were acknowledged and noted and having considered the issues of anti-social behaviours in Hatfield Town Centre and the views of consultees, the Cabinet fully supported making an Order as recommended by the Social Overview and Scrutiny Committee.

The Cabinet agreed to the implementation of a zoned PSPO for the designated areas within Hatfield, as recommended by the local Community Safety Partnership Joint Action Group.

The Cabinet **RECOMMENDS** the Council to agree to discharge the current PSPO (automatically created by the legislation from the current Designated Public Place Order).

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WELWYN HATFIELD BOROUGH COUNCIL
SOCIAL OVERVIEW AND SCRUTINY COMMITTEE – 17 JANUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (HOUSING AND COMMUNITIES)

PUBLIC SPACE PROTECTION ORDER – HATFIELD TOWN CENTRE

1 Executive Summary

- 1.1 The purpose of this report is to inform on the outcome of the public consultation on proposals to implement a Public Space Protection Order (PSPO) to tackle particular types of antisocial behaviour (ASB) in 'hot spot' areas.
- 1.2 The recommendation relates to the implementation of a PSPO, which will replace the already existing Designated Public Place Order (DPPO) in Hatfield.
- 1.3 This report recommends the introduction of a zoned PSPO as set out in Appendix A and seeks approval of the draft Order set out in Appendix B

2 Recommendation(s)

- 2.1 That Members acknowledge the formal consultation responses received on the proposed PSPO for Hatfield Town Centre.
- 2.2 That Members note the results of the consultation undertaken and agree to the implementation of a zoned PSPO for Welwyn Hatfield, as recommended by the local Community Safety Partnership Joint Action Group (JAG), to cover the areas of Hatfield Town Centre.
- 2.3 That Members agree to discharge the current PSPO (automatically created by the legislation from the current DPPO).

3 Explanation

- 3.1 In October 2014 the Secretary of State enacted new powers according to the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") relevant to tackling ASB. These new powers make changes to some existing legislation and were part of a Government commitment to put victims at the centre of approaches to tackling ASB.
- 3.2 The aims of the Act are as follows:
 - for local agencies to focus on the needs of victims
 - to support people and communities in establishing what is and what is not acceptable, and support them to hold local agencies to account
 - to ensure that professionals have the powers they need to tackle problems

- to focus on long term solutions.
- 3.3 One of the provisions within the Act relates to PSPOs (Ch. 2, Pt 4, ss59-75). A PSPO is intended to deal with behaviours and problems that are considered to be detrimental to the local community's quality of life. The orders are meant to be flexible and can be applied to a broad range of issues (not just alcohol related), with local authorities having the ability to design and implement their own prohibitions or requirements. These conditions centre on the impact on quality of life, persistence and prevalence of the ASB and whether the impact constitutes the behaviour as unreasonable.
- 3.4 Local authorities have the power to make PSPOs if satisfied on reasonable grounds that two conditions are met:
1. a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
 2. That the effect or likely effect of the activities—
 - a) is, or is likely to be, of a persistent or continuing nature;
 - b) is, or is likely to be, such as to make the activities unreasonable; and
 - c) justifies the restrictions imposed by the notice.
- 3.5 A PSPO is an order that identifies the public place to which it applies ("the restricted area" within which the impact has or is likely to occur) and can make requirements, or prohibitions, or both within that area. This means that the local authority can require people to do specific things in a particular area or not to do specific things in a particular area provided that the prohibitions or requirements imposed are reasonable. The local authority can grant the Part I prohibitions / requirements in order to prevent or reduce the detrimental impact from continuing, occurring or recurring.
- 3.6 The PSPO can be made to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances.
- 3.7 A failure to comply with either a prohibition or requirement of the order is an offence and carries criminal sanctions. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine not exceeding level three on the standard scale (currently £1000). Breaches of the order can also be discharged by use of a fixed penalty notice (FPN).
- 3.8 It is important to recognise that FPNs are not a fine but are an alternative to prosecution whereby an individual accepts payment of a sum of money to discharge their liability for conviction. Failure to pay a FPN may result in the case being progressed to Court.
- 3.9 In cases where an individual is convicted the maximum fine is a level 2 fine (max £500) for alcohol consumption or a level 3 fine (max £1000) for other breaches.

- 3.10 In deciding if the local authority should make a PSPO the local authority must:-
- a) have particular regard for the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights (“ECHR”);
 - b) carry out the necessary consultation;
 - c) carry out the necessary notification; and
 - d) carry out the necessary publicity.
- 3.11 Human Rights; Article 10 of the ECHR relates to freedom of expression. Article 11 of the ECHR relates to freedom of assembly and association. A PSPO may interfere with the rights granted under Articles 10-11 of the ECHR. Careful consideration needs to be given so that prohibitions and requirements under a PSPO do not unnecessarily interfere with what would otherwise be legitimate under the law. Local authorities must show that they have tried to use less restrictive methods to address the issues under the PSPO. In essence it is a balancing exercise between the competing interests of the individual, other individuals and the community at large.
- 3.12 Consultation; the necessary consultation means consulting with the following:-
- chief police officer of police, and the local policing body for the local area that includes the restricted area
 - land owners or occupiers within the affected area
 - any community representatives that the local authority feels appropriate
 - The local authority may also consult with Members of Parliament however this is not a requirement within section 72 of the Act.
- 3.13 Notification; the necessary notification means notifying the following authorities of the proposed order, extension, variation or discharge:-
- the parish council or community council (if any) for the area that includes the restricted area
 - in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area
- 3.14 Publicity; the necessary publicity means:-
- In the case of a proposed order or variation, publishing the text of it;
 - In the case of a proposed extension or discharge, publishing the proposal
- 3.15 The Act is not overly descriptive about the necessary process required for application of a PSPO. It has therefore been necessary to design a process that can be considered to be appropriate and suitably robust.
- 3.16 Support for the PSPO has been sought from the local Community Safety Partnership (CSP); local residents and businesses of Hatfield Town Centre at the Community Information Day (CID) held on 18 July 2016; business owners via the Town Team/Forum meetings and local councillors and the Portfolio Holder for Governance, Community Safety, Police and Crime Commissioner (PCC) and Corporate Property.

- 3.17 The PSPO can apply for a maximum of three years, upon which a process of review and consultation must be repeated to ascertain if the issues are still occurring and that the order is having the required effect. Thereafter it can be extended for a further three years. It can be extended more than once for further periods of three years.
- 3.18 Although initiated by the local authority, guidance has been sought from members of the CSP, in order to consider the most effective ways to utilise the new powers and address current ASB issues. Through the JAG and other local engagement such as the CID, the following ASB issues were identified as the most problematic to tackle through alternative means:
- ASB in public places influenced by consumption of alcohol
 - ASB in public places caused by begging activity
 - Persistent rough sleeping (after failing to engage with support)
 - Urinating and defecating in public
- 3.19 The behaviours listed are recommended on the basis that Hatfield Town Centre has a long standing issue with street drinking, rough sleeping, begging associated anti-social behaviour; with the people involved in such activity, urinating or defecating in public spaces. These specific behaviours cause harassment, alarm and distress to members of the public, but are particularly difficult to deal with through other legal channels due to the burden of evidence required to pursue as a criminal act. In addition local residents who are affected by the behaviour are often unwilling to act as witnesses.
- 3.20 This proposal has been developed to provide opportunities to impact on the issues detailed above through enforcement (ultimately backed by support and interventions). The recommendation is to seek a PSPO for targeted areas of the town. It is recommended that JAG reviews the PSPO on a regular basis in order to make provision for a varied order and further zoned areas if required, perhaps due to displacement of the issues.

A further report will be presented to Members to consider the impact and effectiveness of the PSPO once they have been in effect for 12 months

- 3.21 It is proposed that the PSPO include the following prohibitions: Person(s) within this area will not:
- Consume alcohol in a public place
 - Be in possession of an open vessel(s) of alcohol in a public place
 - Approach another person either verbally or through action in order to beg from the other person
 - Loiter at or within ten metres of any pay machine (including banks, supermarkets and car parks) unless waiting legitimately to use the machine for the purpose it is designed for
 - Sit on the ground in a public place, street, highway or passage in a manner that may be perceived that you are inviting people to give you money
 - Urinate or defecate in a public place
 - Sleep in any public place which is or includes:
 - Open to the air

- Within a vehicle for a sustained period
- Within a car park
- A non-fixed structure including a caravan or tent without the prior permission of the owner or occupier of the land.

3.22 Statutory Guidance of the Use of the Ant-Social Behaviour Powers under the Act has recently been updated to provide clarification on the use of PSPOs to target people who are homeless and/or sleeping rough. This guidance has been considered and balanced with the responses received from the consultation. These responses show a clear link between respondent's feelings of intimidation and lack of safety and those sleeping rough in the proposed zone. There is also significant mention of the impact that this has on the perception of others particularly the elderly and young.

3.23 To mitigate this the PSPO Procedure Guide is clear that the purpose of the PSPO is to offer support and advice to those identified as sleeping rough with enforcement action to be considered only if this support is not accepted. The council has introduced a new initiative 'Housing First' to reduce the number of rough sleepers in Welwyn Hatfield.

A key aspect of this initiative has allowed the commissioning of two Resolve charity workers to deliver 25 hours per week of dedicated outreach services on the streets, signposting anyone sleeping rough to vital support services.

Another aspect of this initiative the work that Citizens Advice Welwyn Hatfield has been commissioned to do on behalf of the council to advise people and oversee more complex needs in ongoing cases.

The council are working with a homeless charity to house people with more complex needs, and help address these problems whilst they are living in a safe, warm, dry environment.

3.24 A prohibition in a public spaces protection order on consuming alcohol does not apply to:-

- a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
- b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- c) a place within the curtilage of premises within paragraph (a) or (b)
- d) premises which by virtue of Part 5 of the Licensing Act 2003 may be at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980

A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises:-

- a) when the premises are being used for the supply of alcohol, or

- b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

For the purposes of the Act, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and-

- a) the licence held by a local authority in whose area the premises (or part of the premises) are situated, or
b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority

Furthermore an offence will **only** be committed once an individual does not cease drinking or surrender a container with alcohol in, when challenged by the Police or an authorised person. The purpose of the Order is to tackle anti-social behaviour and when there is no threat of anti-social behaviour there will be no need to challenge an individual.

- 3.25 It is not intended that the PSPO will replace existing legislation that address issues such as encampments or control of alcohol.
- 3.26 These prohibitions represent specific behaviours, exhibited by individuals and groups of people who either live within Welwyn Hatfield, or commute to the town to undertake criminal activity. The PSPO will be utilised to prevent and disrupt their antisocial behaviour. This is deemed to be a reasonable approach based on the specified objectives within Section 59(5) of the Act
- 3.27 It is felt that a PSPO would provide officers with an opportunity to record breaches more effectively, which in turn will provide greater evidence for the courts. The Crown Prosecution Service (CPS) is more willing to issue Criminal Behaviour Orders (CBO) when a PSPO has been breached by offenders, as this demonstrates habitual ASB.
- 3.28 The justification for this PSPO is based on a similar premise to that of the original DPPO, in terms of alcohol consumption in public and the associated ASB. It is felt that the opportunity to initiate a PSPO should be maximised, in order to provide agencies with the additional chance to address and tackle the significant issue of street begging and associated ASB.
- 3.29 In relation to enforcement of these orders there are two fundamental differences to that of our abilities under DPPOs:
- police community support officers (PCSO) can enforce, if sanctioned by the Chief Constable (under s69 of the Act)
 - an authorised person, being a person authorised by the local authority under section 69 of the Act, can issue a fixed penalty notice
- 3.30 The PSPO can be enforced by an authorised person, police officers and PCSOs. Implementation and enforcement of the PSPO will be included in the CSP action plan and will primarily be enforced by police officers and PCSOs without the need for additional resources. The Order allows for an authorised person to use the powers where they witness someone in breach of the prohibitions within the

specified zones. Subject to the approval to introduce the order, a protocol will be agreed with the police regarding enforcement. A draft protocol has been produced – Appendix C

- 3.31 Only council officers with legal accreditation to issue FPNs are authorised to enforce the PSPO (authorised person). It should be noted that this will **not** be a reactive service by Council officers. Warnings and Orders could be issued if the breach is witnessed whilst officers are carrying out their normal day to day duties.
- 3.32 The Order allows for the possibility of joint (council and police) operations to target known offenders causing ASB within the zoned areas.
- 3.33 Enforcement will be made through various means:
- discretionary warning; or
 - fixed penalty notices payable to the Council (maximum of £100); or
 - prosecution through the courts for persistent offenders (liable to a fine of up to £1000 upon summary conviction).
- 3.34 In 2008 Council created a Designated Public Place Order (DPPO) for Hatfield Town Centre. In October 2017 this DPPO automatically transferred to a PSPO under the Anti-Social Behaviour, Crime and Policing Act. The Council has the option to allow that event to take effect, however this is not recommended due to enforcement problems which exist relating to the existing DPPO and the additional powers of a PSPO as outlined above.
- 3.35 The Act also makes changes to some of the existing legislation and the Council is required, within the period of three years from the implementation of the Act (i.e. by October 2017), to reconsider its Designated Public Place Order (DPPO) and either withdraw or replace it with a new Public Spaces Protection Order (PSPO). As there is evidence of ongoing anti-social behaviour with street drinking, begging and associated behaviour in the DPPO area, it is wise to replace the current DPPO at this stage with a new PSPO which covers previously identified behaviours as well as new identified issues affecting the local community.
- 3.36 The Anti-Social Behaviour Crime & Policing Act 2014 requires that local authorities carry out public consultation on any proposed PSPO. A full programme of public consultation began on 16 October 2017 and concluded on 24 November 2017.
- 3.37 The consultation sought to obtain public view on the restricted activities in the proposed order. The consultation sought to obtain public view on the location of the proposed order. The area consulted on included Hatfield Town Centre and surrounding streets that are currently subject to a designated public protection order.
- 3.38 Approximately a quarter (55) of the 205 respondents' feedback included suggested additional areas to be included in the new PSPO, spread across a number of different areas. The 10 respondents supporting the highest suggested area, Birchwood Shops, can be considered for inclusion at a later date once the

PSOP is in place and will prevent delay of the proposed adoption of the new PSPO.

3.39 Consultation methods used included:

- Consultation documents sent to residents and businesses/organisations in proposed area
- Local partners were emailed inviting them to respond to the PSPO Consultation
- Launch WHBC website pages about PSPO
- Consultation documents sent to local schools
- Consultation documentation available at events in Hatfield Town Centre
- Use of web-based survey software – Survey Monkey

In addition the consultation sought to obtain the opinions from

- Welwyn Hatfield Community Safety Partnership Partners
- Herts County Council
- Police and Crime Commissioner’s Officer
- Hatfield Town Centre Forum
- WHBC Councillors
- Hatfield Town Centre Councillors

3.40 **Consultation Comments**

Two hundred and five consultation forms were completed and returned either by Survey Monkey or paper copies. All paper copies were inputted onto Survey Monkey to allow for detailed analysis of the results.

98.00% of responses were received from residents, business owners and those working in Hatfield. The responses were mostly split equally between male and female with the largest age group represented being 45-54 yrs (25%).

The detailed report on the questionnaire responses and the full comment list is attached as Appendix D.

Question 1 - The PSPO area will cover the areas highlighted in the information leaflet or in the FAQ sheet. What is your view of the proposed control zone?

What is your view of the proposed control zone		
About Right	Too Small	Too Large
56.50% (113)	24.50% (49)	3.50% (7)

15.50% (31) of responses provided additional comments:-

- 5 responses made reference to considering drug dealing as part of the PSPO
- 2 responses made reference to issues with cyclists in the proposed zone
- 1 response asked the council to providing a homeless or wet shelter.

Question 2 - Are there any areas which adjoin the proposed area in Hatfield where you feel we should consider implementing this PSPO?

Are there any areas which adjoin the proposed area in Hatfield where you feel we should consider implementing this PSPO?		
Yes	No	Unsure
14.95% (29)	26.80% (52)	29.90% (58)

28.35% (55) of responses suggested a number of areas in Hatfield where a PSPO should be implemented. The following areas were most requested:-

Birchwood Shops Inc. Co-Op Store	10
Aldi	6
Hill Top	6

Other significant areas suggested were all subways surrounding Hatfield Town Centre (6) and the Alban Way (4).

Question3 - Do you consider any of the following to be a problem in the proposed PSPO area?

Proposed Prohibitions	Do you consider these to be a problem?		
	Yes	No	Unsure
Street Drinking	91.41% (181)	6.06% (12)	2.53% (5)
Begging	79.17% (152)	11.46% (22)	9.38% (18)
Rough Sleepers	63.64% (119)	14.97% (28)	21.39% (40)
Public Urination and Defecation	75.66% (143)	11.11% (21)	13.23% (25)

Of the 199 responses to this question, 154 provided additional comments. The following table provides some an example of these comments included in the full consultation document attached as Appendix D

Proposed Prohibition	
Street Drinking	<p>Groups of drinkers hanging around Market Place can be visually threatening and a barriers to where we wish to go.</p> <p>There are nearly always men, and sometimes a few women, drinking alcohol in Hatfield Town Centre, including daylight hours and mornings. They are in Market Place, but also often in White Lion Square and the area leading from the square to Asda. Various ages. They are sometimes swearing loudly as they talk to each other. Their presence is rather intimidating, even though they are not actively aggressive to the public, and their presence definitely does not make the town centre seem</p>

	<p>attractive and welcoming. I avoid looking at them or attracting their attention in any way</p> <p>They stand in my office door way drinking and swearing when it rains.</p> <p>As I work in [REDACTED] Town Centre, the drinkers that congregate around and in the alley adjacent to Bet Fred / Dog Kennel Lane are a particular issue, on numerous occasions I have had customers to the shop complaining of feeling threatened by their presence, which has led to them postponing their visit to the shop or phoning me to ask me to accompany them to the shop from elsewhere in the town centre. On many occasions when I've asked them to desist and move away I've been met with a barrage of abuse, or at very least belligerence.</p> <p>I have witnessed drunk fights in the market square at 3pm in the afternoon when school children are walking through.</p>
Begging	<p>When customers sit outside they quickly come beg for money and fags. No one sit's outside anymore due to them (losing trade).</p> <p>Known drug users in Market Place.</p> <p>Some get aggressive, insult other people if they don't give them money.</p> <p>Aggressive beggars by Asda and town centre shops. Can be intimidating particularly for young and old.</p> <p>You know struggle to get from one end of Asda to the other without being begged, and although I feel bad for those in need, it is very uncomfortable and intimidating. The town needs more that a lick of paint and a few new shops. It needs a new atmosphere and until the drinkers, loiterers and beggars are removed from the area nobody will want to spend time there.</p>
Rough Sleepers	<p>The sleep behind the bins in Dog Kennel Lane car park. Use our rear courtyard as a toilet and sleeping place, we now bolt rear yard but they still climb over.</p> <p>I am approached regularly by those facing homelessness and welcome that there will be more of a focus on outreach and support for these people.</p> <p>A lot of people sleep rough behind Boots, There are homeless people wandering around drunk.</p>

	<p>I know have been a problem in Hatfield town centre, especially as they leave evidence of public defecation (I have been told this by a shop manager) and other mess (e.g. in the car-park near the library).</p> <p>We have found evidence of rough sleeping outside the library when we have arrived at work (items left behind).</p>
Public Urination and Defecation	<p>Horrified with a group of males openly urinating in front of me. They urinate everywhere, wherever they feel like it. I witness it every day.</p> <p>We used to leave the gate open behind our shop for the dustman and there would be human faeces.</p> <p>Public urination is absolutely unacceptable</p> <p>From personal experience of confronting them whilst in the act on numerous occasions both Dog Kennel Lane car park, and the alley adjacent to Bet Fred, are frequently used as a public toilet. It has been well documented on local social media sites and through conversations I've had with people that the behaviours listed above are putting people off visiting Hatfield Town Centre.</p>

Question 4 - How often do you feel that the problem behaviour has occurred?

Proposed Prohibitions	How often do you feel that the problem behaviour has occurred?						
	Daily	Once a week	Twice a week	Three times a week	Four times a week	Week-ends	Less than once a week
Street Drinking	83.24% (154)	1.62% (3)	2.16% (4)	5.41% (10)	3.78% (7)	1.62% (3)	2.16% (4)
Begging	57.06% (97)	11.18% (19)	10% (17)	4.71% (8)	4.71% (8)	1.18% (2)	14.71% (25)
Rough Sleepers	44.52% (65)	10.27% (15)	7.53% (11)	5.48% (8)	5.48% (8)	0.68% (1)	28.08% (41)
Public Urination & Defecation	61.04% (94)	6.49% (10)	2.60% (4)	5.84% (9)	5.84% (9)	4.55% (7)	13.64% (21)

Question 5 - What time does the problem occur?

Proposed Prohibitions	What time does the problem occur?						
	All Day	Evening Only	6am – 9am	9am – 12pm	12pm – 3pm	3pm – 6pm	Random
Street Drinking	67.03% (124)	7.57% (14)	1.62% (3)	0.54% (1)	1.62% (3)	1.62% (3)	20.00% (37)
Begging	53.05% (87%)	4.88% (8)	0.00% (0)	2.44% (4)	1.22% (2)	0.61% (1)	37.80% (62)
Rough Sleepers	18.57% (26)	33.57% (47)	0.71% (1)	0.71% (1)	0.00% (0)	0.71% (1)	45.71% (64)
Public Urination & Defecation	42.48% (65)	14.38% (22)	0.65% (1)	0.00% (0)	0.65% (1)	0.00% (0)	41.83% (64)

Question 6 - Do you consider the behaviour have an impact on you and or the local community in the PSPO control zone?

Proposed Prohibitions	Do you consider the behaviour have an impact on you and or the local community in the PSPO control zone?		
	Yes	No	Unsure
Street Drinking	89.18% (173)	5.67% (11)	5.15% (10)
Begging	78.29% (137)	8.57% (15)	13.14% (23)
Rough Sleepers	56.80% (96)	16.57% (28)	26.63% (45)
Public Urination and Defecation	84.97% (147)	8.67% (15)	6.36% (11)

Of the 194 responses to this question, 148 provided additional comments. The most common concerns raised were as follows (full details of these and other comments are included in the consultation document attached as Appendix D):

- 30 responses stated that the behaviour puts people off visiting Hatfield Town Centre.
- 27 responses stated that they were intimidated by the behaviour witnessed.
- 24 responses expressed concern for young people/children who witnessed the behaviour.
- 20 responses expressed concern for their safety.

Question 7 - Do you think a PSPO would help address the impact/problem?

Proposed Prohibitions	Do you think a PSPO would help address the impact/problem?		
	Yes	No	Unsure
Street Drinking	78.07% (148)	6.42% (12)	15.51% (29)
Begging	67.06% (114)	9.41% (16)	23.53% (40)
Rough Sleepers	57.14% (92)	13.66% (22)	29.19% (47)
Public Urination and Defecation	70.12% (115)	7.93% (13)	21.95% (36)

Of the 187 responses to the question, 114 provided additional comments. 26 responses made specific reference that the proposed PSPO needs to be enforced and there were requests for more of a presence from Police Community Support Officers. There was strong support for providing additional advice and assistance to those who are likely to be disrupted by the PSPO.

Question 8 – How safe do you feel in the proposed PSPO area during the following times?

	How safe do you feel in the proposed PSPO area during the following times?				
	Unsafe	Relatively Unsafe	Relatively Safe	Safe	N/A
In the town centre during daylight hours?	13.13% (26)	20.20% (40)	45.96% (91)	19.70% (39)	1.01% (2)
Elsewhere on the proposed control zone during daylight hours	10.71% (21)	24.49% (48)	45.41% (89)	17.86% (35)	1.53% (3)
In the town centre in the dark	57.36% (113)	21.32% (42)	10.66% (21)	7.11% (14)	3.55% (7)
Elsewhere on the proposed control zone in the dark	49.74% (97)	28.72% (56)	12.31% (24)	5.64% (11)	3.59% (7)

Responses indicate that the drinking (27) and drug use (10) are the main concern. There were also mention of poor lighting (7) which makes local residents feel unsafe.

These responses show that the behaviour that the proposed PSPO aims to prohibit does have a significant impact on members of the public and is a problem in the town centre area included on the map attached to the PSPO.

The following table summarises the high level responses expressed as Percentages of the total response.

Proposed Prohibition	Do you consider these to be a problem?		
	Yes	No	Unsure
Street Drinking	91.41%	6.06%	2.53%
Begging	79.17%	11.46%	9.38%
Rough Sleepers	63.64%	14.97%	21.39%
Public Urination and Defecation	75.66%	11.11%	13.23%

4 Financial Implication(s)

- 4.1 Enforcement costs under this order will be met by existing police and council staff. The Anti-Social Behaviour Team will undertake all administration functions with regards to this and will use its existing legal budget in relation to any enforcement action required. This is supported by the PSPO Procedure Guide which will be finalised, subject to implementation of the Order.

- 4.2 Any supplementary enforcement or back office work will form a part of the role of the police and Council's ASB officers.
- 4.3 Should the PSPO be approved, this must be published in accordance with the regulations made by the Secretary of State and there will be some costs associated with publicising of the order, stationery (FPN booklets) and signage. These costs can be met within existing budgets held by the Community Safety Partnership.
- 4.4 Income from FPNs is expected to be small and could be used to cover some associated costs of implementing the proposal.
- 4.5 Home Office Guidance states that the council is liable for all court action undertaken by way of prosecution against the PSPO. The council has an existing procedure for dealing with the use of FPNs. Any FPN issued as a result of the proposed PSPO will be dealt with in line with this procedure, however it is not anticipated that there will be a large volume of Notices issued.

5 Legal Implications

- 5.1 A PSPO can be challenged by a person who lives or regularly works in the restricted area or visits that area under section 66(2) of the Act within six weeks beginning on the date when the PSPO is made or varied on the following grounds:-
 - 1. That the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
 - 2. That a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to the order or the variation.
- 5.2 In addition, a challenge may be made under section 67(3) as a defence to a charge that a PSPO has been breached (on the basis that the local authority did not have the power to include a particular prohibition or requirement in a PSPO).
- 5.3 It is not intended that this Order will replace existing legislation that address issues such as unauthorised encampments (i.e. gypsy and traveller encampments as opposed to a rough sleeper occupying a car or tent) or control of alcohol as there is existing legislation in place to respond to this such as Licensing Act 2003, Public Health Act 1936 and Town and Country Planning Act 1990.

6 Risk Management Implications

- 6.1 Legal challenge could present a financial and reputational risk to the council and wider CSP. The legislation states that "interested persons" may challenge the validity of the order within a period of six weeks. The High Court has the power to quash, amend or uphold the order. This risk has been mitigated by a comprehensive consultation process, which included approaches to interested groups such as Liberty. All views have been considered and are included in this report.

6.2 The penalty for breaches of this order relate to fines (FPNs), and there is a risk that this may lead to non-payment. However, the suite of new powers available allows authorised persons to utilise a wide range of measures for those identified as persistently breaching the order, for example:

- discretionary warnings
- Community Protection Notices (CPN)
- an Antisocial Behaviour Injunction (ASBI), which carries tougher sanctions
- a Criminal Behaviour Order (CBO)

Therefore the use of FPNS will be rare and only used in appropriate circumstances taking into account the perpetrators ability to pay and additional specialist needs identified

The proposed recommendations are in accordance with the Act.

6.3 If the process to introduce a PSPO is not followed correctly this could lead to a legal challenge, which will mean the council could face legal costs and reputational damage. This has been mitigated by demonstrating a clear understanding of the legislative scope through a comprehensive consultation process and subject to approval a targeted and specific PSPO.

6.4 There is a risk that expectations will be raised by the PSPO which agencies cannot meet, or that the order may not resolve the issues. This has been mitigated by clear communication during the consultation. The council has a very strong partnership through the joint action group and key partners involved in enforcement were party to the initial proposals. There will also be a protocol for enforcement to support the PSPO as well as promotion of the PSPO via public engagement events.

6.5 Implementation of a zoned order could lead to displacement. The most likely area of displacement is towards Welwyn Hatfield parks and open green spaces. This will be mitigated by the oversight of the JAG. The PSPO has been reviewed by this group, and can be varied as set out in Paragraph 3.25.

6.6 As this Order requires the implementation of new legislation, it could be construed negatively by local media due to a lack of understanding. The CSP has mitigated this by producing a communications plan to run in tandem with the consultation process, thereby pre-empting and influencing the media's stance on implementation of the PSPO.

6.7 The order will be formally reviewed by the JAG six months after implementation, and annually thereafter in order to mitigate the prevalence of any of the associated risks.

6.8 Not taking action presents a reputational risk as businesses and residents have been complaining about these issues for some time and consider the police and the council to be passive.

7 Security & Terrorism Implication(s)

7.1 There are no known security and terrorism implications associated with this recommendation.

8 Procurement Implication(s)

8.1 There are no procurement implications associated with this recommendation.

9 Climate Change Implication(s)

9.1 There are no climate change implications associated with this recommendation.

10 Link to Corporate Priorities

10.1 The subject of this report is linked to the Council's Corporate Priorities:

- Maintain a safe and healthy community
- Protect and enhance the environment
- Meet the borough's housing needs
- Help build a strong local economy

10.2 In addition the PSPO will enhance the community safety partnership's ability to tackle ASB through a targeted but flexible approach; and help to deliver its objectives of:

- Prevent Antisocial Behaviour
- Reduce the damage caused to neighbourhoods by drugs and alcohol misuse

11 Equality and Diversity

11.1 An Equality Impact Assessment was completed and no negative impact was identified on any of the protected groups under Equalities legislation.

11.2 The completed assessment is attached as Appendix E

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Date 08 January 2018

BACKGROUND PAPERS

Antisocial Behaviour, Crime and Policing Act 2014

Antisocial Behaviour, Crime and Policing Act 2014: Reform of antisocial behaviour powers - statutory guidance for frontline professionals

Public and open spaces information note

Drunken behaviour in public places information note

The Antisocial Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 (Statutory Instruments)

Glossary of Terms	
ASB	Anti-social behaviour
ASBI	Anti-Social Behaviour Injunction
CBO	Criminal Behaviour Order
CID	Community Information Day
CPN	Community Protection Notice
CPS	Crown Prosecution Service
CSP	Community Safety Partnership
DPPO	Designation Public Protection Order
ECHR	European Convention on Human Rights
FAQ	Frequently Asked Questions
FPN	Fixed Penalty Notice
JAG	Joint Action Group
PCC	Police and Crime Commissioner
PCSO	Police Community Support Officer
PSPO	Public Space Protection Order

❖ Appendix A – Proposed PSPO zone



Proposed PSPO
zone.docx

❖ Appendix B – Draft PSPO



Draft PSPO
Order.docx

❖ Appendix C – PSPO Procedure Guide



DRAFT Public Space
Protection Order proc

❖ Appendix D – PSPO Consultation Data Charts & Results



PSPO Data charts



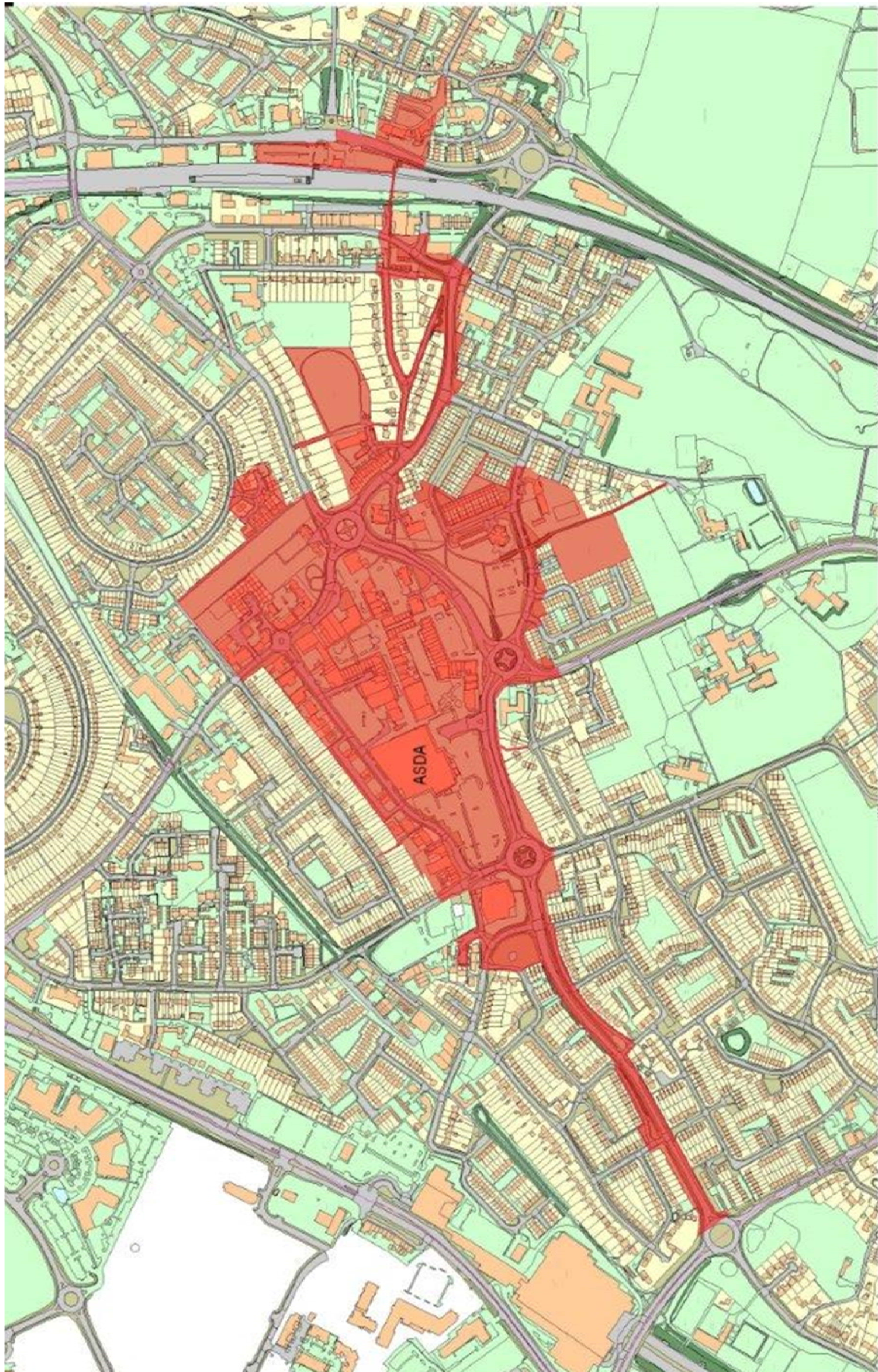
PSPO Consultati

❖ Appendix E – Equality Impact Assessment



EIA PSPO.docx

Proposed Public Space Protection Zone



<p>This map is produced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. It is not to be used for navigation or other purposes without the express permission of Ordnance Survey. Ordnance Survey is a registered trademark of Ordnance Survey Limited.</p>	<p>Date: 4th January 2008</p>	<p>Project: DPPO - Hatfield Town Centre</p>	<p>Client: Office, The Council, Hatfield Town Centre, Herts, SG9 4JG</p>
<p>DPPO - Designated Public Place Order</p>	<p>Scale: 1:10,000</p>	<p>Author: [Name]</p>	<p>Logo: WELWYN HATFIELD BOROUGH COUNCIL</p>

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WELWYN HATFIELD BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PART 4, SECTION 59

PUBLIC SPACE PROTECTION ORDER

Welwyn Hatfield Borough Council (the Council) in exercise of the power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in section 59 of the Act have been met makes the following order:

1. The Order applies of the public areas shown delineated by the red shading of the plan annexed to this Order (the Restricted Area):

Person(s) within this area will not:

- a) Consume alcohol in a public place
- b) Be in possession of an open vessel(s) of alcohol in a public place
- c) Seek or accept monies from any member of the public in any public place, street, highway or passage(unless a registered charity)
- d) Loiter at or within ten metres of any pay machine (including banks, supermarkets and car parks) unless waiting legitimately to use the machine for the purpose it is designed for
- e) Sit on the ground in a public place, street, highway or passage in a manner that may be perceived that you are inviting people to give you money
- f) Urinate or defecate in a public place
- g) Sleep in any public place which is or includes:
 - Open to the air
 - Within a vehicle
 - Within a car park
 - A non-fixed structure including a caravan or tent without the prior permission of the owner or occupier of the land.

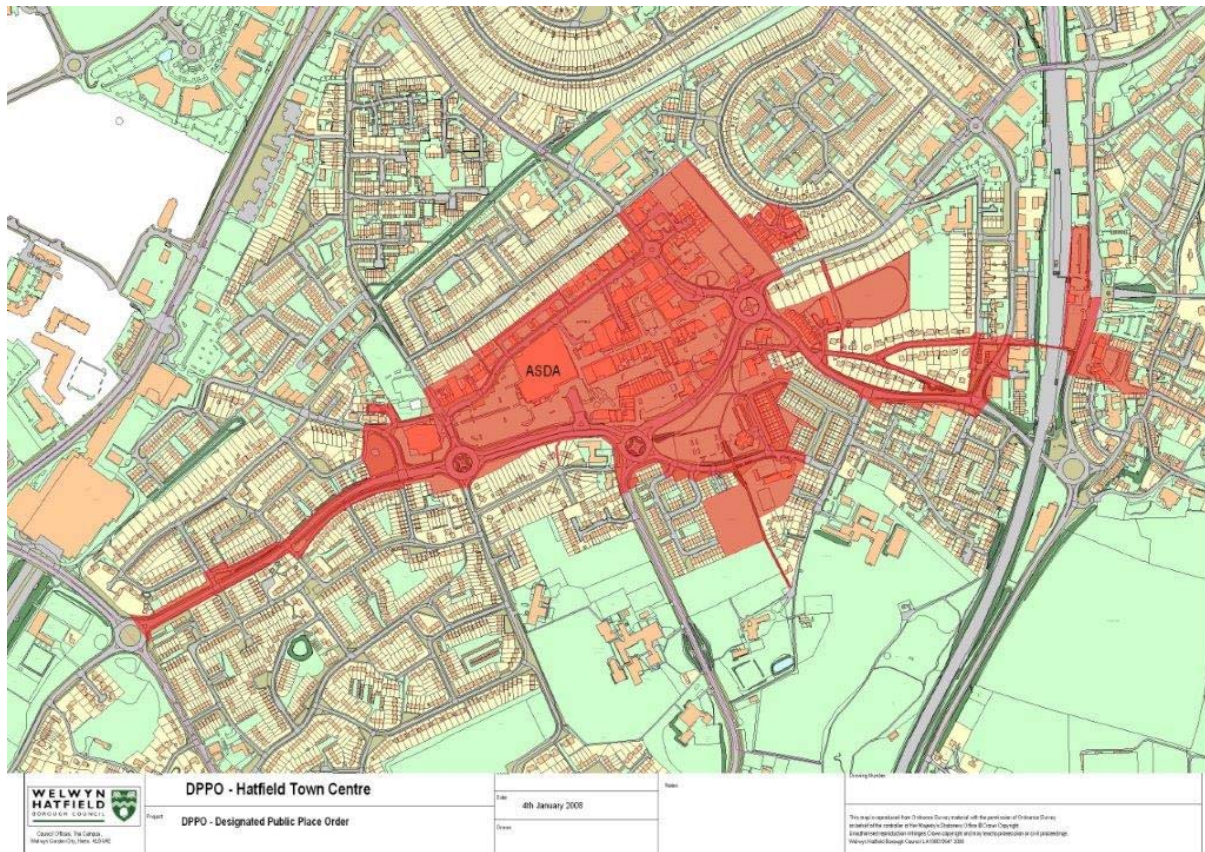
2. Any person who without reasonable excuse fails to comply with the requirements of the Order commits an offence and shall be liable, on summary conviction to a fine not exceeding level 3 on the standard scale.

3. This Order shall come into force on.....and remain in place for a period ofyears.

Dated:

Signed:

SCHEDULE



CHALLENGING THE VALIDITY OF ORDERS

An interested person may apply to the High court to question the validity of:

- This Order, or
- A future variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

An appeal against the Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the order or variation is made, on the grounds that:

- Welwyn Hatfield Borough Council did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.

Statement

Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers for local authorities to create Public Space Protection Orders (PSPO) to tackle crime and disorder and create safer communities.

This protocol is an agreement between the partners of the Community Safety Partnership (CSP) to ensure that enforcement of the new PSPO is proportionate, efficient and co-ordinated. The legislation does not describe a set process for enforcement, so this document outlines the process considered most appropriate for Welwyn Hatfield.

By signing this protocol partners confirm their commitment to the process and procedures described.

This protocol supports Welwyn Hatfield Community Safety Partnership's priority to prevent anti-social behaviour, reduce the damage caused to neighbourhoods by drugs and alcohol misuse and protect vulnerable people.

Introduction

A Public Space Protection Order (PSPO) is one of a number of tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and are used to address a range of anti-social behaviours in particular areas to which they apply.

On **[date to be included]**, agreement was given by Welwyn Hatfield Council (WHBC) to replace the existing Designated Public Space Protection Order (DPPO) in Hatfield Town Centre with a zoned PSPO.

The exact boundaries for these zones can be viewed on the maps and supplementary affected streets in Appendix A.

The PSPO will commence on **[date to be included]** once appropriate signage has been put in place and the relevant staff have been briefed and trained. From this date, the behaviours in the PSPO will be prohibited in certain areas of Welwyn Hatfield. The PSPO states the following:-

Person(s) within this area will not:

- *Consume alcohol in a public place*
- *Be in possession of an open vessel(s) of alcohol in a public place*
- *Seek or accept monies from any member of the public in any public place, street, highway or passage(unless a registered charity)*
- *Loiter at or within ten metres of any pay machine (including banks, supermarkets and car parks) unless waiting legitimately to use the machine for the purpose it is designed for*
- *Sit on the ground in a public place, street, highway or passage in a manner that may be perceived that you are inviting people to give you money*
- *Urinate or defecate in a public place*
- *Sleep in any public place which is or includes:*
 - *Open to the air*
 - *Within a vehicle*
 - *Within a car park*
 - *A non-fixed structure including a caravan or tent**Without the prior permission of the owner or occupier of the land.*

The PSPO can be enforced by accredited council officers, police officers and police community support officers (PCSO) once satisfied that there are sufficient grounds for enforcement. It should be noted that this will **not** be a reactive service by Council officers. Warnings and Orders could be issued if the breach is witnessed whilst officers are carrying out their normal day to day duties.

DRAFT PSPO Procedure Guide

Kerry Clare

August 2017

Failure to comply with either a prohibition or requirement of the order is an offence and carries criminal sanctions. Breaches of the order will be discharged by use of a Fixed Penalty Notice (FPN). The cost of the FPN will be set at £75, reduced to £50 if paid for within 13 days. For persistent breaches, defendants can face a fine upon summary conviction (offences heard within the Magistrates Court) not exceeding level three of the standard scale (currently £1000).

The PSPO will apply for a maximum of three years, upon which a process of reviews and consultation must be repeated to ascertain if the issues are still occurring and that the order is having the required impact of the reduction of anti-social behaviour. The PSPO can be extended for a further three years if evidence supports the necessity.

Publicity

Council officers will organise and implement publicity of the PSPO, in order to increase public awareness.

The order will be available to view on both the council and Police websites and online URL links will be posted via relevant social media. WHBC will prepare maps of the PSPO zones outlining streets and boundaries, supplemented by a list of streets affected by the PSPO.

WHBC will create and display signage both inside and on the boundaries of the PSPO zones. This will clearly state the prohibitions under the Order and associated penalties of the PSPO is breached.

The signage will displace the logos of the CSP, WHBC and Hertfordshire Constabulary. Subject to written consent, contact details of local support services including CGL and Resolve will also be displayed, in order to signpost vulnerable individuals towards local recovery services.

WHBC will design and print a leaflet containing information about the PSPO and contact details of support services.



Text for PSPO
leaflet.docx

Enforcement

The PSPO will be enforced by accredited council officers, police officers and PCSO's. Only council officers with legal accreditation to issue FPN's are authorised to enforce the PSOP. A list of accredited council officers can be found in Appendix B. It should be noted that this will not be a reactive service by Council officers. Warnings and Orders will be issued if the breach is witnessed whilst officers are carrying out their normal day to day duties.

Implementation and enforcement of the PSPO is included in the CSP action plan for 2016/17 and will primarily be enforced by police officers and PCSOs without the need for additional resources. The Order allows for officers to use the powers where they witness someone in breach of the prohibitions within the specified zones.

Council officers will also be able to enforce the PSPO where they witness someone in breach of the prohibitions within the specified zones. It may be necessary, from time to time, for the Police to provide assistance if there is a heightened element of risk to a Council officer's personal safety, or the possibility of a breach of the peace occurring. In these circumstances, officers should approach at their own discretion and should request police assistance if necessary. Officers should not approach any intimidating or potentially threatening situation without police assistance.

Training

Police and council officers are required to undergo specialised training before the PSPO is implemented. This training will be provided by Hertfordshire Constabulary through the Community Safety Accreditation Scheme (SAS). Accredited staff will be granted powers to issue FPNs to anybody that they witness in breach of the PSPO and will benefit from additional protection under the Anti-Social Behaviour, Crime and Policing Act 2014.

Enforcement Procedure

The Anti-Social Behaviour, Crime and Policing Act 2014 does not specify a particular process for enforcement of PSPOs; therefore, the CSP have agreed some general procedures for officers approaching persons believed to be in breach of the PSPO.

Due to the distinct nature of the various prohibitions, it is important that anti-social behaviour under the PSPO is dealt with on the individual circumstances of each case. Where necessary, officers should take the opportunity to signpost vulnerable people in breach of the PSPO (e.g. homeless or substance dependant) towards help services relevant to their circumstances. Officers will also be supplied with leaflets containing information on local help services that can be offered to vulnerable individuals who may be affected by the PSPO.

Procedures have been created for the prohibitions categories under the PSPO.

1. Begging related breaches (Figure1)
2. Alcohol related breaches (Figure 2)
3. Urinating/Defecating breaches (Figure 3)

The procedures are intended as general guidelines to ensure consistency between WHBC and police staff. Accredited officers should use these guidelines with discretion and diplomacy, and regard should be given to individual circumstances.

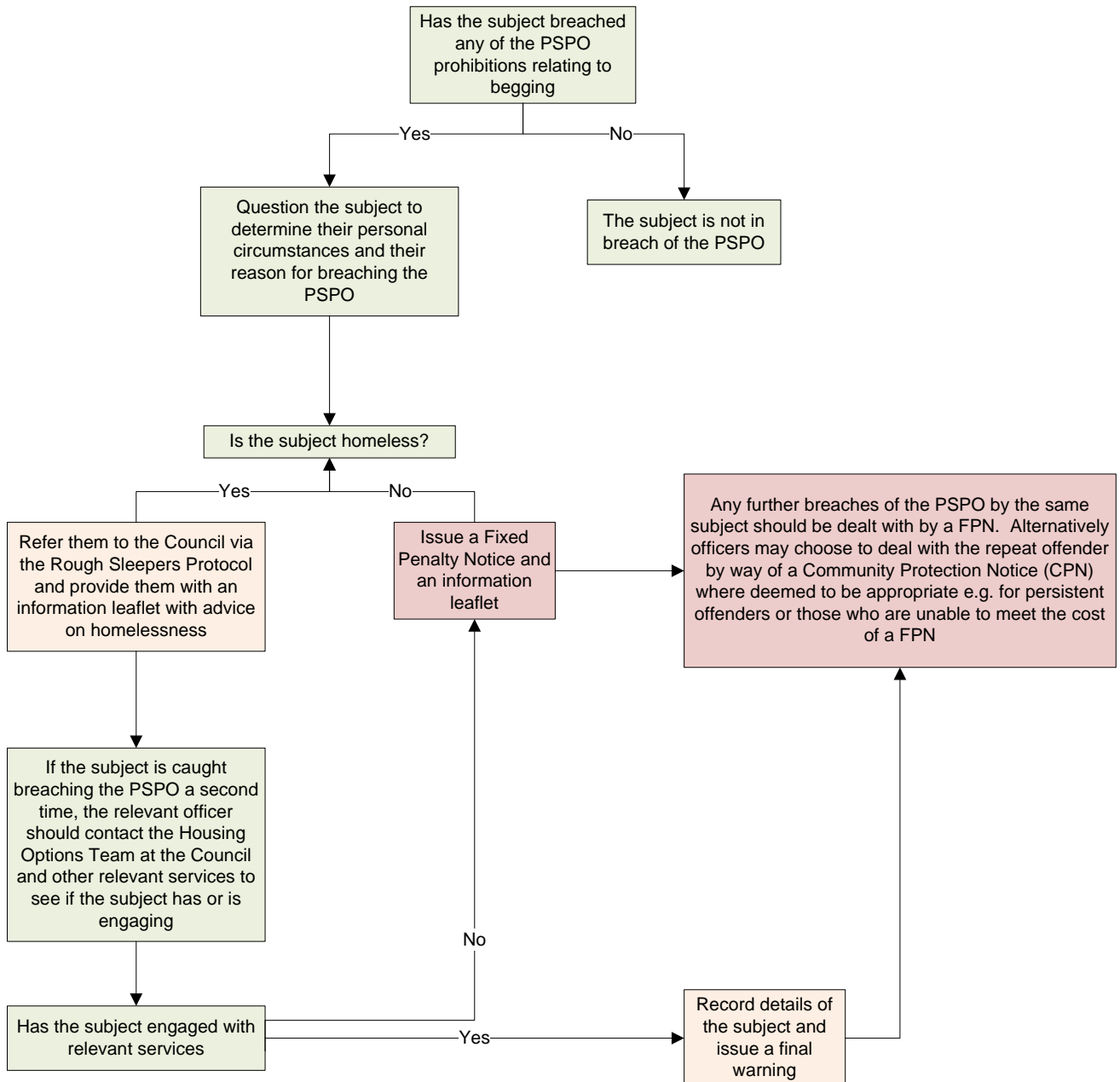
Any verbal or written report received by WHBC’s Customer Service Centre from members of the public regarding a breach of the PSPO should be immediately referred to the non-emergency police number (101) or to the emergency number (999) where there is immediate or imminent danger. Council officers will not respond to such reports from the public unless there is an available officer near the scene who is able to deal with the incident. Any calls received by the Customer Service Centre regarding a breach of the PSPO should be logged through the standard Council procedure.

All calls to the Police regarding a breach of the PSPO should be recorded and callers should be provided with a police reference number. Any reports of a breach will be used by the police and other relevant CSP partners to build intelligence on specific individuals, incidents and locations. Any incidents or locations of importance or concern should be raised at the local Joint Agency Group (JAG) Part I meeting. Any individual of concern of significance should be raised that Anti-Social Behaviour Forum.

I confirm that I have considered the PSPO Enforcement Protocol with regard to all relevant considerations and authorise commitment to the process and procedures described.	
Signed:	Name
Position:	Date:
Signed:	Name
Position:	Date:

Figure 1

Begging Related Breaches

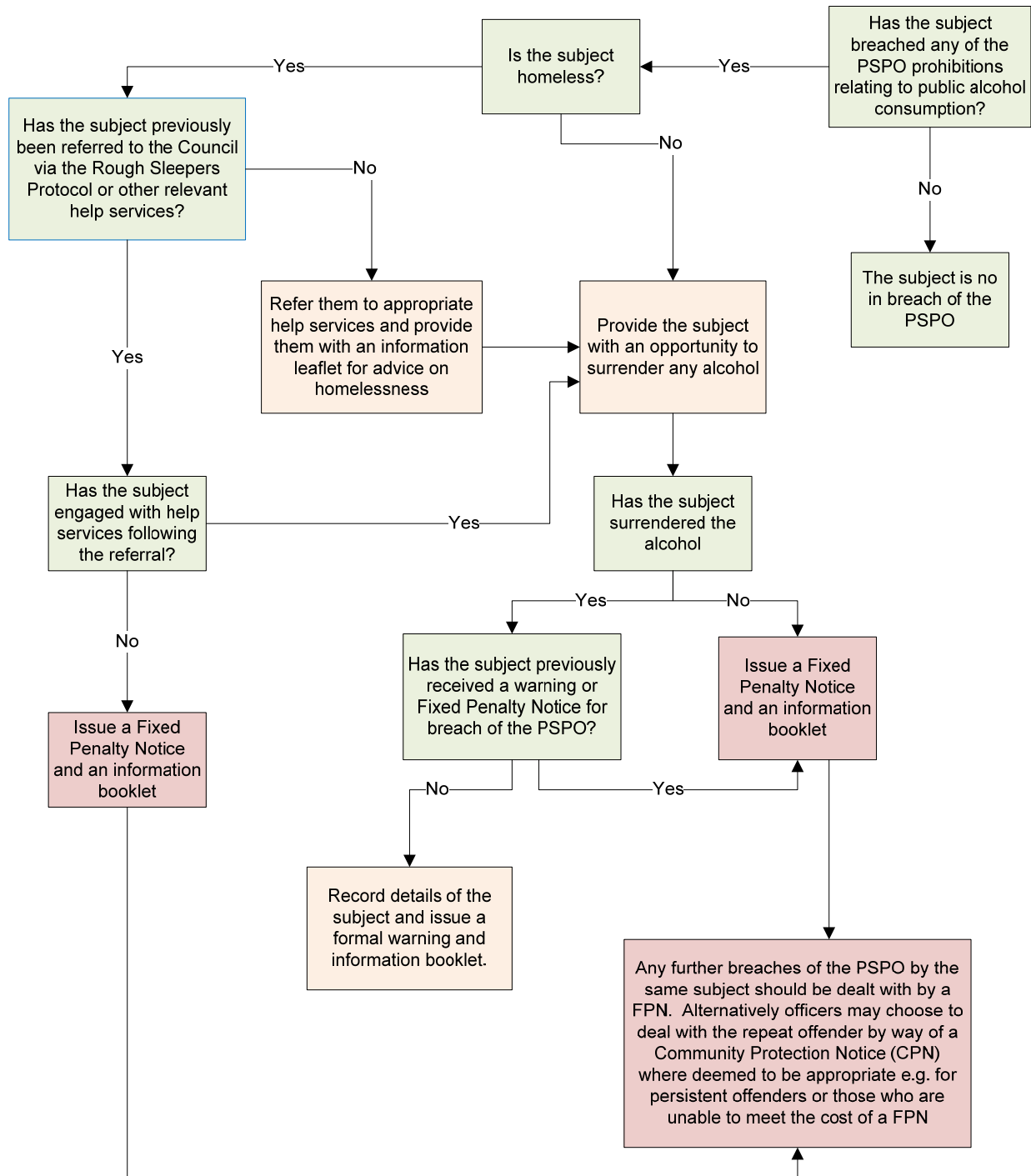


ALL ACTIONS TAKEN SHOULD BE RECORDED ON SAFETYNET

These procedures are only intended as general guidelines to ensure consistency between officers. Accredited officers should use these guidelines with discretion and regard should be given to individual circumstances.

Figure 2

Alcohol Related Breaches

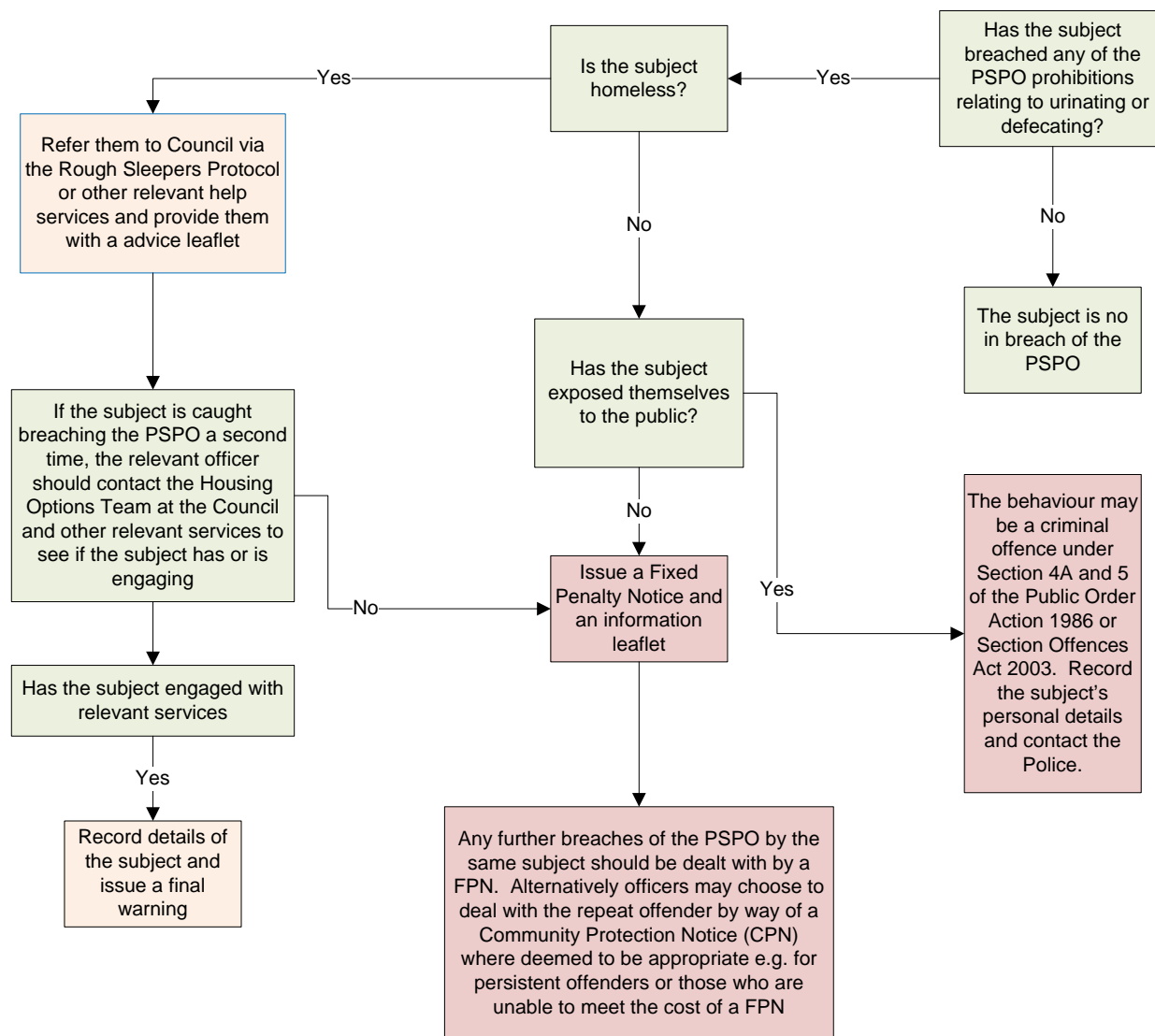


ALL ACTIONS TAKEN SHOULD BE RECORDED ON SAFETYNET

These procedures are only intended as general guidelines to ensure consistency between officers. Accredited officers should use these guidelines with discretion and regard should be given to individual circumstances.

Figure 3

Urinating/Defecating Related Breaches

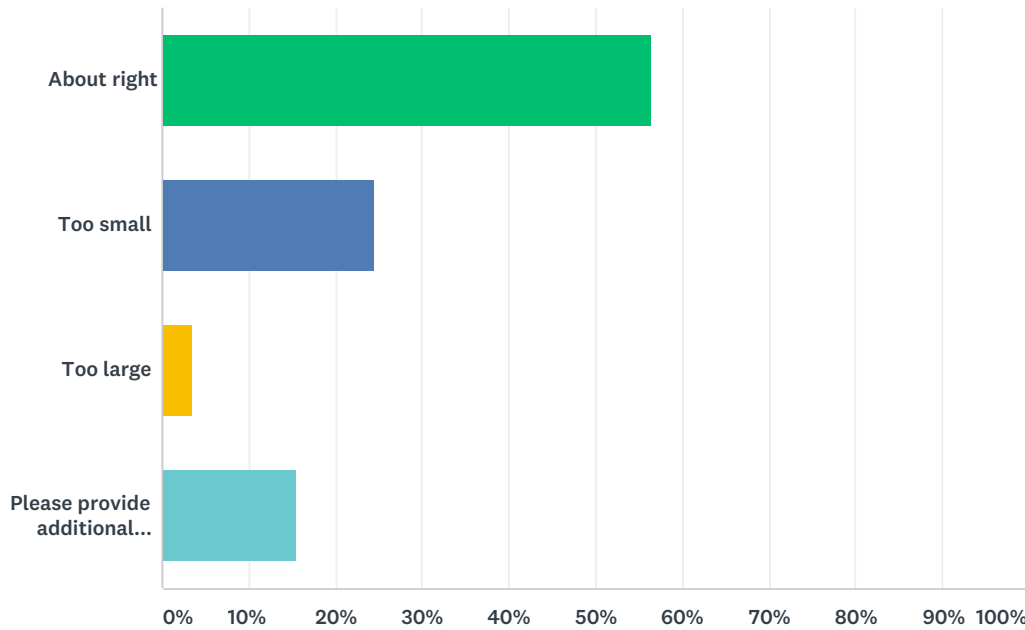


ALL ACTIONS TAKEN SHOULD BE RECORDED ON SAFETYNET

These procedures are only intended as general guidelines to ensure consistency between officers. Accredited officers should use these guidelines with discretion and regard should be given to individual circumstances.

Q1 The PSPO area will cover the areas highlighted in the information leaflet or in the FAQ sheet. Do you think the proposed control zone area is?

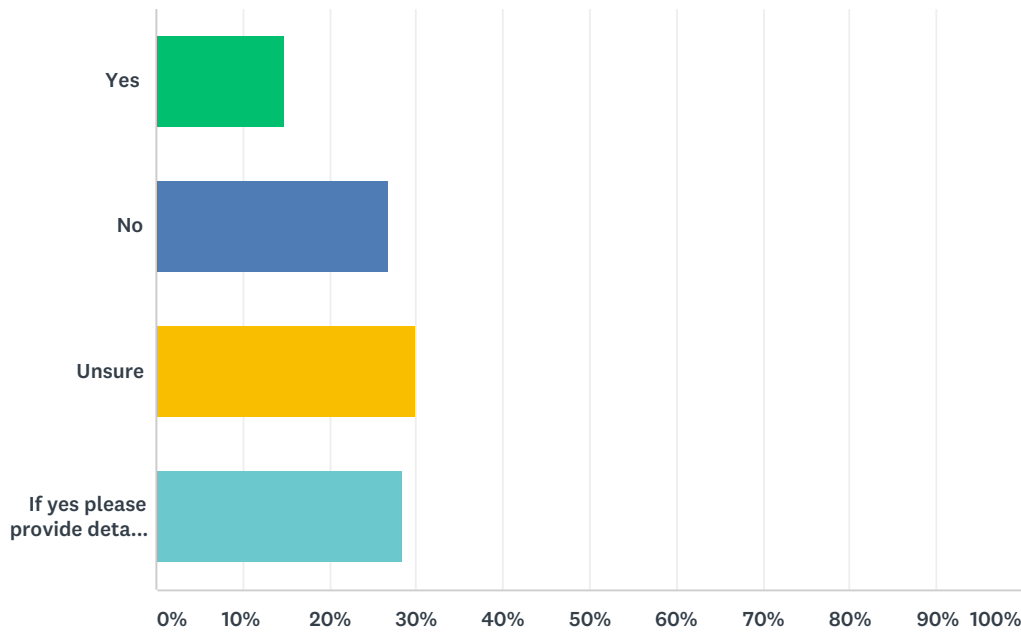
Answered: 200 Skipped: 5



ANSWER CHOICES	RESPONSES	
About right	56.50%	113
Too small	24.50%	49
Too large	3.50%	7
Please provide additional information to support your comments.	15.50%	31
TOTAL		200

Q2 Are there any areas which adjoin the proposed PSPO area in Hatfield where you feel we should consider implementing this PSPO?

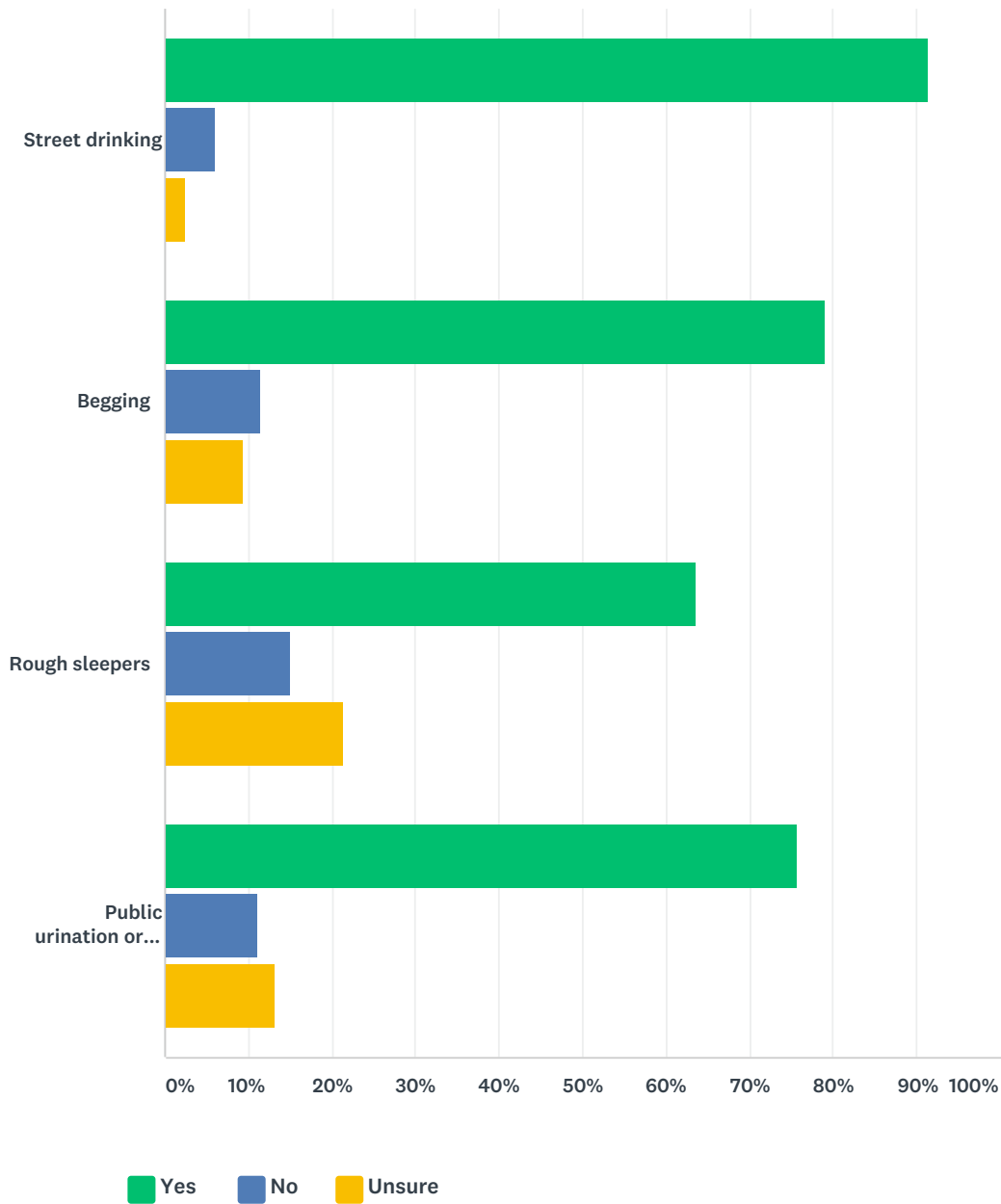
Answered: 194 Skipped: 11



ANSWER CHOICES	RESPONSES	
Yes	14.95%	29
No	26.80%	52
Unsure	29.90%	58
If yes please provide details of street(s) or area and your reasons why they should be considered.	28.35%	55
TOTAL		194

Q3 Do you consider any of the following to be a problem in the proposed PSPO area?

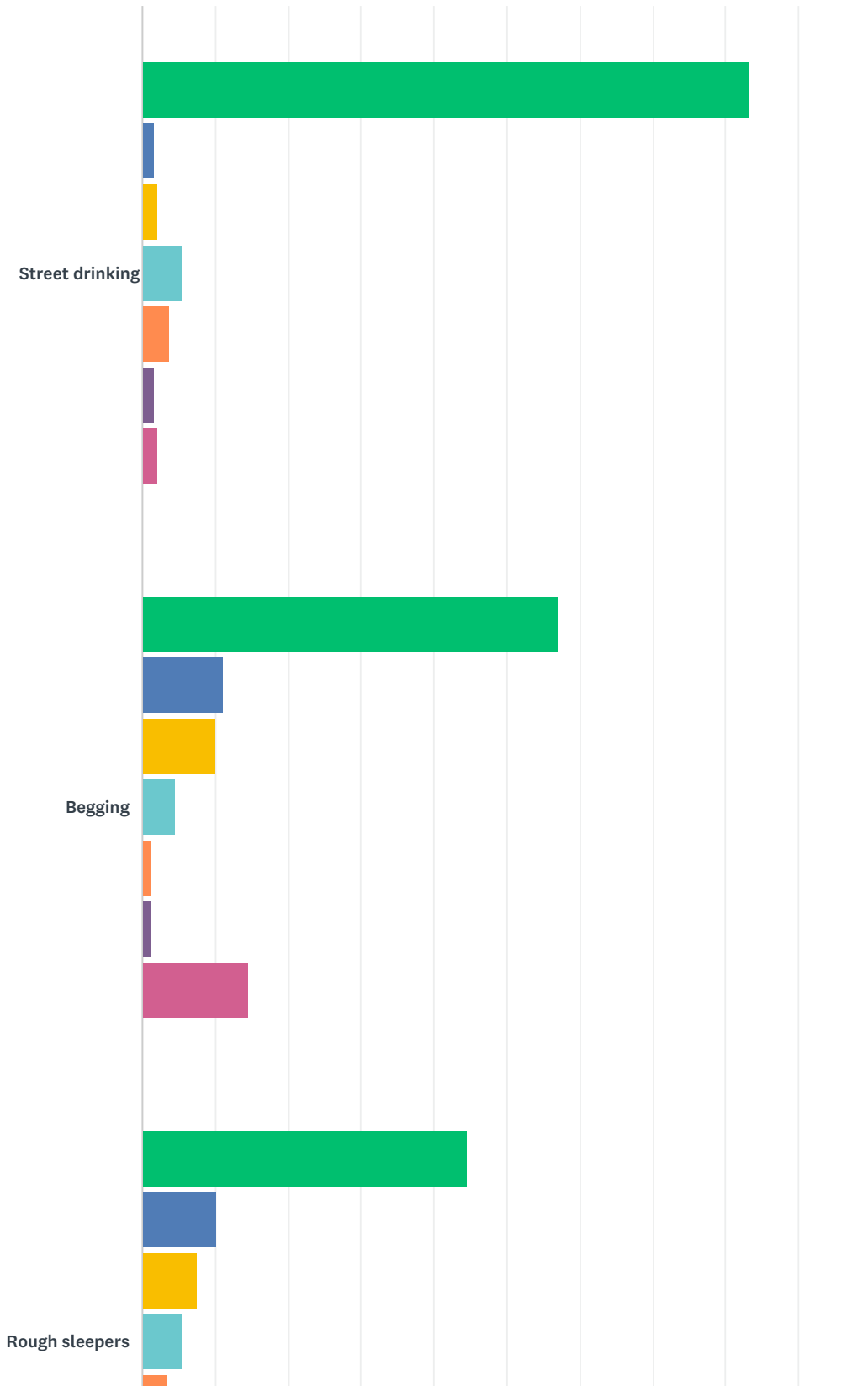
Answered: 199 Skipped: 6

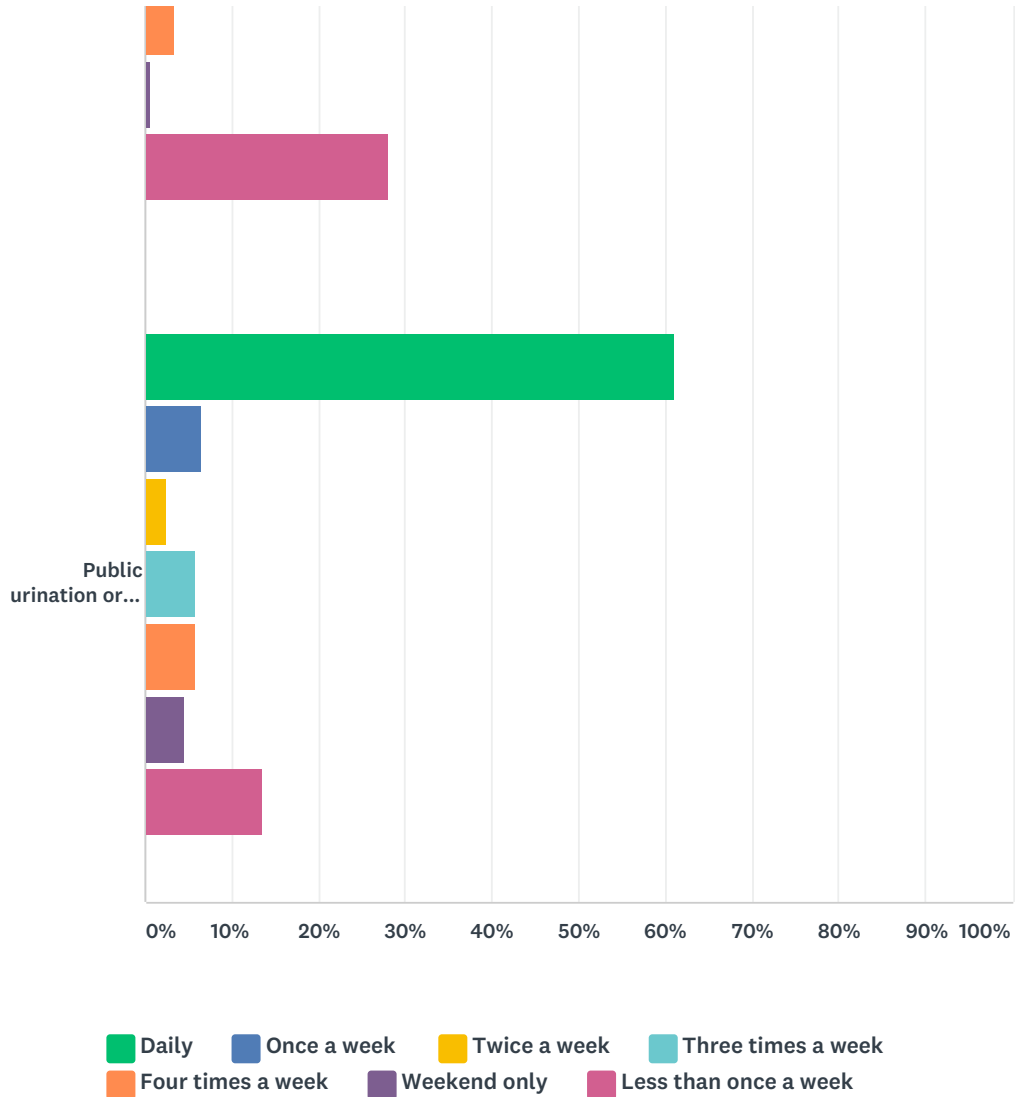


	YES	NO	UNSURE	TOTAL
Street drinking	91.41% 181	6.06% 12	2.53% 5	198
Begging	79.17% 152	11.46% 22	9.38% 18	192
Rough sleepers	63.64% 119	14.97% 28	21.39% 40	187
Public urination or defecation	75.66% 143	11.11% 21	13.23% 25	189

Q4 If you have answered YES to any of the above how often do you feel this problem behaviour has occurred?

Answered: 187 Skipped: 18

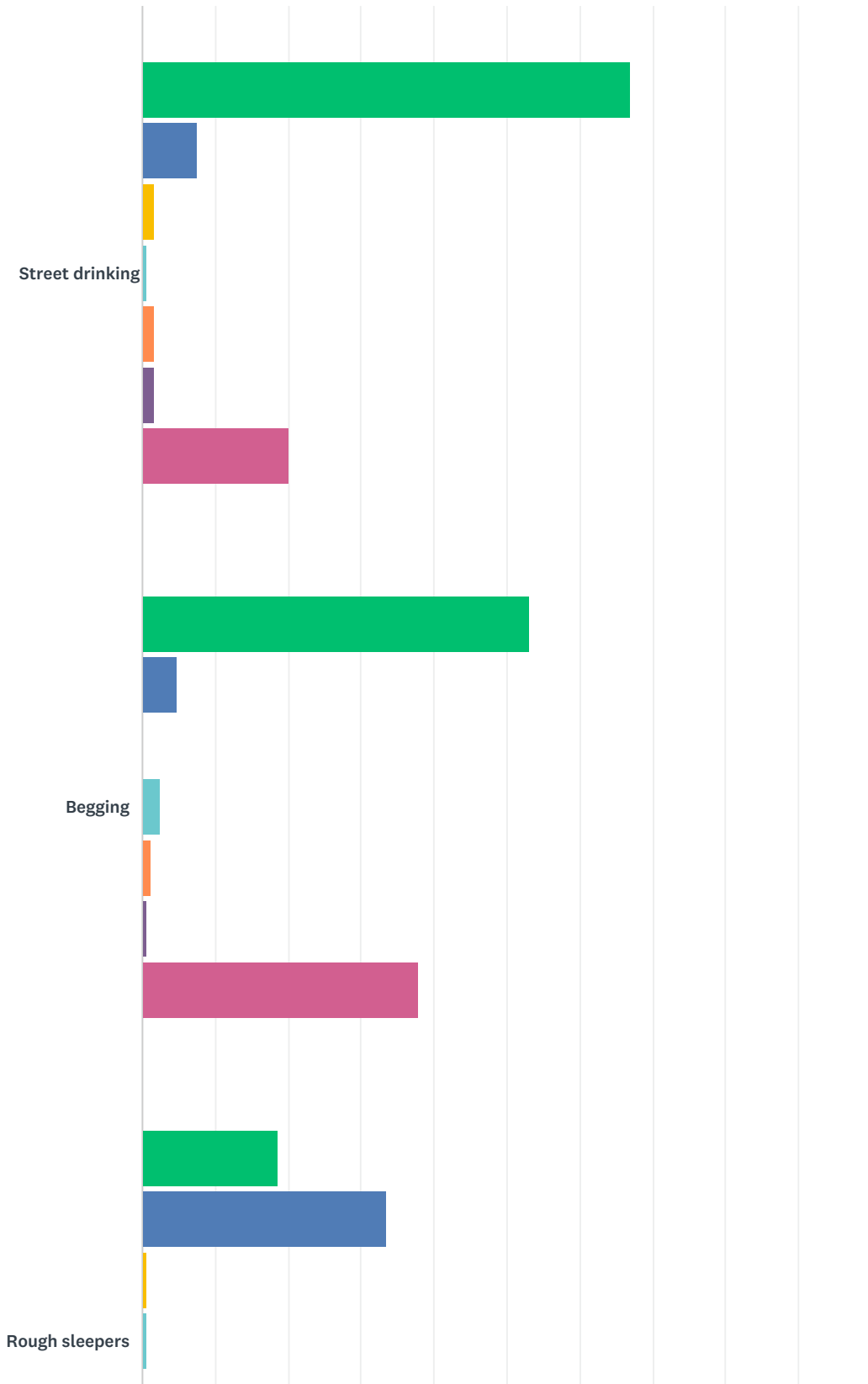


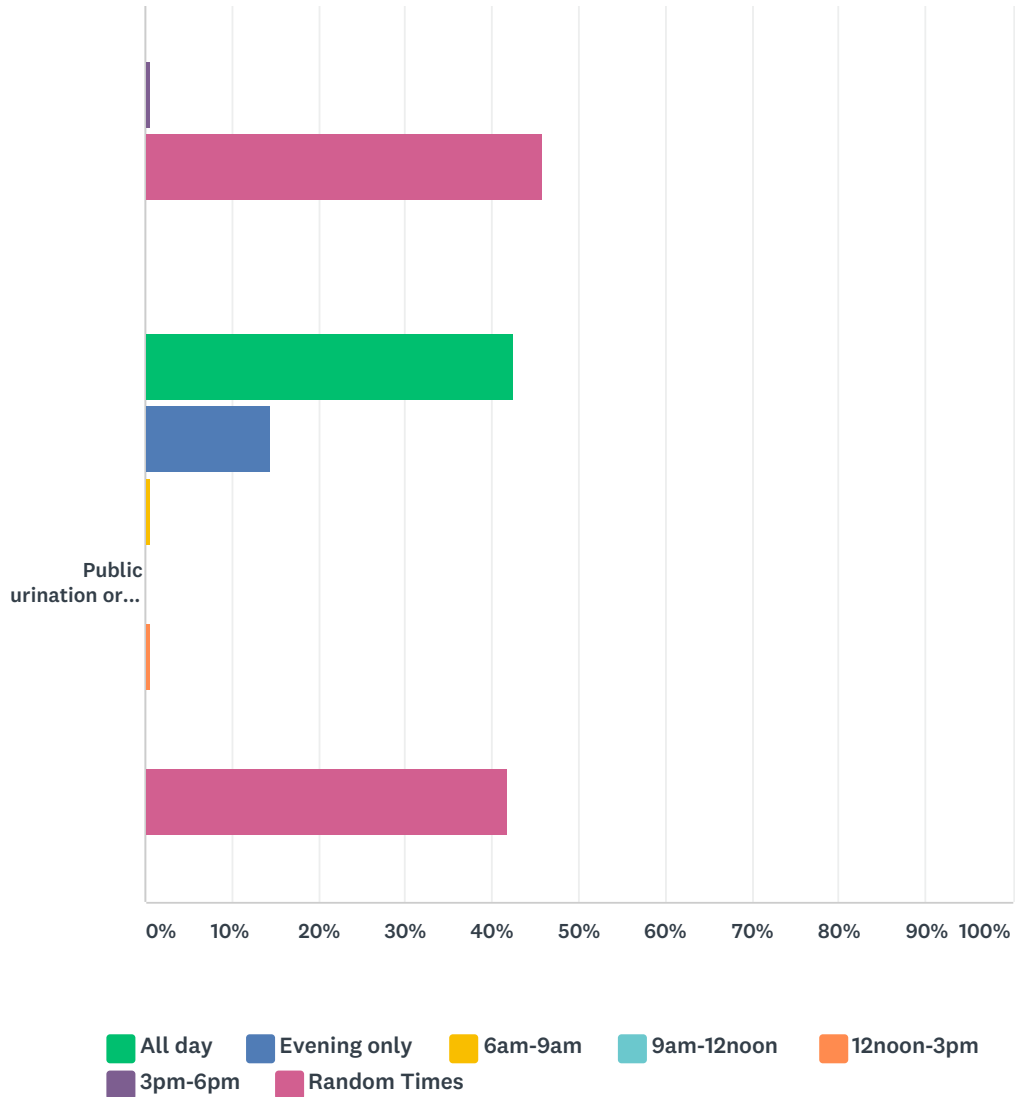


	DAILY	ONCE A WEEK	TWICE A WEEK	THREE TIMES A WEEK	FOUR TIMES A WEEK	WEEKEND ONLY	LESS THAN ONCE A WEEK	TOTAL
Street drinking	83.24% 154	1.62% 3	2.16% 4	5.41% 10	3.78% 7	1.62% 3	2.16% 4	185
Begging	57.06% 97	11.18% 19	10.00% 17	4.71% 8	1.18% 2	1.18% 2	14.71% 25	170
Rough sleepers	44.52% 65	10.27% 15	7.53% 11	5.48% 8	3.42% 5	0.68% 1	28.08% 41	146
Public urination or defecation	61.04% 94	6.49% 10	2.60% 4	5.84% 9	5.84% 9	4.55% 7	13.64% 21	154

Q5 With regards to the above, please give an indication of the times of day the problem behaviour(s) happen.

Answered: 187 Skipped: 18

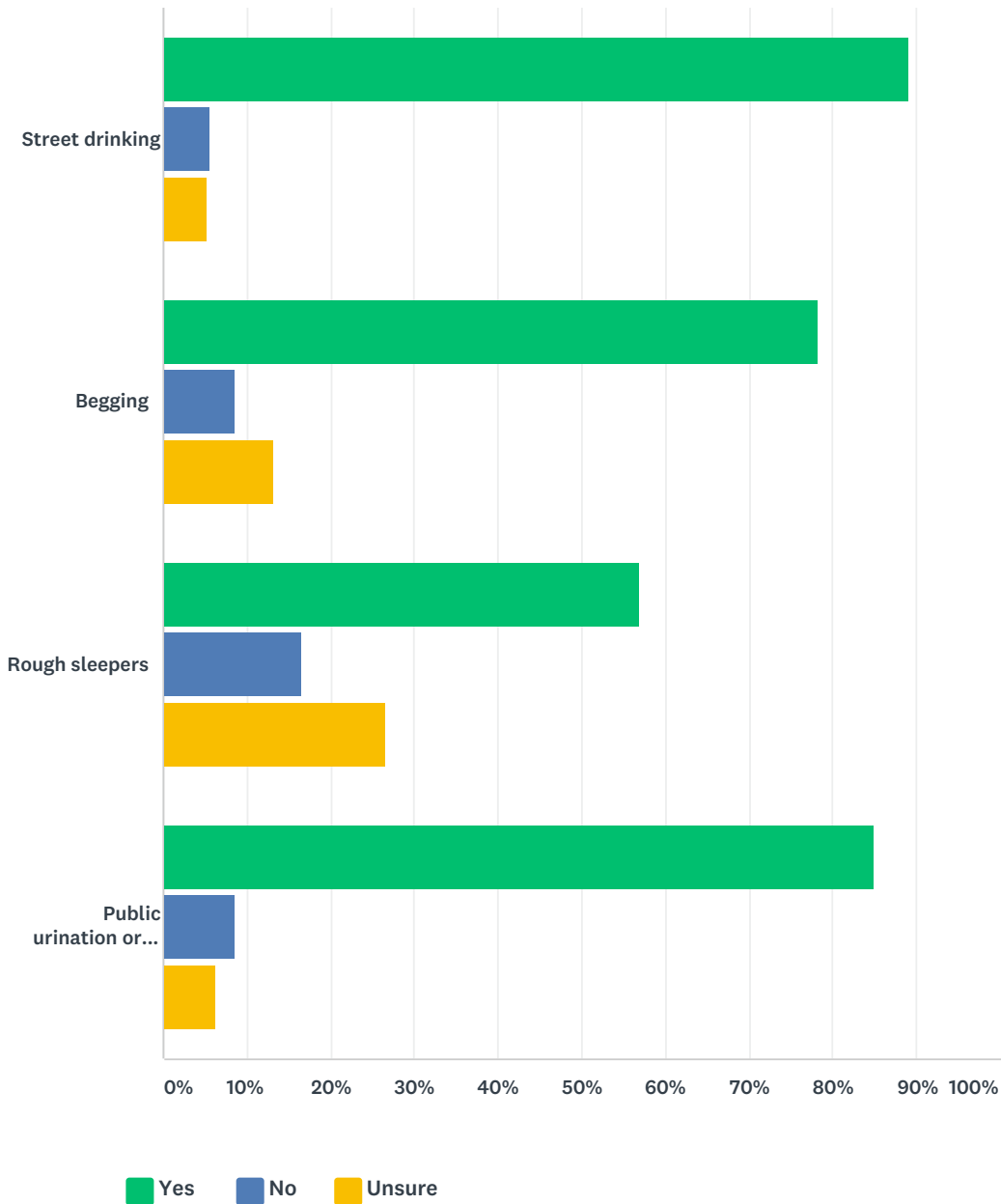




	ALL DAY	EVENING ONLY	6AM-9AM	9AM-12NOON	12NOON-3PM	3PM-6PM	RANDOM TIMES	TOTAL
Street drinking	67.03% 124	7.57% 14	1.62% 3	0.54% 1	1.62% 3	1.62% 3	20.00% 37	185
Begging	53.05% 87	4.88% 8	0.00% 0	2.44% 4	1.22% 2	0.61% 1	37.80% 62	164
Rough sleepers	18.57% 26	33.57% 47	0.71% 1	0.71% 1	0.00% 0	0.71% 1	45.71% 64	140
Public urination or defecation	42.48% 65	14.38% 22	0.65% 1	0.00% 0	0.65% 1	0.00% 0	41.83% 64	153

Q6 Do you consider any of the following to have an impact on you and/or the local community in the proposed control zone? (please consider the environment, local businesses, safety of residents and visitors to the town centre). If answering YES to any of the questions below, please provide further details.

Answered: 195 Skipped: 10

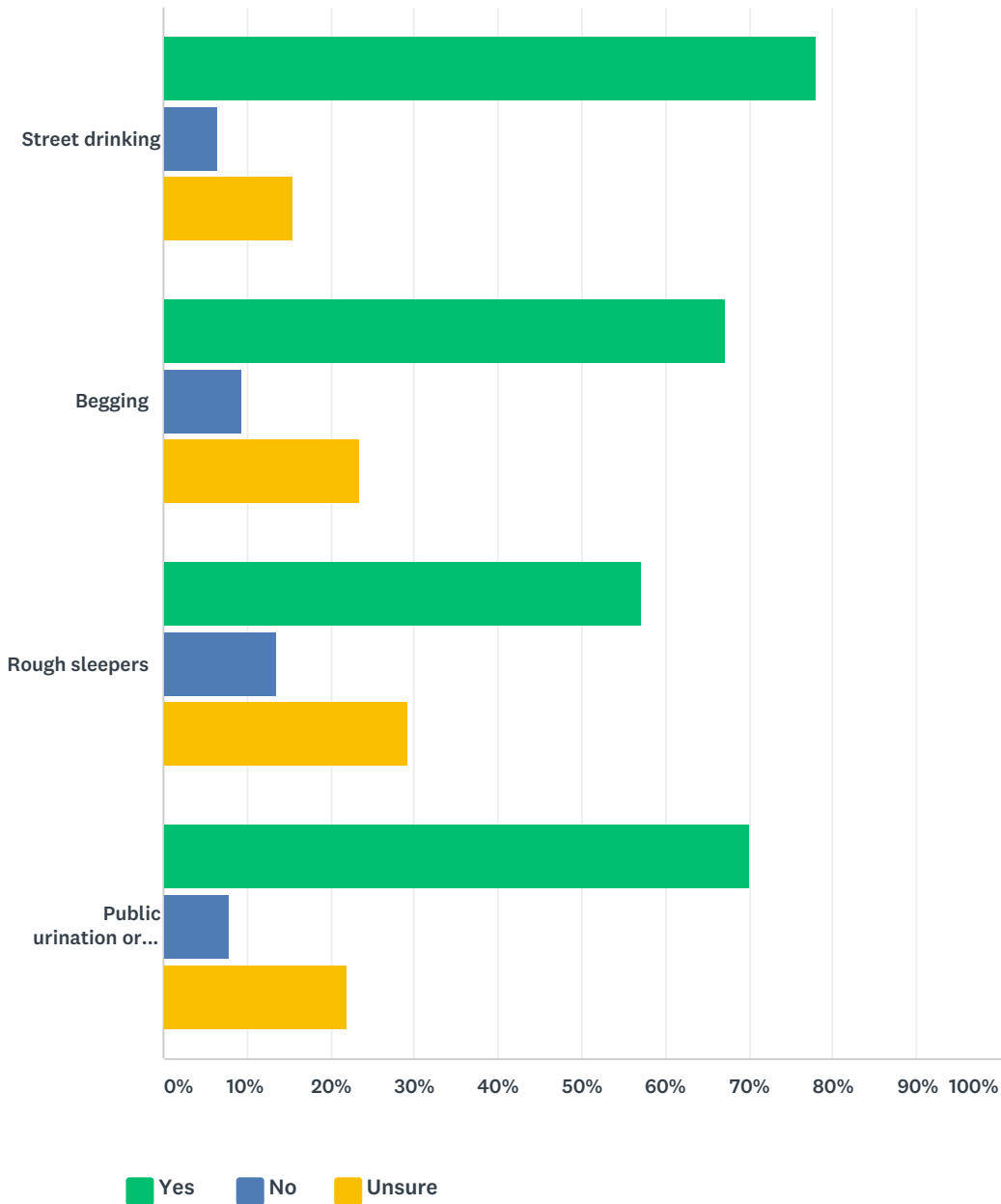


	YES	NO	UNSURE	TOTAL
Street drinking	89.18% 173	5.67% 11	5.15% 10	194
Begging	78.29% 137	8.57% 15	13.14% 23	175

Rough sleepers	56.80% 96	16.57% 28	26.63% 45	169
Public urination or defecation	84.97% 147	8.67% 15	6.36% 11	173

Q7 If you answered yes to either of the questions above, do you think a PSPO would help address the impact/problem? Please provide further details to explain your answer.

Answered: 188 Skipped: 17

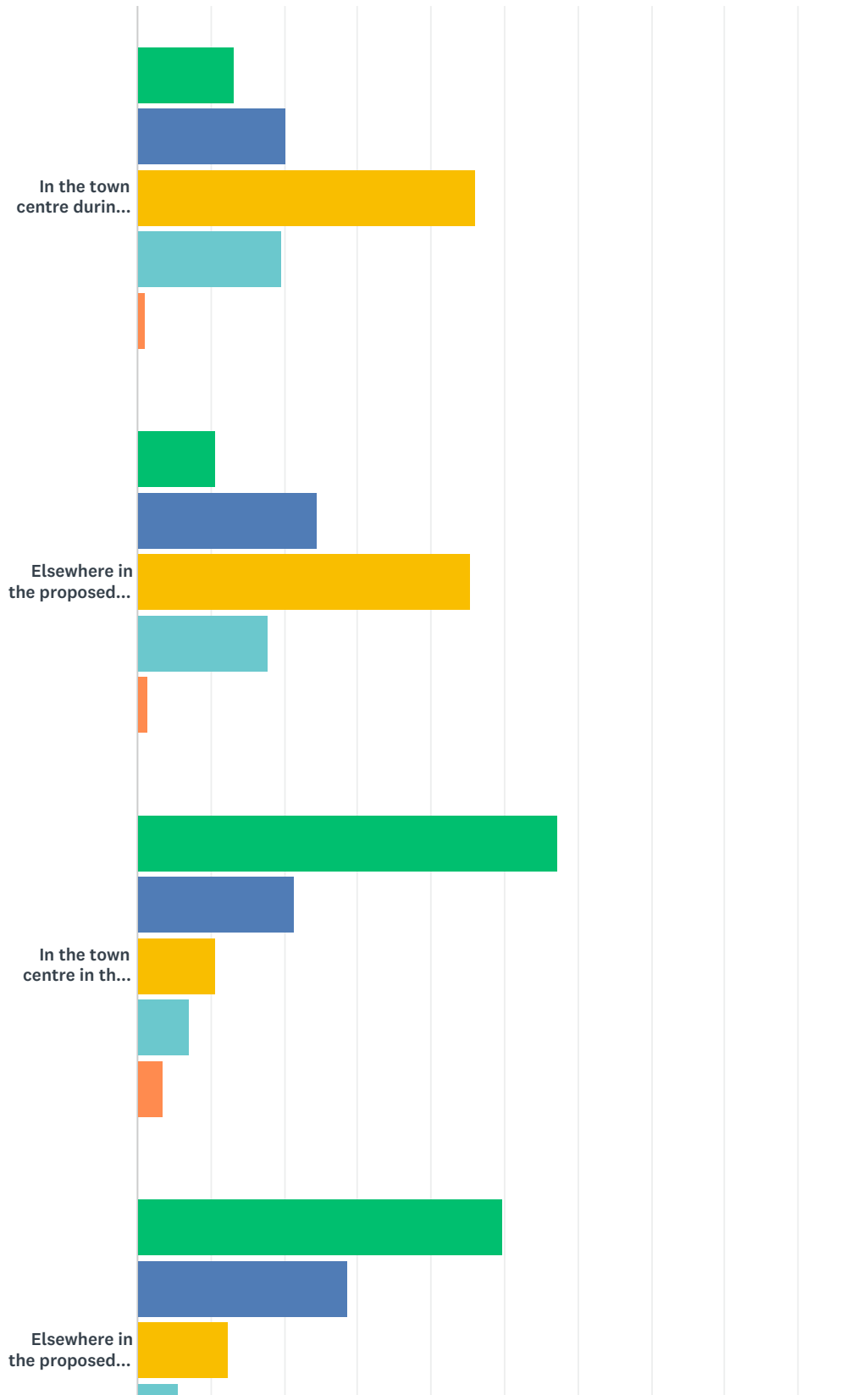


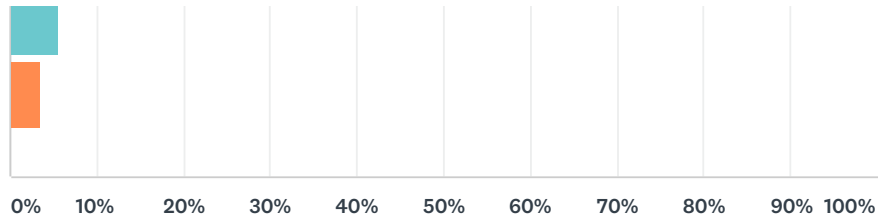
	YES	NO	UNSURE	TOTAL
Street drinking	78.07% 146	6.42% 12	15.51% 29	187
Begging	67.06% 114	9.41% 16	23.53% 40	170
Rough sleepers	57.14% 92	13.66% 22	29.19% 47	161

Public urination or defecation	70.12% 115	7.93% 13	21.95% 36	164
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Q8 How safe do you feel in the proposed PSPO area during the following times?

Answered: 198 Skipped: 7





■ Unsafe
 ■ Relatively unsafe
 ■ Relatively safe
 ■ Safe
 ■ N/A

	UNSAFE	RELATIVELY UNSAFE	RELATIVELY SAFE	SAFE	N/A	TOTAL
In the town centre during daylight hours	13.13% 26	20.20% 40	45.96% 91	19.70% 39	1.01% 2	198
Elsewhere in the proposed control zone during daylight hours	10.71% 21	24.49% 48	45.41% 89	17.86% 35	1.53% 3	196
In the town centre in the dark	57.36% 113	21.32% 42	10.66% 21	7.11% 14	3.55% 7	197
Elsewhere in the proposed control zone in the dark	49.74% 97	28.72% 56	12.31% 24	5.64% 11	3.59% 7	195

Q9 If you have answered unsafe or relatively unsafe to any of the above please can you provide further details to explain further in terms of where (specific location) and when (weekday, time) you feel this way.

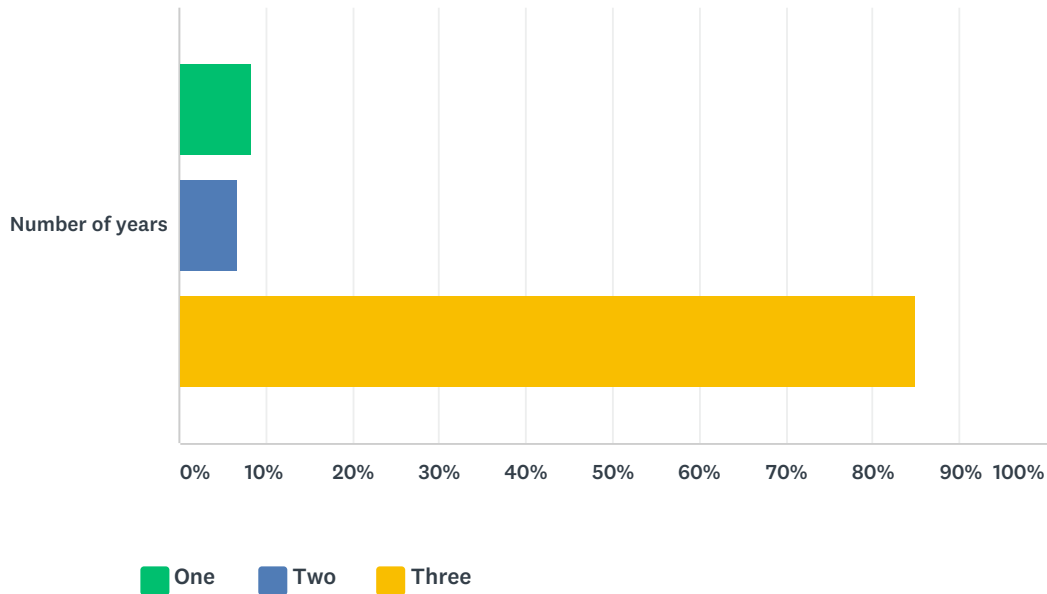
Answered: 134 Skipped: 71

Q10 Again if you answered unsafe or relatively unsafe to question 8 please explain further why you felt and/or feel unsafe or relatively unsafe in that place.

Answered: 103 Skipped: 102

Q11 How long would you like to see the proposed PSPO be put in place for? Please note that a PSPO cannot be implemented for longer than 3 years without review.

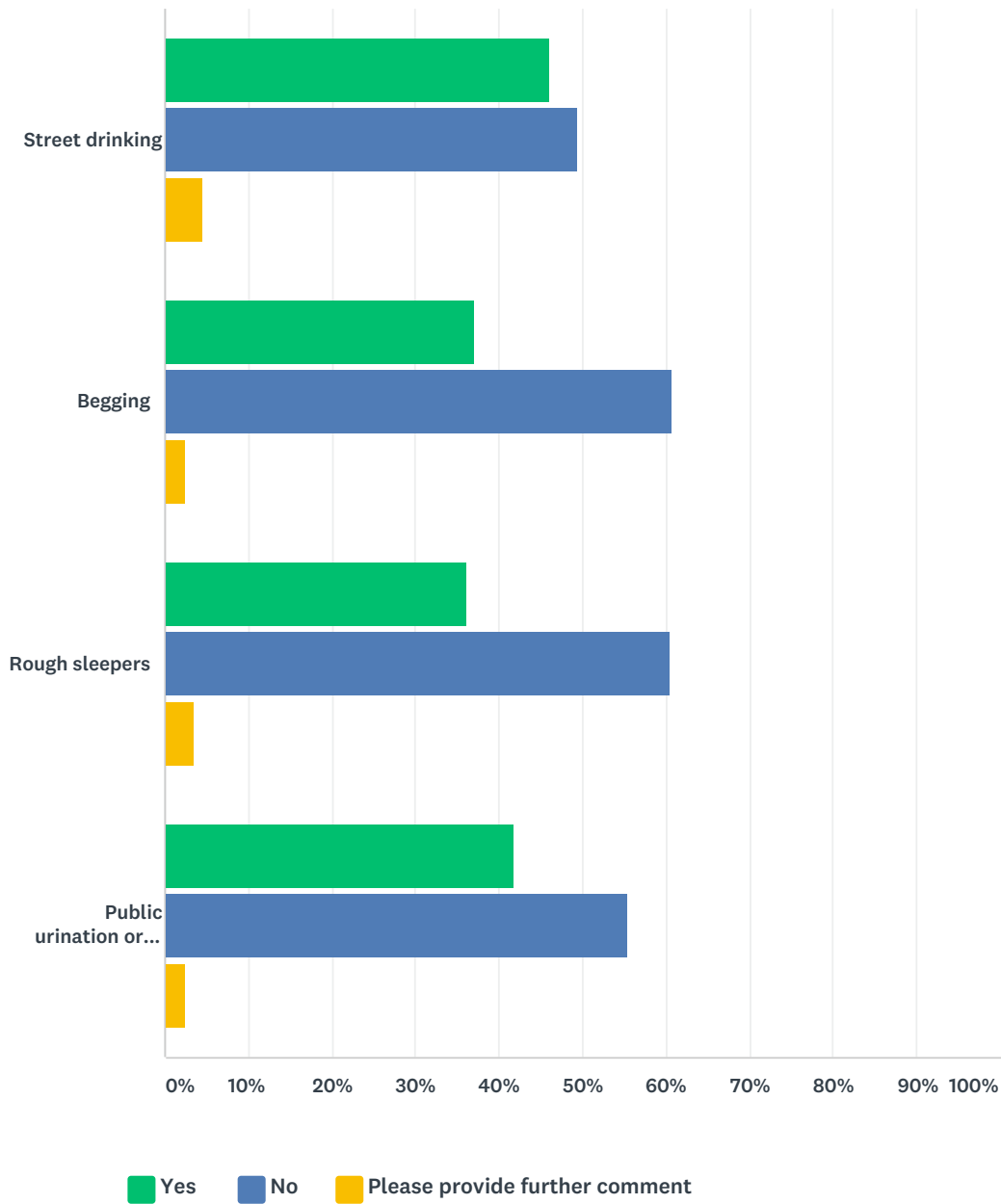
Answered: 193 Skipped: 12



	ONE	TWO	THREE	TOTAL
Number of years	8.29% 16	6.74% 13	84.97% 164	193

Q12 Do you have any further comments or alternative measures that could be used to deal with the following:

Answered: 178 Skipped: 27



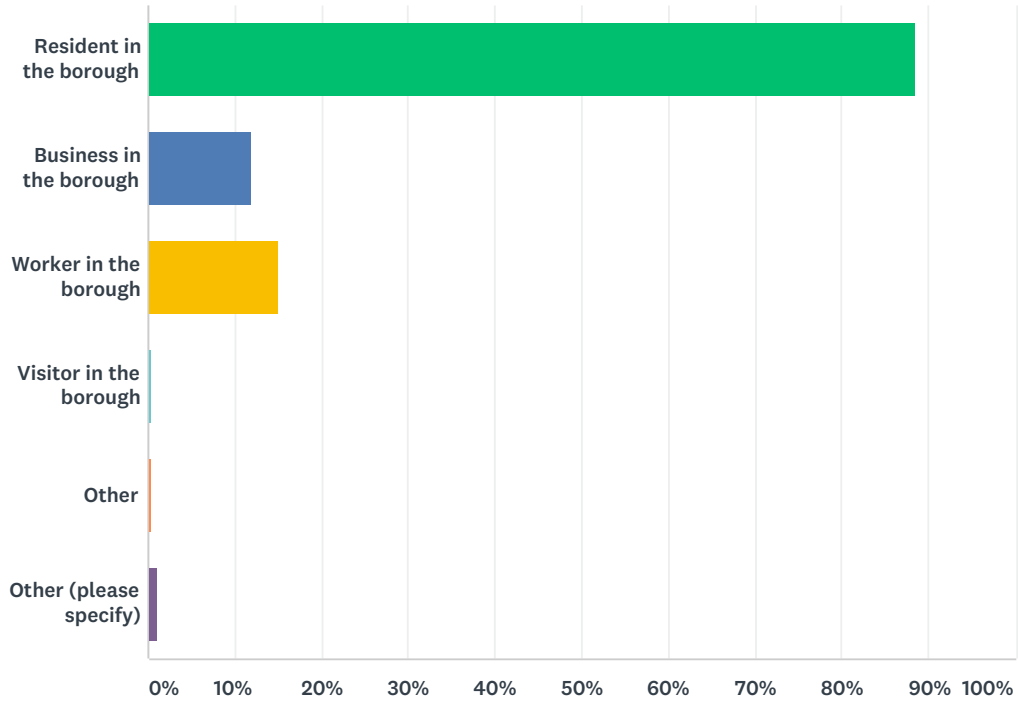
	YES	NO	PLEASE PROVIDE FURTHER COMMENT	TOTAL
Street drinking	45.93% 79	49.42% 85	4.65% 8	172
Begging	36.97% 61	60.61% 100	2.42% 4	165
Rough sleepers	36.11% 52	60.42% 87	3.47% 5	144
Public urination or defecation	41.94% 65	55.48% 86	2.58% 4	155

Q13 If you have any specific comments or other items that you feel are important to highlight with regards to the proposed implementation of this PSPO please make them below. It is important to highlight that in order for any PSPO to be legally binding and enforceable the council must evidence that activities that have taken place have had a detrimental effect on the quality of life of local people, or it is likely that activities will take place and they will have a detrimental effect on the quality of life

Answered: 86 Skipped: 119

Q14 Are you?

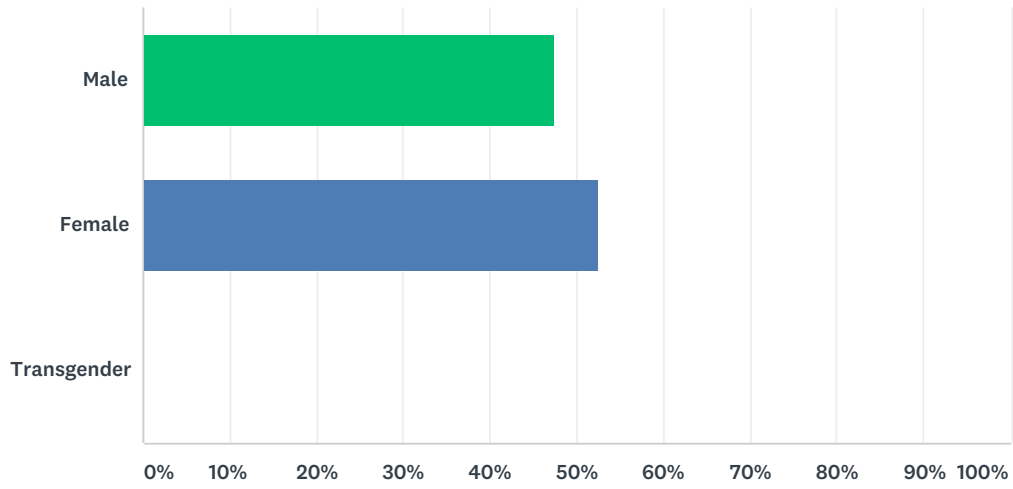
Answered: 200 Skipped: 5



ANSWER CHOICES	RESPONSES	
Resident in the borough	88.50%	177
Business in the borough	12.00%	24
Worker in the borough	15.00%	30
Visitor in the borough	0.50%	1
Other	0.50%	1
Other (please specify)	1.00%	2
Total Respondents: 200		

Q15 Gender

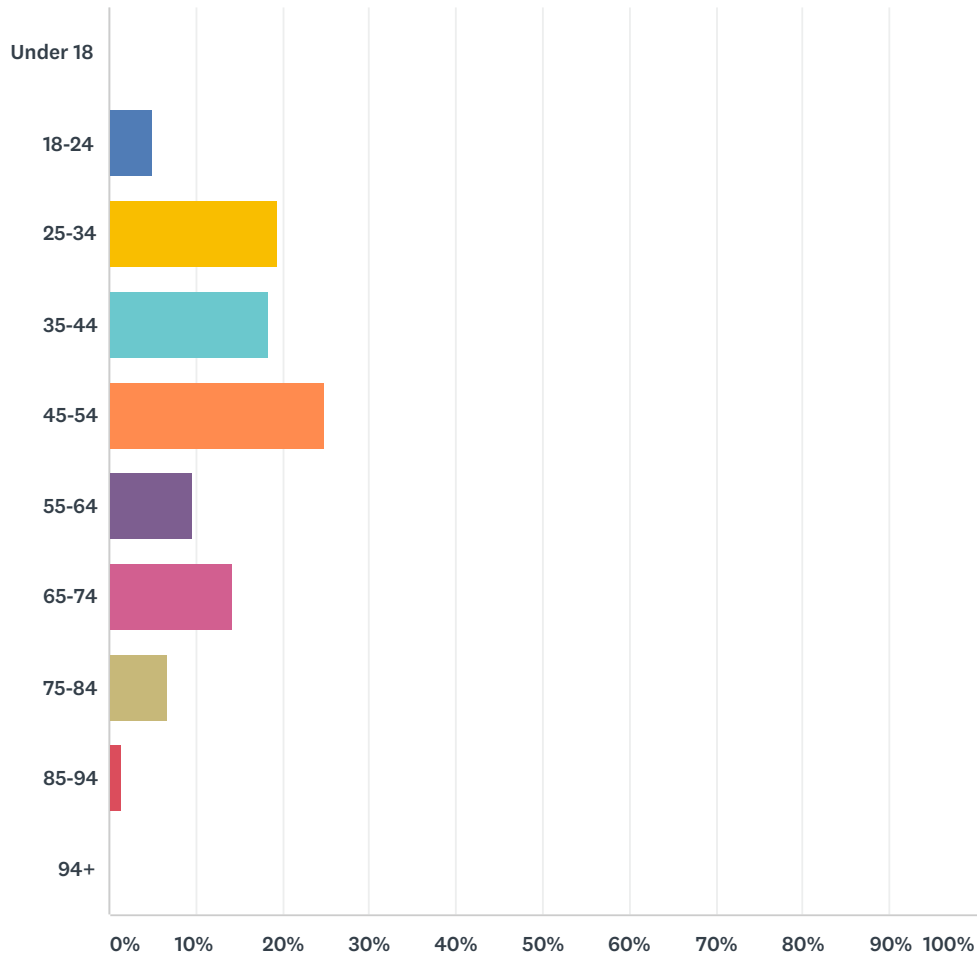
Answered: 196 Skipped: 9



ANSWER CHOICES	RESPONSES	
Male	47.45%	93
Female	52.55%	103
Transgender	0.00%	0
TOTAL		196

Q16 What is your age group?

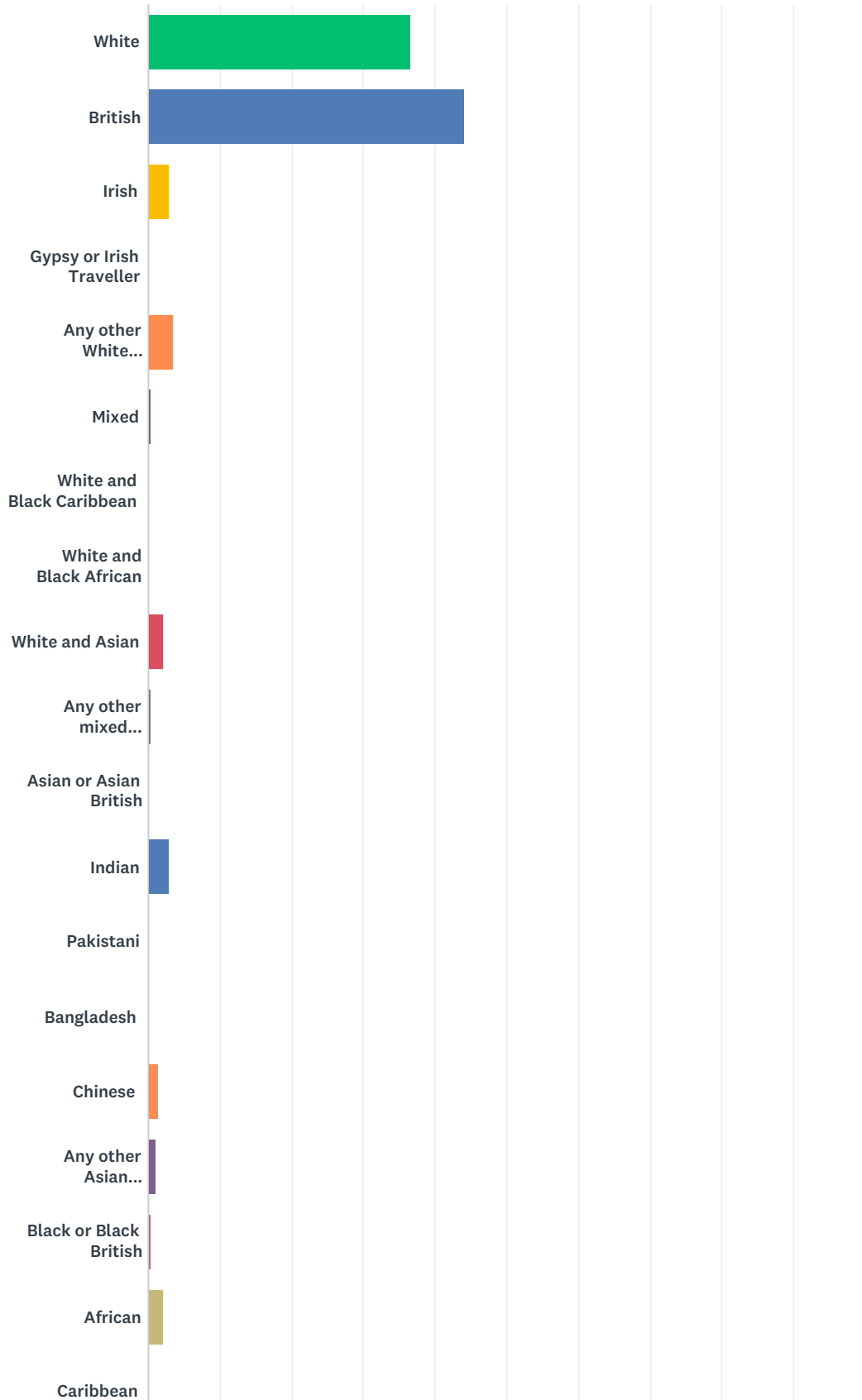
Answered: 196 Skipped: 9

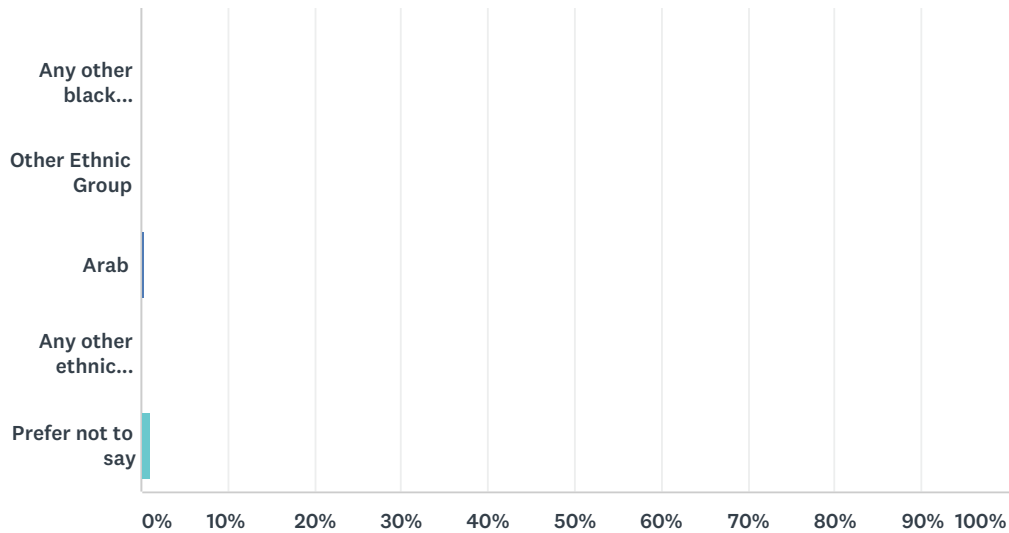


ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-24	5.10%	10
25-34	19.39%	38
35-44	18.37%	36
45-54	25.00%	49
55-64	9.69%	19
65-74	14.29%	28
75-84	6.63%	13
85-94	1.53%	3
94+	0.00%	0
TOTAL		196

Q17 How would you define your ethnicity?

Answered: 199 Skipped: 6



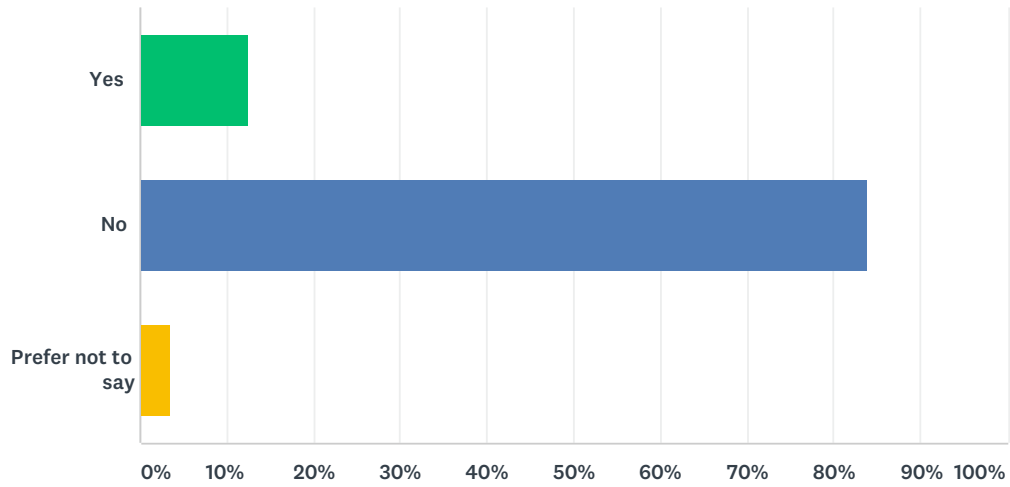


ANSWER CHOICES	RESPONSES	
White	36.68%	73
British	44.22%	88
Irish	3.02%	6
Gypsy or Irish Traveller	0.00%	0
Any other White background	3.52%	7
Mixed	0.50%	1
White and Black Caribbean	0.00%	0
White and Black African	0.00%	0
White and Asian	2.01%	4
Any other mixed background	0.50%	1
Asian or Asian British	0.00%	0
Indian	3.02%	6
Pakistani	0.00%	0
Bangladesh	0.00%	0
Chinese	1.51%	3
Any other Asian background	1.01%	2
Black or Black British	0.50%	1
African	2.01%	4
Caribbean	0.00%	0
Any other black background	0.00%	0
Other Ethnic Group	0.00%	0
Arab	0.50%	1
Any other ethnic background	0.00%	0

Prefer not to say	1.01%	2
TOTAL		199

Q18 Do you consider yourself to have a disability?

Answered: 198 Skipped: 7



ANSWER CHOICES	RESPONSES	
Yes	12.63%	25
No	83.84%	166
Prefer not to say	3.54%	7
TOTAL		198

Q19 What is your residential or business postcode?

Answered: 184 Skipped: 21

Q20 Contact details- completing this section is optional

Answered: 92 Skipped: 113

ANSWER CHOICES	RESPONSES	
Name	92.39%	85
Company	31.52%	29
Address	81.52%	75
Address 2	0.00%	0
City/Town	77.17%	71
State/Province	0.00%	0
ZIP/Postal Code	72.83%	67
Country	0.00%	0
Email Address	66.30%	61
Phone Number	0.00%	0

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EQUALITY IMPACT ASSESSMENT SCREENING

Title	Public Space Protection Order
Lead Officer	
Service	Housing and Community Services
Date Created	28/06/2017
Review Date	

1. What is the title of policy, strategy, function, procedure or project?

Public Space Protection Order

2. Is this a new or existing process?

New process to be introduced to replace current designated public protection order in place in Hatfield Town Centre.

3. What is the aim and key objectives of this process?

To use new powers to reduce impact of anti-social behaviour linked to street drinking, begging and rough sleeping

4. What are the main activities of this process?

To allow police and other accredited officers to request that persons engaging in anti-social behavior refrain from doing so and taking action if they refuse.

5. Who are the main stakeholders of this process (e.g. councillors, employees, residents, local authorities / other housing providers, police, health, etc.)?

Town council, businesses, local authority, police and residents

6. What outcomes are wanted from the process?

That businesses and public are not affected by anti-social behaviour caused by persons engaging in such behaviour in Hatfield town centre and Parkhouse Court

7. Are there any factors that might prevent the outcomes being achieved (e.g. funding, staffing, political, economic change)?

Not if procedures are followed

8. Describe what consultation has been undertaken on this process, who was involved and the main outcomes.

Businesses and local users of the town centre, partners of the CSP. Further consultation will be undertaken once approved

9. Has any other data been used to help with the process development or review? Please outline what and how.

Police data on reported anti-social behaviour

10. Do you consider the process could have a negative, positive or neutral / no impact on age? Why is this?

No impact – there are a variety of persons of all ages linked to anti-social behaviour in the locations to be covered by the order. Positive impact – perception of crime and anti-social behaviour will reduce particularly amongst the older generation

11. Do you consider the process could have a negative, positive or neutral / no impact on gender? Why is this?

No impact

12. Do you consider the process could have a negative, positive or neutral / no impact on sexual orientation? Why is this?

No impact

13. Do you consider the process could have a negative, positive or neutral / no impact on race? Why is this?

No impact

14. Do you consider the process could have a negative, positive or neutral / no impact on religion / belief? Why is this?

No impact

15. Do you consider the process could have a negative, positive or neutral / no impact on disability? Why is this?

No impact

16. Do you consider the process could have a negative, positive or neutral / no impact on gender reassignment? Why is this?

No impact

17. Do you consider the process could have a negative, positive or neutral / no impact on marriage / civil partnership? Why is this?

No impact

18. Do you consider the process could have a negative, positive or neutral / no impact on pregnancy and maternity? Why is this?

No impact

19. Please outline from the questions 10 -18 whether the proposed process either disadvantages or puts any group(s) at risk.

None

20. If, in your judgment, the proposed process has a negative impact, can this impact be justified?

N/A

21. If the impact cannot be justified, what can be done to improve access / take up of the process or remove the risk?

N/A

22. If there is no evidence to show the process promotes equality, equal opportunity or improved relations, can it be adapted so it does?

N/A

23. Does this process need to go on to a full assessment?

No

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Part I
Item No: 4(b)
For Decision

WELWYN HATFIELD BOROUGH COUNCIL COUNCIL – 21 FEBRUARY 2018

Recommendations from the Cabinet on 6 February 2018:-

40. TENANCY POLICY AND FLEXIBLE TENANCY POLICY:

The Cabinet considered the revised policy and procedure

The Cabinet noted that the Council had been granting five year flexible term tenancies since November 2013 and the review process for these had been due to commence in November 2017. Now that this process was about to commence on current tenancies, the functional details of the review process had been identified, including reporting, and had been updated in a new, separate, procedural document to provide better guidance for staff who would be carrying out the reviews.

There were no changes in the updated policy to the grounds for refusing to renew a flexible tenancy at the end of the five year term. These were the same as already approved in April 2012.

The legally mandated procedural guidance for tenants who wished to seek a review of a decision not to renew a flexible tenancy was now also in a separate document that could be issued to tenants separately on request.

The procedure document would be brought back to the Cabinet Housing Panel for information before any amendments to the flexible tenancy review procedure legal or otherwise were put in place or implemented.

Further information on the financial assessment, including trigger points relating to income levels, savings, investments or equity would be provided to the Cabinet Housing Panel.

The Cabinet **RECOMMENDS** the revised policy to the Council for adoption.

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WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL – 22 JANUARY 2018
REPORT OF THE DIRECTOR (HOUSING & COMMUNITIES)

TENANCY POLICY AND FLEXIBLE TENANCY PROCEDURE

1 Executive Summary

- 1.1 The purpose of this report is to seek authority to update the Council's Tenancy Policy to remove references to the Housing Trust and also to align the policy with the Tenancy Strategy which was published in 2013.
- 1.2 The previous tenancy policy was approved in April 2012 by the Trust's board.
- 1.3 The Council has been granting five year flexible term tenancies since November 2013 and the review process for these is due to commence in November 2017. Now that this process is about to commence on current tenancies, the functional details of the review process have been identified, including reporting, and have been updated in a new procedural document to provide better guidance for staff who will be carrying out these reviews
- 1.4 There are no changes in the updated policy to the grounds for refusing to renew a flexible tenancy at the end of the five year term. These are the same as already approved in April 2012.
- 1.5 Appendix 1 shows the current Tenancy Policy of 2012.
- 1.6 Appendix 2 shows the updated Tenancy Policy of 2017.
- 1.7 Appendix 3 shows the new review procedure guide for staff.

2 Recommendation(s)

- 2.1 That members recommend the revised policy to Cabinet for adoption by Council.
- 2.2 That the Director (Housing and Communities) is given delegated authority, in consultation with the Executive Member for Housing, to amend the flexible tenancy review procedure in future in line with any future legal changes.

3 Explanation

- 3.1 The Tenancy Policy sets out the Council's own policy regarding the type of tenancies to be issued in its housing stock. This includes the issuing of flexible tenancies to the majority of new tenants other than the five exempt groups:
 - 1) People moving into sheltered housing.
 - 2) People moving into a home specifically adapted for their needs.
 - 3) Existing tenants who are moving to a smaller home (downsizing).

- 4) Existing tenants who already have a secure tenancy granted before 01 April 2012 and who transfer to another Council home.
 - 5) Existing tenants who already have a secure tenancy granted before 01 April 2012 and move via mutual exchange to a property with a flexible tenancy already in place.
- 3.2 Flexible term tenancies enable the Council to tackle under-occupation by ensuring that households whose flexible term is coming to an end are adequately housed based on their need. There is a presumption that the vast majority of tenancies will be renewed.
 - 3.3 The review of flexible tenancies starts in the last year of the 5 year tenancy period, this process is clearly set out in the procedural guidance that will be used by staff.
 - 3.4 The Tenancy Policy supports the Council's corporate priority "Meet the Borough's Housing Need" and allows the Council to effectively manage the borough's housing stock.
 - 3.5 Since November 2013 we have issued the following tenancies:

Tenancy type	Number
Secure tenancies, general needs stock (transfers)	464
Secure tenancies, sheltered accommodation (lettings & transfers)	499
Secure tenancies by mutual exchange	349
Five year flexible tenancies by mutual exchange	18
Five year flexible tenancies, general needs stock (lettings)	930
TOTAL	2260

- 3.6 There are 58 tenancies which need to be reviewed in the period November 2017 to May 2018. We are writing to each tenant to advise them of the review process based on the current tenancy policy and will be carrying out the review once the updated policy has been approved.
 - 3.7 The main focus of this policy review was to ensure that the Tenancy Policy was more consistent and aligned to the Tenancy Strategy and other associated policies.
- What has been updated / changed:**
- 3.8 When the Tenancy Policy was agreed in 2013, it referred to the Housing Trust as carrying out the review processes. All references to the Trust have now been removed. *(See existing policy, as appended)*
 - 3.9 The revised policy has also been updated to take out procedural detail from the current policy as this is not considered appropriate for a policy document. This information has then been developed into a procedural document as appended.
 - 3.10 The legally mandated procedural guidance for tenants who wish to seek a review of a decision not to renew a flexible tenancy is now also in a separate document that can be issued to tenants separately on request. *(See review procedure, as appended)*

- 3.11 The Allocations Policy included information on offering a two year flexible tenancy in cases where a tenant is asked to move to smaller accommodation, but where the tenant is unable to find this accommodation before the end of the five year term. This has now been included in the Tenancy Policy.

Implications

4 Legal Implication(s)

- 4.1 Under the Localism Act 2011 every local authority must publish a Tenancy Strategy in place by January 2013. The Tenancy Policy is required to guide staff and inform the public on what type of tenancies are granted in the Council's own housing stock. The Tenancy Policy must be aligned to the Tenancy Strategy.

5 Financial Implication(s)

- 5.1 There are no financial implications as a result of this policy review as the processes will be carried out by existing staff as part of their day to day activities.

6 Risk Management Implications

The risks related to this proposal are:

- 6.1 Legal compliance and reputational risk - The revised policy is clearer and there is greater transparency for both staff and tenants and therefore this should mitigate any risks for the Council.

7 Security & Terrorism Implication(s)

- 7.1 None

8 Procurement Implication(s)

- 8.1 None

9 Climate Change Implication(s)

- 9.1 None

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Corporate Priority "Meet the Borough's Housing Need" and specifically to the requirement to effectively manage the borough's housing stock.

11 Equality and Diversity

- 11.1 An Equality Impact Assessment (EIA) has been carried out in connection with the proposals that are set out in this report.
- 11.2 No negative impact was identified on any of the protected groups under equalities legislation.

Name of author	Annette Benson / Stuart Pearson
Title	Housing Systems Consultant / Head of Housing Operations
Date	30 November 2017

Background papers to be listed (if applicable)

Appendix 1 - Current Tenancy Policy

Appendix 2 - Updated Tenancy Policy

Appendix 3 - Flexible Tenancy Review Procedure



Tenancy Policy

1. **Date of policy:** April 2012
2. **Policy Review date:** Annual
3. **Responsibility:** Director of Operations
4. **Scope of Policy**
 - 4.1 Welwyn Hatfield Community Housing Trust (the managing agent) delivers housing and related services on behalf of Welwyn Hatfield Council (the landlord). This Policy sets out which tenancies Welwyn Hatfield Community Housing Trust, working on behalf of Welwyn Hatfield Council, will offer to new council tenants from 1 July 2013 onwards.
 - 4.2 This Policy sets out how **flexible tenancies will be used**, as provided for by the Localism Act 2011. The Policy includes details of when a flexible tenancy will be granted and when it will be brought to an end.
 - 4.3 This Policy also sets out how other tenancy-related changes will be dealt with, as provided for in the Localism Act 2011. These include changes to the rules about tenancy successions and demotions.

5. References to other Policies

Welwyn Hatfield Council has published an Allocations Policy and an Overcrowding and Underoccupation Strategy. These should be read in conjunction with the Tenancy Policy. A copy of each of these policies can be obtained from Welwyn Hatfield Council's website www.welhat.gov.uk or the Housing Trust's website www.welhat-cht.org.uk. Printed versions of these policies can also be requested by contacting a local housing office at 51 Bridge Road East, Welwyn Garden City or 30-32 Town Centre, Hatfield.

6. Introduction

- 6.1 Welwyn Hatfield Community Housing Trust (the Housing Trust) manages the homes owned by Welwyn Hatfield Council (the Council). All social landlords (including local authorities and housing associations) are required to comply with the provisions set out in the Localism Act 2011. The Act makes provision for social landlords to offer 'fixed term' tenancies (housing associations) or 'flexible' tenancies (local authority landlords). Unlike the previous secure tenancies granted by local authorities, the new flexible tenancies will not offer a home for life and will be granted for a fixed period of time, after which the tenant's circumstances will be reviewed.

- 6.2 Welwyn Hatfield Council has published a Tenancy Strategy which sets out guidance for all social landlords in the borough about the use of flexible tenancies (council owned homes) and fixed term tenancies (housing associations). This Policy complies with the guidance set out in the Tenancy Strategy.
- 6.3 The government has published a new Tenancy Standard. This policy meets the requirements of the Tenancy Standard.
- 6.4 This Policy sets out:
- ▶ Our approach to using flexible tenancies.
 - ▶ The type of information which we will provide to new tenants and housing applicants, to inform them of the new flexible tenancies and the circumstances in which they will be granted.
 - ▶ When we will end a flexible tenancy and the process which will be followed when a flexible tenancy is being ended.
 - ▶ The arrangements for tenants who are transferring to another tenancy (either with the same or another social landlord) and what will happen when a mutual exchange takes place.
 - ▶ Information about tenants' rights to request a review of our decision to grant or end a flexible tenancy.
 - ▶ Details of changes to the way in which we manage successions of tenancy and tenancy demotions, following changes to the law.
- 6.5 The Council's Tenancy Agreement has been reviewed to reflect the changes to the law. The Tenancy Agreement sets out in detail the Housing Trust's/Council's obligations to tenants in relation to all aspects of the tenancy, including arrangements for granting and ending a flexible tenancy.

7. Who this Policy applies to

The new arrangements for creating flexible tenancies will apply only to new tenants. However the Policy should also be read by existing tenants so that they are aware of what will happen if they move to another home whether it is owned by their current landlord (the Council) or another social landlord.

8. What tenancies will we offer new tenants?

From 1 July 2013 most new council tenants will be granted a five-year flexible tenancy. However some tenants will continue to be granted a secure council tenancy. A secure council tenancy will be granted where the property into which they are moving is sheltered accommodation or other accommodation which has been specially designed or adapted to meet a households member's needs, for example a long-term disability. We will publish an up to date list of all the council homes for which a life-time secure tenancy will be given. Tenants will be notified in writing by us of the type of tenancy which they will be given. We will also offer a secure tenancy to tenants who are 'downsizing' from larger to smaller accommodation, where the smaller accommodation has two bedrooms or less.

9. What happens when the five-year term of a flexible tenancy has elapsed?

At the end of the five year term of the tenancy the tenant will either:

- 9.1 Be allowed to stay in their home – where this is the case they will be granted a new five-year flexible tenancy or
- 9.2 Be asked to move to a smaller home – where they no longer need the size of home they are living in, for example where children have grown up and left home or
- 9.3 Be asked to move out of their home and either rent a home privately or buy a home (this could include buying a home through shared ownership or another form of low cost home ownership).

10. When will tenants find out what will happen at the end of the five-year term?

During the last year of a five-year flexible tenancy a number of things will happen:

10.1 *10-12 months before the end of the five-year term*

We will advise tenants in writing that we are going to review the tenant's household circumstances to identify whether or not their home still meets their needs. A visit may be carried out to the tenant's home to find out more information as part of this process. The tenant will be asked to give the reason/s why they should be able to remain in their home and we will work with the tenant to identify the best possible housing solution for the tenant and their household.

10.2 *No later than 6 months before the end of the five-year term*

We will advise tenants in writing of our decision. The decision may be to:

- ▶ Grant a new five-year tenancy or
- ▶ End the flexible tenancy/require the tenants move to smaller socially rented accommodation (subject to availability of smaller accommodation).

Where the decision has been made to end the tenancy we will:

- ▶ Give the reason/s for our decision.
- ▶ Provide information on the tenant's right to request a review of our decision and the date by which the tenant must request the review.
- ▶ Offer the tenant a meeting with a Housing Officer to discuss our decision and other housing options for the tenant. Other options could include low cost home ownership, intermediate/market rent properties owned by a social landlord or private rented properties.
- ▶ Provide a written guide on other housing options.
- ▶ Where a tenant is moving to a smaller home, provide support and assistance, as available at the time of the move.

10.3 *No later than 10 weeks before the end of the five-year term*

- ▶ We will write to the tenant, giving formal notice that the tenancy will end and the earliest date that the tenancy will end.
- ▶ The tenant will be given information on how to seek a review against our decision.
- ▶ We will offer to arrange a meeting between the tenant and their Housing Officer or Housing Options Officer to discuss their future housing options as set out in 10.2 above.

- ▶ Tenants may be referred to outside agencies that will be able to give the tenant professional, specialist advice, based on their individual circumstances. This could include an independent financial advisor or the Citizens Advice Bureau.
- ▶ We will begin court proceedings to end the tenancy.
- ▶ Where a tenant is moving to a smaller home, we will provide support and assistance, as available at the time of the move.

11. **The legal process for ending a flexible tenancy**

- 11.1 We will have to apply to the court to end the tenancy.
- 11.2 The court can only refuse to give possession back to us where we have not followed the correct procedure as set out above, or where the court is of the view that our decision is not lawful.

12. **Where a new tenancy is being granted**

We will make arrangements for the tenant to sign a new five-year Tenancy Agreement.

13. **Where the tenant is required to move to smaller accommodation**

- ▶ We will offer the tenant a meeting if they require it, or written information on the process for applying for smaller accommodation.
- ▶ We will offer to provide help in bidding for another property through its choice based lettings scheme 'Herts Choice Homes'.
- ▶ We will provide assistance in moving. The type of assistance provided will depend upon Housing Trust policy at the time the move takes place.

14. **Under what circumstances will the Housing Trust end a flexible tenancy at the end of the five-year term?**

14.1 Under-occupation of the property

The main reason for ending a flexible tenancy will be where the property is under-occupied. In deciding whether the property is under occupied we will take into account the needs of the household members, local housing need and availability of housing. Generally households will not be able to remain in the property where they have two or more spare bedrooms, however each case will be considered on its own merit. The Housing Trust will discuss the household's requirements with the tenant and assess the size of the property and family composition. The assessment will also consider whether any adaptations or special features to the property are still needed and if so, whether they can be carried out to another (smaller) property.

Note: In the event that a new tenancy is offered in a property where there is one spare bedroom and where the tenant is of working age, they will be advised by their Housing Officer that whilst we will grant a new five-year flexible tenancy, if they are on receipt of Housing Benefit they will, except in extenuating circumstances, be on a reduced benefit rate. This is because of changes to the welfare benefit system introduced by the government. On this basis the tenant may decide to apply to transfer to a smaller home. Where they do so, they may be given a secure tenancy in their new home. (Please refer to point 15.3)

14.2 Breach of tenancy conditions

A flexible tenancy may be ended where there is formal legal action being taken against the tenant by us because they have breached the terms of their tenancy agreement. This will apply only where a Suspended or Full Possession Order has been awarded. In the case of a

Suspended Possession Order (SPO) this can be grounds for ending a flexible tenancy where the terms of the SPO are not being met by the tenant and the Housing Trust's intention is to apply for a Full Possession Order

14.3 Financial circumstances

We may end a flexible tenancy where the applicant has sufficient resources to provide their own accommodation, taking into account current market conditions. This process will include taking into account any special circumstances which the household may have, for example, disability or other support requirements.

In carrying out our assessment we will consider the following:

- ▶ Household income, including benefits and pensions
- ▶ Savings and investments
- ▶ Household size and circumstances
- ▶ Type of property and size needed to meet the household's needs
- ▶ Outstanding debts
- ▶ Ability of the applicant to secure a mortgage

We will look further at a tenant's financial situation where the household's income or savings have reached set levels. These are regularly reviewed and can be viewed on our website.

Where the tenant's income or savings exceed the levels set, but where there are reasons why it would not be possible for the tenant to secure a mortgage for a house purchase, other options may be explored. These include private renting and other home ownership options, such as shared ownership and government backed equity schemes.

A tenant's financial circumstances will be one of the issues discussed with the tenant in the period running up to the end of the flexible tenancy – see point 10 above.

Further information about how we carry out the financial assessment is included in our Housing Allocations Guidelines. Details of how to obtain a copy of these Guidelines are set out at the end of this document.

15. **The exceptions: when we will still grant secure tenancies after 1 July 2013**

After 1 July 2013 some new tenants will still be offered a secure (lifetime) tenancy. These include:

- 15.1 People who are moving into sheltered housing (this includes new tenants and tenants moving from a 'general needs' home or from other sheltered housing). We will publish a list of properties which are eligible.
- 15.2 People moving into a home specially designed/designated for a special needs group, for example, for people with mental health or learning disabilities.
- 15.3 Existing tenants (whether they have a secure or flexible tenancy) who are 'down-sizing' from three bedroom or larger properties into a two or one bedroom property or tenants who are downsizing from a two bedroom to a one bedroom/bedsit property.
- 15.4 Existing tenants who already had a secure tenancy granted before 1 April 2012 and who transfer to another home owned by Welwyn Hatfield, or another council or housing association. **Important note:** This does not apply to tenants granted a secure tenancy

after 1 April 2012. (The date on which the relevant section of the Localism Act comes into force). It also does not apply to tenants who choose to transfer to a housing association home let on affordable rent¹ terms.

- 15.5 Existing tenants who already had a secure tenancy granted before 1 April 2012 and who arrange to move through the mutual exchange scheme.
Important note on transfers and mutual exchanges: The secure tenancy will not be protected where the property which the secure tenant is moving into is let at affordable rent, intermediate rent, market rent, is a mortgage rescue property or a shared ownership lease.
16. **How can a tenant end a tenancy during the fixed-term of a local authority flexible tenancy?**
A tenant must give four weeks' notice in writing to end a flexible tenancy.
17. **How and when can we end a tenancy during the fixed term of a flexible tenancy?**
Where a tenant breaks their tenancy conditions we will use the same legal measures as for secure tenants.
18. **The process for requesting a review of our decision to grant or end a flexible tenancy**
- 18.1 As required by the Localism Act 2011 we have a review process where there has been a challenge to our decisions about flexible tenancies. The law says that decisions which can be challenged are:
1. The length of flexible tenancy granted. This may only be requested where the length of the term does not reflect the provisions of this Tenancy Policy.
 2. Our decision to end a flexible tenancy at the end of the five-year term.
- Tenants have a right to request a review in these cases.
- 18.2 The review process to be followed when a new tenant disagrees with our decision to grant a five-year flexible tenancy
- 18.2.1 The flexible tenancy will start, to ensure that the tenant secures the property which they successfully bid for through the choice based lettings process. Where the tenant refuses to start the tenancy on the basis offered by us, the property will not be held for them and it will be offered to another bidder.
- 18.2.2 The tenant will have 21 days from the date the tenancy is offered to appeal against the type and/or length of the tenancy being offered. The review procedure will then follow the process set out below in 18.3.3 -18.3.11
- 18.3 The following review process is in place for when a tenant disagrees with our decision not to grant another tenancy at the end of the five year flexible tenancy:

¹ 'Affordable rents' were recently introduced by the government to provide more money to build new social housing. Under the affordable rent scheme housing associations can charge up to 80% of the market rent for selected properties to provide this additional income. All new homes built with government grant must be let on affordable rents and all affordable rent properties must be let on a fixed-term basis.

- 18.3.1 The tenant can seek a review after they have been informed in writing of the decision to end the flexible tenancy.
- 18.3.2 The tenant must request the review at least 21 days before the stated end of the tenancy.
- 18.2.3 Welwyn Hatfield Community Housing Trust will carry out the review on behalf of Welwyn Hatfield Council. In the first instance the tenant may request the review either in writing or by attending a meeting with their Housing Officer or other appropriate representative of the Housing Trust's Housing Management Team. The tenant will be encouraged to provide as much information as possible about the reason/s why they are requesting a review.
- 18.3.4. The Housing Officer will refer the case to Head of Housing Management within 24 hours of being informed by the tenant that they wish to appeal. In the absence of the Head of Housing Management the matter will be referred to the Housing Trust's Director of Operations.
- 18.3.5 The review will be carried out by Housing Trust's Head of Housing Management. If the Head of Housing Management is not available to carry out the review, the review will be carried out by the Director of Operations. The person carrying out the review is known as the Reviewing Officer.
- 18.3.6 The tenant will be asked to complete a Review Form, setting out the reasons for requesting the review. If the tenant has already given all their reasons to the Housing Trust (see 18.2.3 above), the tenant will be required to confirm in writing that they do not wish to add any further information.
- 18.3.7 The tenant may make their own written representation or can ask someone else to do it on their behalf. The tenant will be asked to provide the name and address of the person who is requesting the review on their behalf.
- 18.3.8 The tenant will be required to return the completed Review Form within 14 days of receiving it. However this time limit may be extended, at the discretion of the Reviewing Officer.
- 18.3.9 The reviewing officer will complete their review within 56 days from when the appeal was requested. This may be extended where the tenant's 14 day time limit for completing the Review Form has been exceeded. Where this is extended the Reviewing Officer will notify the tenant of this in writing.
- 18.3.10 When the review has been completed the Reviewing Officer will send the tenant a conclusion letter, setting out the outcome of the review and the reason/s why the review is/is not resulting in a change to the original decision.
- 18.3.11 There are no further stages to the review process and where the tenant disagrees with the outcome of the review we will advise the tenant to seek independent legal advice if they wish to pursue the matter further. This should be included in the conclusion letter.

19. How we will provide information about flexible tenancies

- 19.1 The new approach to flexible tenancies will be promoted by the Housing Trust in 'Your Voice', on the Housing Trust's and Council's websites, and through a poster campaign in the Housing Trust's offices at Bridge Road East and Hatfield Town Centre. The Housing Trust's 'Tenancy and Estate Management Service Standard' will be reviewed in consultation with service users, taking into account the new Tenancy Policy and the government's new Tenancy Standard. Tenants will be signposted to the Service Standard and this Policy document. These will be available in an electronic format from the Housing Trust's and Council's website and hard copy versions can be collected from the local area offices and sheltered housing schemes. Where tenants do not have access to the internet, or are unable to collect a hard copy, the Housing Trust will send a copy of the required publication/s by post.
- 19.2 Advertising properties through Herts Choice Homes
Where a property is designated as sheltered or specialist housing and therefore let on a secure tenancy, this will be indicated in Herts Choice Homes. The Housing Trust will keep an updated list of all properties which will be let on a secure tenancy. This list will be made available on its website and a hard copy can be requested from its area housing offices at Welwyn Garden City and Hatfield.
- 19.3 Providing information to new tenants
We will inform all new tenants of the type of tenancy they will be offered before they sign a Tenancy Agreement. This will be in the form of a letter. The Tenancy Agreement will clearly state the duration of the tenancy, together with details of the process for reviewing and ending tenancies, as set out in this policy.
- 19.4 Advice to tenants during their tenancy
Housing staff will be on hand to advise any tenant who is concerned that their tenancy may be ended. Advice will be given on the likelihood of a flexible tenancy not being renewed, on the basis of details of the household size, composition and circumstances at that time.
20. **Other changes to tenancies arising from the Localism Act 2011**
- 20.1 Succession rules
- 20.1.1 The Localism Act 2011 has changed the criteria for successions of tenancy. From 1 July 2013 all new Council tenants may only have one succession and this can only be to a spouse or partner. There will be no rights of succession to other family members.
- 20.1.2 Secure tenancies which began before 1 July 2013 will keep their existing rights to succession.

20.2 Demoted tenancies

20.2.1 What is a demoted tenancy?

Where a secure tenant does not keep to the terms of their Tenancy Agreement because they are engaging in anti-social behaviour, we may apply to the court for the tenancy to be demoted. If the court makes a Demotion Order the tenant is allowed to remain in their home, but they lose security of tenure, for a period specified by the courts. The Demotion Order will set out how the tenant will be expected to behave during the term of the demoted tenancy. Applying for a Demotion Order is only one of many types of court action we can take when a tenant does not keep to the terms of their Tenancy Agreement.

20.2.2 What happens at the end of a demoted tenancy?

If the tenant keeps to the terms of the Demotion Order, at the end of the demotion period the tenancy will either be:

1. Restored to a secure tenancy - where the tenant was a secure tenant before the tenancy was demoted or
2. Restored to a flexible tenancy - where the tenant had a flexible tenancy before the tenancy was demoted

20.2.3 How the demotion period counts towards the five-year term of a flexible tenancy:

When a flexible tenancy is re-instated following the successful completion of the demotion period we will include the demotion period in the overall length of the flexible tenancy. An example of how this works is shown below:

Length of flexible tenancy	= 5 years
Age of flexible tenancy when tenancy is demoted	= 2 years
Length of demoted tenancy (successfully completed)	= 1 year
Time remaining of flexible tenancy after demotion	= 2 years

We will explain this process before, during and at the end of the demotion period and provide written confirmation of this at the beginning and the end of the demotion period.

20.2.4 What happens if the tenant does not keep to the terms of the Demotion Order?

Where the tenant does not keep to the terms of the Demotion Order we will apply to the courts to end the tenancy and evict the tenant.

22. Stakeholder consultation and equality review

This Policy, the new Tenancy Agreement and Service Standard have been approved by Welwyn Hatfield Council's Tenants Panel. It has also been approved by residents who took part in a special consultation sessions. This has given residents the opportunity to review the policy, taking into account equality and diversity issues. The Housing Trust's Tenancy and Neighbourhood Management Service Standard will be reviewed on an annual basis in partnership with tenants. Any issues identified as a result of these processes are reflected in the final version of this Policy and will be taken into account when the Policy is reviewed on an ongoing basis.

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Tenancy Policy

1. **Date of policy:** April 2012, reviewed November 2017
2. **Next Policy Review date:** ~~Annual~~ December 2019
3. **Responsibility:** Executive Director of ~~Operations~~ Housing & Community Services

4. Scope of Policy

~~4.1— Welwyn Hatfield Community Housing Trust (the managing agent) delivers housing and related services on behalf of Welwyn Hatfield Council (the landlord). This Policy sets out which tenancies~~ tenancy types ~~Welwyn Hatfield Community Housing Trust, working on behalf of Welwyn Hatfield Council, council~~ will offer to new ~~council~~ tenants of its own stock from 1 July 2013 onwards. ~~— and has been updated to reflect the start of the first flexible tenancy reviews.~~

~~4.2—~~ This Policy sets out how flexible tenancies will be used, as provided for by the Localism Act 2011. ~~The Policy includes details of information on~~ when a flexible tenancy will be granted and when it will be brought to an end.

~~4.3—~~ This Policy also sets out how other tenancy-related changes will be dealt with, as provided for in the Localism Act 2011. ~~These include changes to the rules about tenancy successions and demotions.~~

5. References to other Policies

Welwyn Hatfield Council has published an Allocations Policy and a Tenancy Strategy. These should be read in conjunction with the Tenancy Policy. A copy of each of these policies can be obtained from Welwyn Hatfield Council's website www.welhat.gov.uk ~~or the Housing Trust's website www.welhat-cht.org.uk~~. Printed versions of these policies can also be requested by contacting a local housing office at ~~51 Bridge Road~~ the Council Offices, Campus East, Welwyn Garden City or ~~30-32 Hatfield Housing Office, white Lion House,~~ Town Centre, Hatfield.

6. Introduction

~~6.1— Welwyn Hatfield Community Housing Trust (the Housing Trust) manages the homes owned by Welwyn Hatfield Council (the Council). All social landlords (including local authorities and housing associations) are required to comply with the provisions set out in the Localism Act 2011. The Act makes provision for social landlords to offer 'fixed term' tenancies (housing associations) or 'flexible' tenancies (local authority landlords).~~

Unlike the previous secure tenancies granted by local authorities, the new flexible tenancies will not offer a home for life and will be granted for a fixed period of time, after which the tenant's circumstances will be reviewed.

Welwyn Hatfield ~~Council has published a~~ Borough Council's Tenancy Strategy ~~which~~ sets out guidance for all social landlords in the borough about the use of flexible tenancies (council owned homes) and fixed term tenancies (housing associations). -This Policy complies with the guidance set out in the Tenancy Strategy.

~~The government has published a new Tenancy Standard.~~ This policy meets the requirements of the Tenancy Standard.

This Policy sets out:

- ◇ Our approach to using flexible tenancies.
- ◇ The type of information which we will provide to new tenants and housing applicants, to inform them of the new flexible tenancies and the circumstances in which they will be granted.
- ◇ When we will end a flexible tenancy ~~and~~ & the process ~~which that~~ which that will be followed ~~when a flexible tenancy is being ended.~~
- ◇ The arrangements for tenants who are transferring to another tenancy (either with the same or another social landlord) and what will happen when a mutual exchange takes place.
- ◇ Information about tenants' rights to request a review of our decision to grant or end a flexible tenancy.
- ◇ Details of changes to the way in which we manage successions of tenancy and tenancy demotions, following changes to the law.

~~The Council's Tenancy Agreement has been reviewed to reflect the changes to the law.~~ The Tenancy Agreement sets out in detail the ~~Housing Trust's/Council's~~ council obligations to tenants in relation to all aspects of the tenancy, including arrangements for granting and ending a flexible tenancy.

7. Who this Policy applies to

~~The new arrangements for creating flexible~~ Flexible tenancies ~~will~~ apply only to new tenants.- However the Policy should also be read by existing tenants so that they are aware of what will happen if they move to another home ~~whether it that~~ whether it that is owned by ~~their current landlord (the Council) or another social landlord.~~ council.

8. What tenancies will we offer new tenants?

From 1 July 2013 most new council tenants ~~will be~~ are granted a five-year flexible tenancy. ~~However~~ however some tenants ~~will~~ continue to be granted a secure council tenancy. ~~A secure council tenancy will be granted where the property into which they are moving is sheltered accommodation or other accommodation which has been specially designed or adapted to meet a households member's needs, for example a long-term disability. We will publish an up to date list of all the council homes for which a life-time secure tenancy will be given. Tenants will be notified in writing by us of the type of tenancy which they will be given. We will also offer a secure tenancy to tenants who are 'downsizing' from larger to smaller accommodation, where the smaller accommodation has two bedrooms or less.~~

We will inform all new tenants of the type of tenancy they will be offered before they sign a Tenancy Agreement. This will be in the form of a letter. The Tenancy Agreement will clearly state the duration of the tenancy, together with details of the process for reviewing and ending tenancies, as set out in this policy.

~~9. What happens when the five-year term of a flexible tenancy has elapsed?~~

~~At the end of the five year term of the tenancy the tenant will either:~~

~~9.1 Be allowed to stay in their home — where this is the case they will be granted a new five-year flexible tenancy — or~~

~~9.2 Be asked to move to a smaller home — where they no longer need the size of home they are living in, for example where children have grown up and left home — or~~

~~9.3 Be asked to move out of their home and either rent a home privately or buy a home (this could include buying a home through shared ownership or another form of low cost home ownership).~~

~~10. When will tenants find out what will happen at the end of the five-year term?~~

~~During the last year of a five-year flexible tenancy a number of things will happen:~~

~~10.1 10-12 months before the end of the five year term~~

~~We will advise tenants in writing that we are going to review the tenant's household circumstances to identify whether or not their home still meets their needs. A visit may be carried out to the tenant's home to find out more information as part of this process. The tenant will be asked to give the reason/s why they should be able to remain in their home and we will work with the tenant to identify the best possible housing solution for the tenant and their household.~~

~~10.2 No later than 6 months before the end of the five year term~~

~~We will advise tenants in writing of our decision. The decision may be to:~~

- ~~➔ Grant a new five-year tenancy — or~~
- ~~➔ End the flexible tenancy/require the tenants move to smaller socially rented accommodation (subject to availability of smaller accommodation).~~

~~Where the decision has been made to end the tenancy we will:~~

- ~~➔ Give the reason/s for our decision.~~
- ~~➔ Provide information on the tenant's right to request a review of our decision and the date by which the tenant must request the review.~~
- ~~➔ Offer the tenant a meeting with a Housing Officer to discuss our decision and other housing options for the tenant. Other options could include low cost home ownership, intermediate/market rent properties owned by a social landlord or private rented properties.~~

~~Provide a written guide on other housing options:~~

- ~~➔ ~~Where~~ a tenant is moving to a smaller home, provide support and assistance, as available at the time of the move.~~

~~10.3 No later than 10 weeks before the end of the five year term~~

- ~~➔ We will write to the tenant, giving formal notice that the tenancy will end and the earliest date that the tenancy will end.~~
- ~~➔ The tenant will be given information on how to seek a review against our decision.~~

- We will offer to arrange a meeting between the tenant and their Housing Officer or Housing Options Officer to discuss their future housing options as set out in 10.2 above.

Tenants may be referred to outside agencies that will be able to give the tenant professional, specialist advice, based on their individual circumstances. This could include an independent financial advisor or the Citizens Advice Bureau.

- We will begin court proceedings to end the tenancy.
- Where a tenant is moving to a smaller home, we will provide support and assistance, as available at the time of the move.

11. The legal process for ending a flexible tenancy

11.1 We will have to apply to the court to end the tenancy.

11.2 The court can only refuse to give possession back to us where we have not followed the correct procedure as set out above, or where the court is of the view that our decision is not lawful.

12. Where a new tenancy is being granted

We will make arrangements for the tenant to sign a new five-year Tenancy Agreement.

13. Where the tenant is required to move to smaller accommodation

- We will offer the tenant a meeting if they require it, or written information on the process for applying for smaller accommodation.
- We will offer to provide help in bidding for another property through its choice based lettings scheme 'Herts Choice Homes'.

We will provide assistance in moving. The type of assistance provided will depend upon Housing Trust policy at the time the move takes place.

14. Under what circumstances will the Housing Trust end a flexible tenancy at the end of the five-year term?

14.1 Under occupation of the property

The main reason for ending a flexible tenancy will be where the property is under-occupied. In deciding whether the property is under-occupied we will take into account the needs of the household members, local housing need and availability of housing. Generally households will not be able to remain in the property where they have two or more spare bedrooms, however each case will be considered on its own merit. The Housing Trust will discuss the household's requirements with the tenant and assess the size of the property and family composition. The assessment will also consider whether any adaptations or special features to the property are still needed and if so, whether they can be carried out to another (smaller) property.

Note: In the event that a new tenancy is offered in a property where there is one spare bedroom and where the tenant is of working age, they will be advised by their Housing Officer that whilst we will grant a new five-year flexible tenancy, if they are on receipt of Housing Benefit they will, except in extenuating circumstances, be on a reduced benefit rate. This is because of changes to the welfare benefit system introduced by the government. On this basis the tenant may decide to apply to transfer to a smaller home. Where they do so, they may be given a secure tenancy in their new home. (Please refer to point 15.3)

14.2 Breach of tenancy conditions

~~A flexible tenancy may be ended where there is formal legal action being taken against the tenant by us because they have breached the terms of their tenancy agreement. This will apply only where a Suspended or Full Possession Order has been awarded. In the case of a Suspended Possession Order (SPO) this can be grounds for ending a flexible tenancy where the terms of the SPO are not being met by the tenant and the Housing Trust's intention is to apply for a Full Possession Order~~

~~14.3 Financial circumstances~~

~~We may end a flexible tenancy where the applicant has sufficient resources to provide their own accommodation, taking into account current market conditions. This process will include taking into account any special circumstances which the household may have, for example, disability or other support requirements.~~

~~In carrying out our assessment we will consider the following:~~

- ~~➤ Household income, including benefits and pensions~~
- ~~➤ Savings and investments~~
- ~~➤ Household size and circumstances~~
- ~~➤ Type of property and size needed to meet the household's needs~~
- ~~➤ Outstanding debts~~
- ~~➤ Ability of the applicant to secure a mortgage~~

~~We will look further at a tenant's financial situation where the household's income or savings have reached set levels. These are regularly reviewed and can be viewed on our website.~~

~~Where the tenant's income or savings exceed the levels set, but where there are reasons why it would not be possible for the tenant to secure a mortgage for a house purchase, other options may be explored. These include private renting and other home ownership options, such as shared ownership and government backed equity schemes.~~

~~A tenant's financial circumstances will be one of the issues discussed with the tenant in the period running up to the end of the flexible tenancy — see point 10 above.~~

~~Further information about how we carry out the financial assessment is included in our Housing Allocations Guidelines. Details of how to obtain a copy of these Guidelines are set out at the end of this document.~~

~~15. The exceptions: when we will still grant secure tenancies after 1 July 2013~~

~~After 1 July 2013 some Some new tenants will still be offered a secure (lifetime) tenancy. These include:~~

- ~~◇ People who are moving into sheltered housing (this includes new tenants and tenants moving from a 'general needs' home or from other sheltered housing).~~
- ~~◇ People moving into a home specially adapted for their needs.~~
- ~~◇ People moving into a home specially designed/designated for a special needs group, for example, for people with mental health or learning disabilities.~~
- ~~◇ Existing tenants (whether they have a secure or flexible tenancy) who are 'down-sizing' from three bedroom or larger properties into a two or one bedroom property or tenants who are downsizing from a two bedroom to a one bedroom/bedsit property.~~

~~15.1 People who are moving into sheltered housing (this includes new tenants and tenants moving from a 'general needs' home or from other sheltered housing). We will publish a list of properties which are eligible.~~

~~◇ 15.2 People moving into a home specially designed/designated for a special needs group, for example, for people with mental health or learning disabilities.~~

~~◇ 15.4 Existing tenants who already had a secure tenancy granted before 1 April 2012 and who transfer to another home owned by Welwyn Hatfield, or another council or housing association.~~

Important note: This does not apply to tenants granted a secure tenancy after 1 April 2012. (The date on which the relevant section of the Localism Act comes into force). It also does not apply to tenants who choose to transfer to a housing association home let on affordable rent⁺ terms.

~~◇ 15.5 Existing tenants who already had a secure tenancy granted before 1 April 2012 and who arrange to move through the mutual exchange scheme.~~

Important note on transfers and mutual exchanges: The secure tenancy will not be protected where the property which the secure tenant is moving into is let at affordable rent, intermediate rent, market rent, is a mortgage rescue property or a shared ownership lease.

~~16.10. How can a tenant end their tenancy during with the fixed term of Council?~~

~~Where a local authority tenant wants to end their tenancy, whether secure or flexible tenancy? A tenant, they must give four weeks' notice in writing to the council. The council expects to be able to visit the tenant during the notice period to carry out a property inspection and advise the outgoing tenant of their responsibilities.~~

~~Where end less than four weeks' notice is given, the council will charge four weeks' rent in lieu of notice. This charge may be waived on a flexible tenancy. case by case basis.~~

~~17~~

~~11. How and when can we the council end a tenancy during the fixed term of a flexible tenancy?~~

~~Where a tenant breaks their tenancy conditions we will use the same legal measures as for secure tenants.~~

~~12. What happens when the term of the flexible tenancy has elapsed?~~

~~12.1 There are three possible outcomes at the end of the tenancy term:~~

~~The tenant will be allowed to stay in their home – where this is the case they will be granted a new flexible tenancy~~

~~Or~~

~~The tenant will be asked to move to a smaller home – where this is the case, they will be offered a flexible tenancy at a new property~~

⁺ 'Affordable rents' were recently introduced by the government to provide more money to build new social housing. Under the affordable rent scheme housing associations can charge up to 80% of the market rent for selected properties to provide this additional income. All new homes built with government grant must be let on affordable rents and all affordable rent properties must be let on a fixed term basis.

Or

The tenant will be asked to move out of their home and find alternative accommodation via low cost home ownership, intermediate/market rent properties from a social landlord, or private rented properties.

12.2 During the last year of a flexible tenancy, the sequence of events is:

Nine months before the end of the term

We will advise tenants in writing that we are going to review the tenant's household circumstances to identify whether or not their home still meets their needs, we will work with the tenant to identify the best possible housing solution for the tenant and their household.

No later than six months before the end of the term

We will advise tenants in writing of our decision in ALL cases no matter what the decision we will serve a Notice. This is the six-month notice.

No later than 10 weeks before the end of the term for those tenants who are required to move to smaller accommodation OR where the decision is to end the tenancy.

We will write to the tenant, giving formal notice that the tenancy will end and the date that the fixed term will end. This is the two-month notice.

At the end of the tenancy term, where the decision is to end the tenancy

We will begin court proceedings to regain possession of the property. We will have to apply to the court to end the tenancy. We can only start this process when the five year term ends. The court can only refuse to give possession back to us where we have not followed the correct procedure regarding the service of the six-month notice and the two-month notice as set out above, or where the court is of the view that our decision is not lawful.

12.3 Two year flexible tenancies

Where the tenant is required to move to smaller accommodation but has been unable to find a suitable new home, the council may offer a further flexible tenancy for a term of two years at the same property during which time the tenant would be expected to move. This tenancy will be subject to a review in the last year of the term following this policy. At the end of the two year term, if the tenant has not moved to suitable alternative accommodation, the tenancy will be ended.

13. How will we make our decision on ending a flexible tenancy at the end of the term?

13.1 Under-occupation of the property

The property is under occupied by two or more bedrooms.

OR

The property is adapted and the family member who required that adaptation no longer lives there.

We will take the opportunity to remind all tenants that if they are under occupied, they may be subject to the spare room subsidy (bedroom tax).

13.2 Breach of tenancy conditions

A breach of the tenancy where formal legal action is underway or being considered.

OR

Cases where a court order has already been obtained and either suspended or adjourned on terms whether or not that order has been breached.

OR

Where a full possession order has been obtained but not yet enforced.

13.3 Financial circumstances

Where the tenant is considered to have sufficient resources to provide their own accommodation, taking into account current market conditions. We will use the information in the Housing Allocations Guidelines when assessing the tenants' income and savings.

14.18. The process for requesting a review of our decision to grant or end a flexible tenancy

~~18.1~~—As required by the Localism Act 2011 we have a review process where there has been a challenge to our decisions about flexible tenancies. The law says that decisions which can be challenged are:

1. The length of flexible tenancy granted. This may only be requested where the length of the term does not reflect the provisions of this Tenancy Policy.
2. Our decision to end a flexible tenancy at the end of the five-year term.

Tenants have a right to request a review in these cases.

~~18.2~~—The review process to be followed when a new tenant disagrees with our decision to grant a five-year flexible tenancy

~~18.2.1~~—The flexible tenancy will start, to ensure that the tenant secures the property which they successfully bid for through the choice based lettings process. Where the tenant refuses to start the tenancy on the basis offered by us, the property will not be held for them and it will be offered to another bidder.

~~18.2.2~~—The tenant will have 21 days from the date the tenancy is offered to appeal against the type and/or length of the tenancy being offered. The review procedure will then follow the process set out below in 18.3.3–18.3.11

~~18.3~~—The following review process is in place for when a tenant disagrees with our decision not to grant another tenancy at the end of the five-year flexible tenancy:

~~18.3.1~~—The tenant can seek a review after they have been informed in writing of the decision to end the flexible tenancy.

~~18.3.2~~—The tenant must request the review at least 21 days before the stated end of the tenancy.

~~18.2.3~~—Welwyn Hatfield Community Housing Trust will carry out the review on behalf of Welwyn Hatfield Council. In the first instance the tenant may request the review either in writing or by attending a meeting with their Housing Officer or other appropriate representative of the Housing Trust's Housing Management Team. The tenant will be encouraged to provide as much information as possible about the reason/s why they are requesting a review.

~~18.3.4~~—The Housing Officer will refer the case to Head of Housing Management within 24 hours of being informed by the tenant that they wish to appeal. In the absence of the Head of Housing Management the matter will be referred to the Housing Trust's Director of Operations.

~~18.3.5~~—The review will be carried out by Housing Trust's Head of Housing Management. If the Head of Housing Management is not available to carry out the review, the review will be carried out by the Director of Operations. The person carrying out the review is known as the Reviewing Officer.

- ~~18.3.6~~ — The tenant will be asked to complete a Review Form, setting out the reasons for requesting the review. If the tenant has already given all their reasons to the Housing Trust (see 18.2.3 above), the tenant will be required to confirm in writing that they do not wish to add any further information.
- ~~18.3.7~~ — The tenant may make their own written representation or can ask someone else to do it on their behalf. The tenant will be asked to provide the name and address of the person who is requesting the review on their behalf.
- ~~18.3.8~~ — The tenant will be required to return the completed Review Form within 14 days of receiving it. However this time limit may be extended, at the discretion of the Reviewing Officer.
- ~~18.3.9~~ — The reviewing officer will complete their review within 56 days from when the appeal was requested. This may be extended where the tenant's 14 day time limit for completing the Review Form has been exceeded. Where this is extended the Reviewing Officer will notify the tenant of this in writing.
- ~~18.3.10~~ — When the review has been completed the Reviewing Officer will send the tenant a conclusion letter, setting out the outcome of the review and the reason/s why the review is/is not resulting in a change to the original decision.
- ~~18.3.11~~ — There are no further stages to the review process and where the tenant — disagrees with the outcome of the review we will advise the tenant to seek — independent legal advice if they wish to pursue the matter further. This should — be included in the conclusion letter.

19. — How we will provide information about flexible tenancies

- ~~19.1~~ — The new approach to flexible tenancies will be promoted by the Housing Trust in 'Your Voice', on the Housing Trust's and Council's websites, and through a poster campaign in the Housing Trust's offices at Bridge Road East and Hatfield Town Centre. The Housing Trust's 'Tenancy and Estate Management Service Standard' will be reviewed in consultation with service users, taking into account the new Tenancy Policy and the government's new Tenancy Standard. Tenants will be signposted to the Service Standard and this Policy document. These will be available in an electronic format from the Housing Trust's and Council's website and hard copy versions can be collected from the local area offices and sheltered housing schemes. Where tenants do not have access to the internet, or are unable to collect a hard copy, the Housing Trust will send a copy of the required publication/s by post.
- ~~19.2~~ — Advertising properties through Herts Choice Homes
— Where a property is designated as sheltered or specialist housing and therefore let on a — secure tenancy, this will be indicated in Herts Choice Homes. The Housing Trust will — keep an updated list of all properties which will be let on a secure tenancy. This list will be — made available on its website and a hard copy can be requested from its area housing — offices at Welwyn Garden City and Hatfield.

— Providing information to new tenants

~~We will inform all new tenants of the type of tenancy they will be offered before they sign a Tenancy Agreement. This will be in the form of a letter. The Tenancy Agreement will clearly state the duration of the tenancy, together with details of the process for reviewing and ending tenancies, as set out in this policy.~~

~~19.3 Advice to tenants during their tenancy~~

~~Housing staff will be on hand to advise any tenant who is concerned that their tenancy may be ended. Advice will be given on the likelihood of a flexible tenancy not being renewed, on the basis of details of the household size, composition and circumstances at that time.~~

2015. Other changes to tenancies arising from the Localism Act 2011

2015.1 Succession rules

20.1.1—The Localism Act 2011 has changed the criteria for successions of tenancy. From 1 July 2013 all new ~~Council~~council tenants may only have one succession and this can only be —to a spouse or partner. There will be no rights of succession to other family —members.

20.1.2—Secure tenancies which began before 1 July 2013 will keep their existing rights to succession.

20

15.2 Demoted tenancies

20.2.1—What is a demoted tenancy?

Where a secure tenant does not keep to the terms of their Tenancy Agreement because they are engaging in anti-social behaviour, we may apply to the court for the tenancy to be demoted. If the court makes a Demotion Order the tenant is allowed to remain in their home, but they lose security of tenure, for a period specified by the courts. The Demotion Order will set out how the tenant will be expected to behave during the term of the demoted tenancy. Applying for a Demotion Order is only one of many types of court action we can take when a tenant does not keep to the terms of their Tenancy Agreement.

20.2.2 What happens at the end of a demoted tenancy?

If the tenant keeps to the terms of the Demotion Order, at the end of the demotion period the tenancy will either be:

- ◇ Restored to a secure tenancy - -where the tenant was a secure tenant before the tenancy was demoted or
- ◇ Restored to a flexible tenancy - where the tenant had a flexible tenancy before the tenancy was demoted

20.2.3—How the demotion period counts towards the five-year term of a flexible tenancy:

When a flexible tenancy is re-instated following the successful completion of the demotion period we will include the demotion period in the overall length of the flexible tenancy. An example of how this works is shown below:

Length of flexible tenancy	= 5 years
Age of flexible tenancy when tenancy is demoted	= 2 years
Length of demoted tenancy (successfully completed)	= 1 year
Time remaining of flexible tenancy after demotion	= 2 years

We will explain this process before, during and at the end of the demotion period and provide written confirmation of this at the beginning and the end of the demotion period.

~~20.2.4~~ What happens if the tenant does not keep to the terms of the Demotion

Order?

Where the tenant does not keep to the terms of the Demotion Order we will apply to the courts to end the tenancy and evict the tenant.

16. Stakeholder consultation and equality review

This updated Policy, ~~the new Tenancy Agreement and Service Standard have~~ has been approved by Welwyn Hatfield ~~Council's~~ Council Tenants Panel. ~~It has~~ The 2012 version was also ~~been~~ approved by residents who took part in a special consultation sessions. ~~This has given which gave~~ residents the opportunity to review the policy, taking into account equality and diversity issues. ~~The Housing Trust's Tenancy and Neighbourhood Management Service Standard will be reviewed on an annual basis in partnership with tenants. Any issues identified as a result of these processes are reflected in the final version of this Policy and will be taken into account when the Policy is reviewed on an ongoing basis.~~

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Tenancy Policy

1. **Date of policy:** April 2012, reviewed November 2017
2. **Next Policy Review date:** December 2019
3. **Responsibility:** Executive Director of Housing & Community Services
4. **Scope of Policy**

This Policy sets out which tenancy types Welwyn Hatfield council will offer to new tenants of its own stock from 1 July 2013 onwards and has been updated to reflect the start of the first flexible tenancy reviews.

This Policy sets out how flexible tenancies will be used, as provided for by the Localism Act 2011. The Policy includes information on when a flexible tenancy will be granted and when it will be brought to an end.

This Policy also sets out how other tenancy-related changes will be dealt with, as provided for in the Localism Act 2011. These include changes to the rules about tenancy successions and demotions.

5. **References to other Policies**

Welwyn Hatfield Council has published an Allocations Policy and an Overcrowding and under occupation Strategy. These should be read in conjunction with the Tenancy Policy. A copy of each of these policies can be obtained from Welwyn Hatfield Council's website www.welhat.gov.uk. Printed versions of these policies can also be requested by contacting a housing office at the Council Offices, Campus East, Welwyn Garden City or Hatfield Housing Office, white Lion House, Town Centre, Hatfield.

6. **Introduction**

All social landlords (including local authorities and housing associations) are required to comply with the provisions set out in the Localism Act 2011. The Act makes provision for social landlords to offer 'fixed term' tenancies (housing associations) or 'flexible' tenancies (local authority landlords). Unlike the previous secure tenancies granted by local authorities, the new flexible tenancies will not offer a home for life and will be granted for a fixed period of time, after which the tenant's circumstances will be reviewed.

Welwyn Hatfield Borough Council's Tenancy Strategy sets out guidance for all social landlords in the borough about the use of flexible tenancies (council owned homes) and fixed term tenancies (housing associations). This Policy complies with the guidance set out in the Tenancy Strategy.

This policy meets the requirements of the Tenancy Standard.

This Policy sets out:

- ◇ Our approach to using flexible tenancies.

- ◇ The type of information which we will provide to new tenants and housing applicants, to inform them of the new flexible tenancies and the circumstances in which they will be granted.
- ◇ When we will end a flexible tenancy & the process that will be followed.
- ◇ The arrangements for tenants who are transferring to another tenancy (either with the same or another social landlord) and what will happen when a mutual exchange takes place.
- ◇ Information about tenants' rights to request a review of our decision to grant or end a flexible tenancy.
- ◇ Details of changes to the way in which we manage successions of tenancy and tenancy demotions, following changes to the law.

The Tenancy Agreement sets out in detail the council obligations to tenants in relation to all aspects of the tenancy, including arrangements for granting and ending a flexible tenancy.

7. **Who this Policy applies to**

Flexible tenancies apply only to new tenants. However the Policy should also be read by existing tenants so that they are aware of what will happen if they move to another home that is owned by the council.

8. **What tenancies will we offer new tenants?**

From 1 July 2013 most new council tenants are granted a five-year flexible tenancy however some tenants continue to be granted a secure council tenancy.

We will inform all new tenants of the type of tenancy they will be offered before they sign a Tenancy Agreement. This will be in the form of a letter. The Tenancy Agreement will clearly state the duration of the tenancy, together with details of the process for reviewing and ending tenancies, as set out in this policy.

9 **The exceptions: when we will still grant secure tenancies after 1 July 2013**

Some new tenants will still be offered a secure (lifetime) tenancy. These include:

- ◇ People who are moving into sheltered housing (this includes new tenants and tenants moving from a 'general needs' home or from other sheltered housing).
- ◇ People moving into a home specially adapted for their needs.
- ◇ People moving into a home specially designed/designated for a special needs group, for example, for people with mental health or learning disabilities.
- ◇ Existing tenants (whether they have a secure or flexible tenancy) who are 'down-sizing' from three bedroom or larger properties into a two or one bedroom property or tenants who are downsizing from a two bedroom to a one bedroom/bedsit property.
- ◇ Existing tenants who already had a secure tenancy granted before 1 April 2012 and who transfer to another home owned by Welwyn Hatfield.

Important note: This does not apply to tenants granted a secure tenancy after 1 April 2012.

- ◇ Existing tenants who already had a secure tenancy granted before 1 April 2012 and who arrange to move through the mutual exchange scheme.

Important note on transfers and mutual exchanges: The secure tenancy will not be protected where the property which the secure tenant is moving into is let at affordable rent, intermediate rent, market rent, is a mortgage rescue property or a shared ownership lease.

10. **How can a tenant end their tenancy with the Council?**

Where a tenant wants to end their tenancy, whether secure or flexible, they must give four weeks' notice in writing to the council. The council expects to be able to visit the tenant during the notice period to carry out a property inspection and advise the outgoing tenant of their responsibilities.

Where less than four weeks' notice is given, the council will charge four weeks' rent in lieu of notice. This charge may be waived on a case by case basis.

11. **How and when can the council end a tenancy during the fixed term of a flexible tenancy?**

Where a tenant breaks their tenancy conditions we will use the same legal measures as for secure tenants.

12. **What happens when the term of the flexible tenancy has elapsed?**

12.1 **There are three possible outcomes at the end of the tenancy term:**

The tenant will be allowed to stay in their home – where this is the case they will be granted a new flexible tenancy

Or

The tenant will be asked to move to a smaller home – where this is the case, they will be offered a flexible tenancy at a new property

Or

The tenant will be asked to move out of their home and find alternative accommodation via low cost home ownership, intermediate/market rent properties from a social landlord, or private rented properties.

12.2 **During the last year of a flexible tenancy, the sequence of events is:**

Nine months before the end of the term

We will advise tenants in writing that we are going to review the tenant's household circumstances to identify whether or not their home still meets their needs, we will work with the tenant to identify the best possible housing solution for the tenant and their household.

No later than six months before the end of the term

We will advise tenants in writing of our decision in ALL cases no matter what the decision we will serve a Notice. This is the six-month notice.

No later than 10 weeks before the end of the term for those tenants who are required to move to smaller accommodation OR where the decision is to end the tenancy.

We will write to the tenant, giving formal notice that the tenancy will end and the date that the fixed term will end. This is the two-month notice.

At the end of the tenancy term, where the decision is to end the tenancy

We will begin court proceedings to regain possession of the property. We will have to apply to the court to end the tenancy. We can only start this process when the five year term ends. The court can only refuse to give possession back to us where we have not followed the correct procedure regarding the service of the six-month notice and the two-month notice as set out above, or where the court is of the view that our decision is not lawful.

12.3 **Two year flexible tenancies**

Where the tenant is required to move to smaller accommodation but has been unable to find a suitable new home, the council may offer a further flexible tenancy for a term of two years at the same property during which time the tenant would be expected to move. This tenancy will be subject to a review in the last year of the term following this policy. At the

end of the two year term, if the tenant has not moved to suitable alternative accommodation, the tenancy will be ended.

13. How will we make our decision on ending a flexible tenancy at the end of the term?

13.1 Under-occupation of the property

The property is under occupied by two or more bedrooms.

OR

The property is adapted and the family member who required that adaptation no longer lives there.

We will take the opportunity to remind all tenants that if they are under occupied, they may be subject to the spare room subsidy (bedroom tax).

13.2 Breach of tenancy conditions

A breach of the tenancy where formal legal action is underway or being considered.

OR

Cases where a court order has already been obtained and either suspended or adjourned on terms whether or not that order has been breached.

OR

Where a full possession order has been obtained but not yet enforced.

13.3 Financial circumstances

Where the tenant is considered to have sufficient resources to provide their own accommodation, taking into account current market conditions. We will use the information in the Housing Allocations Guidelines when assessing the tenants' income and savings.

14. The process for requesting a review of our decision to grant or end a flexible tenancy

As required by the Localism Act 2011 we have a review process where there has been a challenge to our decisions about flexible tenancies. The law says that decisions which can be challenged are:

1. The length of flexible tenancy granted. This may only be requested where the length of the term does not reflect the provisions of this Tenancy Policy.
2. Our decision to end a flexible tenancy at the end of the five-year term.

Tenants have a right to request a review in these cases.

15. Other changes to tenancies arising from the Localism Act 2011

15.1 Succession

The Localism Act 2011 has changed the criteria for successions of tenancy. From 1 July 2013 all new council tenants may only have one succession and this can only be to a spouse or partner. There will be no rights of succession to other family members.

Secure tenancies which began before 1 July 2013 will keep their existing rights to succession.

15.2 Demoted tenancies

What is a demoted tenancy?

Where a secure tenant does not keep to the terms of their Tenancy Agreement because they are engaging in anti-social behaviour, we may apply to the court for the tenancy to be demoted. If the court makes a Demotion Order the tenant is allowed to remain in their home, but they lose security of tenure, for a period specified by the courts. The Demotion Order will set out how the tenant will be expected to behave during the term of the demoted

tenancy. Applying for a Demotion Order is only one of many types of court action we can take when a tenant does not keep to the terms of their Tenancy Agreement.

What happens at the end of a demoted tenancy?

If the tenant keeps to the terms of the Demotion Order, at the end of the demotion period the tenancy will either be:

- ◇ Restored to a secure tenancy - where the tenant was a secure tenant before the tenancy was demoted *or*
- ◇ Restored to a flexible tenancy - where the tenant had a flexible tenancy before the tenancy was demoted

How the demotion period counts towards the five-year term of a flexible tenancy:

When a flexible tenancy is re-instated following the successful completion of the demotion period we will include the demotion period in the overall length of the flexible tenancy. An example of how this works is shown below:

Length of flexible tenancy	= 5 years
Age of flexible tenancy when tenancy is demoted	= 2 years
Length of demoted tenancy (successfully completed)	= 1 year
Time remaining of flexible tenancy after demotion	= 2 years

We will explain this process before, during and at the end of the demotion period and provide written confirmation of this at the beginning and the end of the demotion period.

What happens if the tenant does not keep to the terms of the Demotion Order?

Where the tenant does not keep to the terms of the Demotion Order we will apply to the courts to end the tenancy and evict the tenant.

16. Stakeholder consultation and equality review

This updated Policy has been approved by Welwyn Hatfield Council Tenants Panel. The 2012 version was also approved by residents who took part in a special consultation sessions which gave residents the opportunity to review the policy, taking into account equality and diversity issues.

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Flexible Tenancy Review Procedure

Effective from: December 2017
Next review date: December 2019

1. Introduction

The review and decision at the end of a flexible tenancy should not present any surprises for the tenant or the Council. It should not be used to compensate for a failure to manage issues which have arisen during the course of the tenancy but not been addressed.

2. Possession and flexible tenancies

The expiry of the flexible tenancy presents an opportunity for Welwyn Hatfield Borough Council to obtain possession, without having to prove grounds at a hearing. In order to ensure we are compliant with the notice requirements, the review must be complete and the relevant notice served no later than six months before the expiry date of the tenancy. We will serve six-month notices on all flexible term tenants, even if we are minded to offer a further tenancy at the same property. This enables us to seek possession at the end of the fixed term, should there be a tenancy breach after the flexible tenancy review decision has been made. We will always explain why we are serving the notice, what we are minded to do and what we expect of tenants during the last 6 months of their flexible tenancy. The two-month notice will only be served where we are requiring the tenant to move or are ending the tenancy.

3. What are the outcomes when the tenancy is reviewed?

There are three possible outcomes at the end of the five year term, either the tenant will:

1. Be allowed to stay in their home – where this is the case they will be granted a new five-year flexible tenancy
Or
2. Be asked to move to a smaller home – where this is the case, they will be offered a five year flexible tenancy at a new property
Or
3. Be asked to move out of their home and find alternative accommodation via low cost home ownership, intermediate/market rent properties from a social landlord, or private rented properties.

4. What date does the fixed term end?

The flexible tenancy is for a term of five years. As we only work on whole weeks in our current business processes, this means all tenancies need to end on a Sunday and cannot end mid-week.

For example, if a tenancy started on the Monday of week 37, this means that in five years' time the tenancy will end on the Sunday of week 36.

5. When will tenants find out what will happen at the end of the five year term?

During the last year of a five year flexible tenancy, the sequence of events is:

Nine months before the end of the five-year term

We will advise tenants in writing that we are going to review the tenant's household circumstances to identify whether or not their home still meets their needs. A visit may be carried out to the

tenant's home to find out more information as part of this process. The tenant will be asked to give the reason/s why they should be able to remain in their home and we will work with the tenant to identify the best possible housing solution for the tenant and their household.

No later than 6 months before the end of the five-year term

We will advise tenants in writing of our decision in ALL cases. No matter what the decision we will serve a six month notice. In each case the wording of the letter that forms the notice will say that the Council is "minded" to make a certain decision. This will ensure that if the tenant's circumstance change substantially after the initial review, the Council can make an alternate decision before the two-month notice needs to be served.

Where a new tenancy is being granted

- ◇ We will make an offer of a new tenancy nearer to the end of the fixed term, this will be a new five year agreement

Where the tenant is required to move to smaller accommodation

- ◇ We will offer the tenant a meeting if they require it, or written information on the process for applying for smaller accommodation.
- ◇ We will offer to provide help in bidding for another property through its choice based lettings scheme 'Herts Choice Homes'.
- ◇ We will provide assistance in moving by granting Panel Band A being given to the tenants housing needs register application.

Two year flexible tenancies

- ◇ Where the tenant is required to move to smaller accommodation but has been unable to find a suitable new home, the Council may offer a flexible tenancy for a term of two years during which time the tenant would be expected to move. This tenancy will be subject to a review in the last year of the term following this policy. At the end of the two year term, if the tenant has not moved to suitable alternative accommodation, the tenancy will be ended.

Where the decision is to end the tenancy

- ◇ Give the reason/s for our decision.
- ◇ Provide information on the tenant's right to request a review of our decision and the date by which the tenant must request the review.
- ◇ Offer the tenant a meeting with a Neighbourhood Officer to discuss our decision and other housing options for the tenant. Other options could include low cost home ownership, intermediate/market rent properties owned by a social landlord or private rented properties.
- ◇ Provide a written guide on other housing options.
- ◇ Where a tenant is moving to a smaller home, provide support and assistance, as available at the time of the move.

Where the tenant is required to move to smaller accommodation OR where the decision is to end the tenancy: No later than 10 weeks before the end of the five-year term

- ◇ We will write to the tenant, giving formal notice that the tenancy will end and the earliest date that the tenancy will end. This is the two-month notice.
- ◇ The tenant will be given information on how to seek a review against our decision.
- ◇ We will offer to arrange a meeting between the tenant and their Neighbourhood Officer or Housing Options Officer to discuss their future housing options as outlined above.
- ◇ Tenants may be referred to outside agencies that will be able to give the tenant professional, specialist advice, based on their individual circumstances. This could include an independent financial advisor or the Citizens Advice Bureau.
- ◇ Where a tenant is moving to a smaller home, we will provide support and assistance, as available at the time of the move.

6. The legal process for ending a flexible tenancy

We will have to apply to the court to end the tenancy. We can only start this process when the five year term ends. The court can only refuse to give possession back to us where we have not followed the correct procedure as set out above, or where the court is of the view that our decision is not lawful.

7. How will we make our decision on ending a flexible tenancy at the end of the term

7a. Under-occupation of the property

The property is under occupied by two or more bedrooms.

OR

The property is adapted and the family member who required that adaptation no longer lives there.

We will take the opportunity to remind all tenants that if they are under-occupied they may be subject to the spare room subsidy (bedroom tax).

7b. Breach of tenancy conditions

A breach of the tenancy where formal legal action is underway or being considered.

OR

Cases where a court order has already been obtained and either suspended or adjourned on terms whether or not that order has been breached.

OR

Where a full possession order has been obtained but not yet enforced.

7c. Financial Circumstances

We may end a flexible tenancy where the applicant has sufficient resources to provide their own accommodation, taking into account current market conditions. This process will include taking into account any special circumstances which the household may have, for example, disability or other support requirements.

In carrying out our assessment we will consider the following:

- ◇ Household income, including benefits and pensions
- ◇ Savings and investments
- ◇ Household size and circumstances
- ◇ Type of property and size needed to meet the household's needs
- ◇ Outstanding debts
- ◇ Ability of the applicant to secure a mortgage

We will look further at a tenant's financial situation where the household's income or savings have reached set levels. Where the tenant's income or savings exceed the levels set, but where there are reasons why it would not be possible for the tenant to secure a mortgage for a house purchase, other options may be explored. These include private renting and other home ownership options, such as shared ownership and government backed equity schemes.

Further information about how we carry out the financial assessment is included in our Housing Allocations Guidelines.

Appendix 1: The tenant's right to seek a review of our decision

As required by the Localism Act 2011 we have a review process where there has been a challenge to our decisions about flexible tenancies. The law says that decisions which can be challenged are:

1. The length of flexible tenancy granted. This may only be requested where the length of the term does not reflect the provisions of this Tenancy Policy.
2. Our decision to end a flexible tenancy at the end of the five-year term.

Tenants have a right to request a review in these cases.

The review process to be followed when a new tenant disagrees with our decision to grant a five-year flexible tenancy

The flexible tenancy will start, to ensure that the tenant secures the property which they successfully bid for through the choice based lettings process. Where the tenant refuses to start the tenancy on the basis offered by us, the property will not be held for them and it will be offered to another bidder.

The tenant will have 21 days from the date the tenancy is offered to appeal against the type and/or length of the tenancy being offered. The review procedure will then follow the process set out below.

The following review process is in place for when a tenant disagrees with our decision not to grant another tenancy at the end of the five year flexible tenancy:

The tenant can seek a review after they have been informed in writing of the decision to end the flexible tenancy.

The tenant must request the review at least 21 days before the stated end of the tenancy.

In the first instance the tenant may request the review either in writing or by attending a meeting with their Neighbourhood Officer or other appropriate representative of the council's Neighbourhood Team. The tenant will be encouraged to provide as much information as possible about the reason/s why they are requesting a review.

The Neighbourhood Officer will refer the case to Senior Housing Manager within 24 hours of being informed by the tenant that they wish to appeal. In the absence of the Senior Housing Manager the matter will be referred to the Head of Housing Operations

The review will be carried out by Senior Housing Manager. If the Senior Housing Manager is not available to carry out the review, the review will be carried out by the Head of Housing Operations. The person carrying out the review is known as the Reviewing Officer.

The tenant will be asked to complete a Review Form, setting out the reasons for requesting the review. If the tenant has already given all their reasons to the council (see 18.2.3 above), the tenant will be required to confirm in writing that they do not wish to add any further information.

The tenant may make their own written representation or can ask someone else to do it on their behalf. The tenant will be asked to provide the name and address of the person who is requesting the review on their behalf.

The tenant will be required to return the completed Review Form within 14 days of receiving it. However this time limit may be extended, at the discretion of the Reviewing Officer.

The reviewing officer will complete their review within 56 days from when the appeal was requested. This may be extended where the tenant's 14 day time limit for completing the Review

APPENDIX 3

Form has been exceeded. Where this is extended the Reviewing Officer will notify the tenant of this in writing.

When the review has been completed the Reviewing Officer will send the tenant a conclusion letter, setting out the outcome of the review and the reason/s why the review is/is not resulting in a change to the original decision. There are no further stages to the review process and where the tenant disagrees with the outcome of the review we will advise the tenant to seek independent legal advice if they wish to pursue the matter further. This should be included in the conclusion letter.

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Appendix 2 – Assessment of Financial Resources (from Housing Allocations Guideline 2017)

In making a decision about whether an applicant has sufficient resources to find their own accommodation we will consider the following:

- ◇ Household income, including benefits and pensions.
- ◇ Savings and investments, including any equity in property currently owned in the UK or abroad.
- ◇ Household size and circumstances.
- ◇ Property needed, according to size and type and whether the applicant needs supported or adapted accommodation.
- ◇ Outstanding debts or financial commitments.
- ◇ Ability of the applicant to secure a mortgage, taking into account his or her age.

We will look in detail at applicants with trigger points relating to income level, savings, investments or equity as set out in the table below:

Household Type	Income	Savings/Equity
Single person	35,000	30,000
Couple	40,000	30,000
Two bed need	60,000	40,000
Three bed need	75,000	40,000
Four bed need	105,000	50,000

If an applicant has met a trigger point we will consider their ability to secure their own housing in the private sector by way of a mortgage in relation to their individual property requirements. For example, we would assume that applicants with dependent children would need a house.

We will assess the ability of the applicant to buy accommodation, against average property prices in the area (reviewed every three months). Recognizing that certain types of property are likely to be more expensive, we will take account of special circumstances of the applicant; for example, if they need a property suitable for a wheelchair or they require support, such as sheltered housing.

Median property prices in the Borough. Source: www.home.co.uk (07.02.2017)

Property Size	WGC	Hatfield
1 bed	200,000	200,000
2 bed house	300,000	300,000
3 bed house	400,000	380,000
4 bed house	600,000	512,500

Formula

In assessing the ability of an applicant to secure a mortgage we will use the following formula, based on the applicant's ability to secure a 25 year mortgage:

Savings + 2.5 x joint income OR Savings + 3 x main income, plus 1 x second income

Notional Allowances against Savings/Income

We will make a notional reduction of £5,000 from savings to set against costs associated with purchasing a property.

We will also take into account (against income) any reasonable long term financial commitments. This could include the following:

- ◇ Car Loan
- ◇ Long term child care costs

- ◇ Maintenance costs.

Applicants unable to secure a mortgage

Some applicants may not be able to secure a mortgage for one of the following reasons:

- ◇ County court judgement
- ◇ Poor credit history
- ◇ Existing home ownership

In such cases, we would consider the applicant's ability to rent in the private sector on the basis of their income and savings etc.

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Appendix 3 – Recording and monitoring the Flexible Tenancy Review processes

Being alerted to carry out a review

A report will be run daily to remind each NHO of any reviews required on their patch, where a review has been carried out, the tenancy will cease to appear on the list

The alert will be sent when the tenancy is 1520 days old (4 years and two months) and where there is no arrears action OUT1 or OUT2 or OUT3 present.

Generating the advice letter for the tenant

These will be generated via an arrears action with an editable letter to be sent to the tenant along with a review form to be completed by the Neighbourhood Officer.

This action will be action FTTR

Recording the outcome of a review

These will be recorded as an arrears action, there are three possible outcomes:

Outcome 1 – offer a new tenancy at the same property (arrears action code OUT1)

Outcome 2 – offer a new tenancy at a different property (arrears action code OUT2)

Outcome 3 – end the tenancy and seek possession (arrears action code OUT3)

These will generate editable letters which will form the 6-month notice to be sent or hand delivered to the tenant.

Monitoring to ensure the reviews are completed in good time

A report will be run daily to show any reviews not carried out within 28 days of the first alert and within 56 days of the first alert. This report will be sent to each NHO and to team leaders.

This report will be sent when the tenancy is 1548 days old and there is no arrears action OUT1 or OUT2 or OUT3, and again when the tenancy is 1576 days old and there is no arrears action OUT1 or OUT2 or OUT3.

Reminder to send S107D notice

Where outcome 2 or 3 has occurred, a report will be run daily to remind each NHO of any S107D notices that need to be served on their patch. Where a S107D notice has been served, the tenancy will cease to appear on the list.

This report will be sent when the tenancy is 1735 days old and there is no arrears action 1072 or 1073.

Section 107D notice

This will be recorded as an arrears action and will generate this document as an editable letter to be sent or delivered to the tenant.

This will use arrears action code 1072 for this notice based on outcome 2 and arrears action code 1073 for this notice based on outcome 3.

Reminder to carry out pre-offer processes

Where outcome 1 or 2 has occurred, a report will be run daily to remind each NHO of any Right-to-Rent checks that need to be carried out on their patch. Where a Right-to-Rent check has been completed the tenancy will cease to appear on the list.

This report will be sent when the tenancy is 1795 days old and there is not arrears action RTRC.

Right-to-Rent checks completed

This will be record by an arrears action to allow monitoring of compete and incomplete cases to be monitored.

This will use arrears action code RTRC.

Making an offer

This will be recorded as an arrears action and will generate an editable letter to include the details of the offer. There will be a different letter for offers for Outcome 1 and 2.

This will use arrears action code OFF1 for an offer of a tenancy at the same address (Outcome 1) and arrears action code OFF2 for an offer of a tenancy at a different address (Outcome 2).

Ending the existing tenancy

This will use the existing void notice process, with a void reason selected from:

- ◇ FTR end outcome 1
- ◇ FTR end outcome 2
- ◇ FTR end outcome 3

The property should then be voided down in the usual way.

Starting the new flexible tenancy

This will require a memo to Rents Admin to create a new tenancy record with a new start date, so that the next fixed term tenancy can be monitored for its review in due course.

New flexible tenancies

A report of all flexible tenancies granted will be produced weekly to show all “renewal” type cases.

This report will include all tenancies with code FV and will show the void reason for ending the previous tenancy so that reviewed tenancies can be easily identified.

Master report

A master report will be generated weekly to show all the activities that are due or completed on a fixed term tenancy to provide an overview of caseload.

This report will show all FV tenancies with the date of every arrears action code through the sequence of actions.

Appendix 4 – Orchard User Guide

3.1 Adding an arrears action to record an activity in the fixed term tenancy review process

Arrears Action Code	Description	Comments
FTTR	Advice letter	To be sent before review is carried out
OUT1	Outcome 1 – new tenancy same address	To record outcome 1 & generate a letter along with the 6-month notice document
OUT2	Outcome 2 – new tenancy different address	To record outcome 2 & generate a letter along with the 6-month notice document
OUT3	Outcome 3 – end tenancy, seek possession	To record outcome 3 & generate a letter along with the 6-month notice document
1072	Section 107D notice for Outcome 2	To generate the Section 107D notice which is served for outcome 2
1073	Section 107D Notice for Outcome 3	To generate the Section 107D notice which is served for outcome 3
RTRC	Right to Rent checks completed	To confirm that all household members over 18 have acceptable immigration status
OFF1	Offer of tenancy at same address	To generate an offer letter for the same address
OFF2	Offer of tenancy at different address	To generate an offer letter for an alternate address

- ◇ Add the arrears action in the usual way
- ◇ Then, **Next**

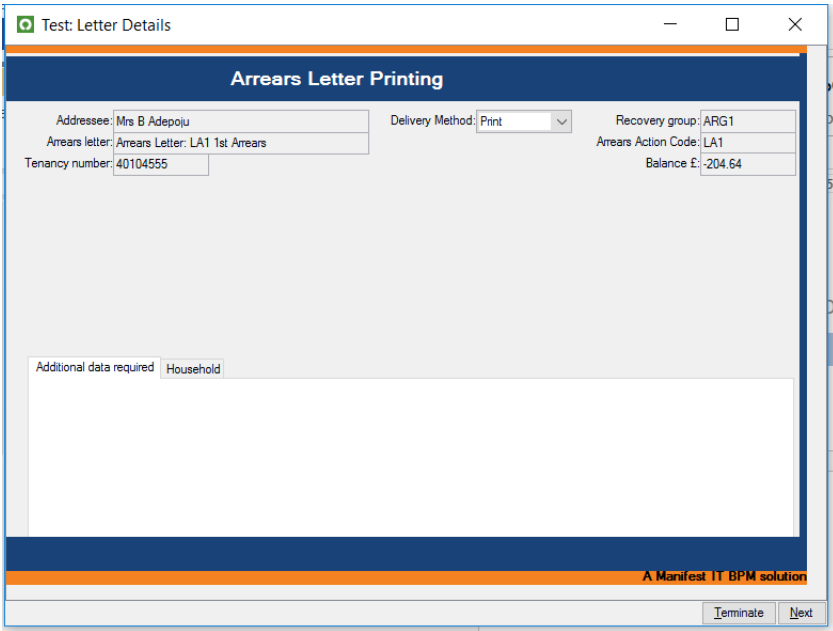
The screenshot shows the 'Add Arrears Action' form with the following details:

- Last Highest Action:** CLR (Cleared account)
- * Arrears Action:** FTTR (Flexible Tenancy Review letter)
- Arrears Action Type:** G (General (ie. letters))
- * Action Date:** 08/08/2017
- Submit To Print?:**
- New Highest Action:** FTTR (Flexible Tenancy Review letter)
- Note:** (Empty text area)
- Add Additional Notes?:**

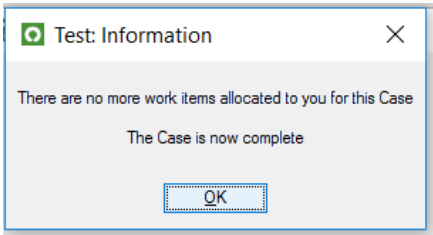
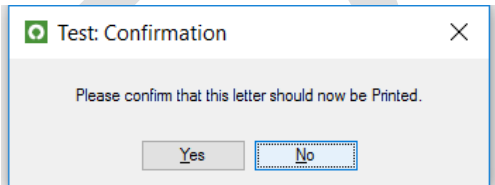
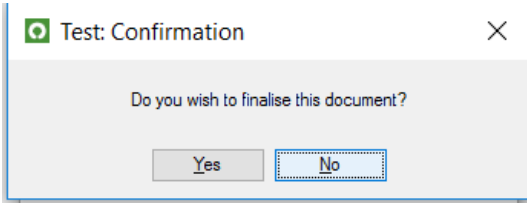
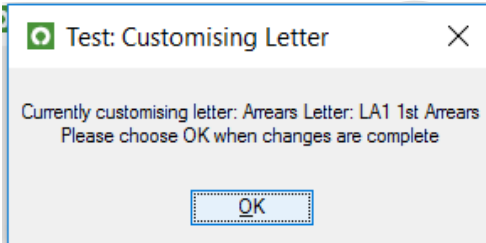
3.2 Editable arrears letters

When you add an arrears action that generates a letter, the letter will appear on screen as an editable word document. You must insert the relevant information into the letter before printing. The letter will save to the Documents tab in the first instance.

This form will pop open



- ◇ Click Next
- ◇ You will see the icon for MSWord start to flash or change colour along the task bar
- ◇ Click on this icon, and then click again (do NOT double-click)
- ◇ This will open the letter in editable mode for you to type in relevant information
- ◇ ONLY when you have typed in all the information you need, you can go back to Orchard and click OK or Yes on each of these the messages as they appear:



Your letter will be sent to the printer as a "follow-me" letter as it has not come from Orchard letter merge.

3.3 Reports

Each NHO will receive a report by email in Excel format listing any tenancies where action is required. Team leaders will receive a similar list for any tenancy where an activity has not been completed in a suitable timeframe.

[INSERT SCREEN SHOTS OF SAMPLE REPORTS]

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Part I
Item No: 5(a)
For Decision

WELWYN HATFIELD BOROUGH COUNCIL COUNCIL – 21 FEBRUARY 2018

Recommendation from the Environment Overview and Scrutiny Committee on 30 January 2018:-

40. SAFETY ADVISORY TEAM UPDATE

The Committee was updated on the work of the multi-agency safety advisory team which operated within the Borough. Members were informed of the aims and objectives of the team and work which had been undertaken and completed to review the current operating procedures.

Members, referring to the discovery of knives in the town centre of Welwyn Garden City following the food fair in autumn 2017, expressed the view that the procedures and protocols for clearing and checking an area after an event be reviewed and made more stringent to ensure nothing untoward remained.

Officers advised that the Council was aware of the case referred to by Members and gave reassurances that the matter was being addressed with the licence holder who had been formally notified of the incident.

The work of the Safety Advisory Team was noted.

The Committee, having considered the report and changes to the procedures as set out in appendix A **RECOMMENDS** these to the Council for approval.

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**WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 30TH JANUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)**

SAFETY ADVISORY TEAM UPDATE

1 Executive Summary

1.1 This report updates members on the work of the multi-agency safety advisory team which operates within the borough. It informs members of the aims and objectives of the team, work which has been undertaken and work which has been completed to review the current operating procedures.

1.2 This report asks members to consider and agree the revised operational procedures for the multi-agency Safety Advisory Team (SAT) which operates within the borough.

1.3 Recommendation(s)

1.4 For members to note the work to date and the content of the report

1.5 For committee to consider and agree that the Safety Advisory Team procedures in appendix A are referred to Full Council for approval.

2 Explanation

2.1 For some years a multi-agency safety advisory team has been operating within the borough and has operated within its agreed Standard Operating Procedures, which were last updated in October 2015

2.2 In light of changes to the membership, it is now appropriate for the procedures to be reviewed and as such members of the Safety Advisory Team were asked for any changes/amendments that they would like to see in the new procedures.

2.3 The revised Standard Operating Procedures are set out in appendix A.

2.4 In common with other similar groups throughout the country, the council chairs and provides administrative support to the SAT. These arrangements are also described in the operating procedure.

Implications

3 Legal Implication(s)

3.1 There is no requirement to operate a safety advisory team, but it is recommended good practice to do so. A safety advisory team is not an event planning team so there are legal implications if a safety advisory team strays beyond the parameters set by its aims and objectives.

- 3.2 There is no legal requirement to participate in a safety advisory team, however it is accepted good practice to do so.

4 Financial Implication(s)

- 4.1 The Council is unable to charge for or recover costs from the work undertaken as part of the Safety Advisory Team.
- 4.2 At present no partners levy a charge for SAT work and this is a key benefit of the partnership

5 Risk Management Implications

- 5.1 The risks related to this proposal relate to either not having a SAT or having one which is operated in such a way which creates unacceptable risks to the council.
- 5.2 It is now accepted practice that a safety advisory team (or equivalent) is in place within a borough to look into public events which are being run in the borough. Having a SAT minimises reputational risk from business that regulatory agencies are not working together and are demanding the same information from organisations. Additionally, experience shows that most large event organisers now expect to work with a SAT in the build up to their event.
- 5.3 However participation and running a SAT may also create reputation and legal risk. This will chiefly occur should the SAT extend its brief and start straying into the roles of event planning and management. These are not roles for the SAT and this risk can be minimised by an agreed operating procedure and the re-statement of the SAT terms of reference at each meeting.
- 5.4 Other risks arise from the SAT having access to commercial and other sensitive information – for example pre-contract information, ticket and marketing data and policing/security information and releasing it in an inappropriate way. SAT material is likely to be covered by exemptions in the Freedom of Information Act and the risk can be further minimised by individual organisations policies regarding information management.
- 5.5 A further risk occurs in that there is no requirement for an event organiser to notify their event to the SAT. This means that some events may take place without the benefit of the SAT being able to consider them. A similar risk arises where events are notified too late, meaning due consideration cannot be given.

6 Security & Terrorism Implication(s)

- 6.1 Terrorist attacks in the UK are a real and serious danger and recent attacks have shown that terrorists continue to target crowded places. These attacks are not just confined to events in major cities, they can occur anywhere in the UK.

7.0 Procurement Implication(s)

- 7.1 None arising from this report.

8.0 Climate Change Implication(s)

- 8.1 None arising from this report.

9.0 Link to Corporate Priorities

9.1 I confirm that the subject of this report is linked to the Council’s Corporate Priority Maintain a safe and healthy community, protect and enhance our environment and engage with our community. It is also linked to a statutory provisions/guidance under licensing, safety and emergency planning legislation.

10.0 Equality and Diversity

10.1 An EqIA was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

Name of author	Joanna Harding
Title	Head of Public Health and Protection
Date	January 2018

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MULTI-AGENCY SAFETY ADVISORY TEAM COVERING THE WELWYN HATFIELD BOROUGH

OPERATING PROCEDURE NOVEMBER 2017

Contents

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INTRODUCTION AND PURPOSE OF THIS DOCUMENT

This document sets out the latest operating procedure for the multi-agency Safety Advisory Team (SAT) covering the Welwyn Hatfield Borough (the Borough). It is a statement of operating practice and shows how the team functions to achieve its stated objectives.

For historic reasons, the term “Safety Advisory Team” has been used as distinct from “Safety Advisory Group”; this is to recognise the legal status that a Safety Advisory Group has in relation to football ground licensing.

The Safety Advisory Team will receive information about any number of events of various types that are taking place within the borough, however it is recognised that it may be appropriate to set up a specific “group” to deal with a major event being planned in the Borough.

AIMS AND OBJECTIVES OF THE SAFETY ADVISORY TEAM

The Safety Advisory Team is not an event planning team or a “competent person” for the purposes of the Management of Health and Safety at Work Regulations. The team does not have legal powers or responsibilities and is not empowered to approve or prohibit events from taking place. Event organisers have the legal responsibility for ensuring a safe event; however the organisations which make up the SAT may have enforcement powers to require event organisers to comply with their legal obligations. Where these are utilised they are done so by the organisation concerned, not the SAT. Approval of the SAT is not needed to hold an event.

Having an event considered by the Safety Advisory Team is not a substitute for obtaining suitable competent health and safety advice, or in case of an event organised or promoted by the council, advice from the council’s Risk and Resilience Officer.

For the avoidance of doubt; in order to provide assistance, resource prioritisation and a proportionate approach, the aims and objectives of the multi-agency Safety Advisory Team (SAT) operating in the Welwyn Hatfield Borough are:

Aim

To obtain and share information in order to inform member agencies about events that are taking place in order to assist in multi-agency contingency planning within the Borough and where appropriate to enable each agency to consider any further action within their area of work.

Objectives

1. to provide a local multi-agency single point of contact for event organisers to share information regarding events
2. to provide a mechanism to receive, share and disseminate information and intelligence amongst SAT partners and other relevant agencies
3. to evaluate potential impacts of an event on their own organisation and the wider community
4. to use information to inform and develop multi-agency contingency planning and contingency planning for their organisation.
5. Each agency to highlight, upon request, and where possible to provide sources of potential further advice to event organisers

This statement of aims and objectives will be described and included in the minutes of each meeting.

MEMBERSHIP OF THE TEAM

SAT membership comprises “standing members” and “invited members” from various agencies operating within the Borough.

- Standing members are agencies who are automatically invited to meetings and will receive a copy of each event notification form (ENF) which is received by the SAT coordinator. Agencies may request to become standing members by asking for all ENFs to be sent to their SPOC¹.
- Invited members are those agencies who in the opinion of the chair of the SAT, their deputy, the SAT coordinator or any standing members need to be sent copies of specific ENFs, other information or invited to specific meetings

Standing Members

The core membership of the team is drawn from the council, blue light emergency services and highway authority. It is the agency/organisation who is the member and each organisation is responsible for sending appropriate representative(s) to meetings. The agency SPOC is the person who will receive emails, ENFs and similar. The agency contact is responsible for the appropriate dissemination/collection of information within their agency and to ensure the SAT coordinator is notified of a change of contact details.

Organisation/Agency		Agency Contact/SPOC
Welwyn Hatfield Borough Council	Coordinator	Licensing Support Officer
Welwyn Hatfield Borough Council	Chair	Head of Public Health & Protection or Executive Director – Public Protection, Planning and Governance
Welwyn Hatfield Borough Council	Public Health & Protection (deputy chair)	Team Leader (Public Health & Protection)
Welwyn Hatfield Borough Council	Emergency planning	Risk & Resilience Manager
Welwyn Hatfield Borough Council	Licensing	Licensing Team Leader
Hertfordshire Police	Safer Neighbourhood Team	As nominated
	Event Planning	As nominated
	Traffic Management	As nominated
Hertfordshire Fire & Rescue Service	Operations	As nominated
	Protection	As nominated
East of England Ambulance Service		As nominated
Hertfordshire Highways		As nominated
Hertfordshire County Council Trading Standards		As nominated
Highways Agency		As nominated
Welwyn Hatfield Council corporate property		Estates Manager

¹ SPOC – Single Point of Contact

Agencies are free to change their representative or SPOC according to the event being considered, but it is the responsibility of the agency concerned to notify the SAT coordinator of any such change. Any change of the core membership will be noted in the minutes of the next meeting.

Whilst they may be present at meetings, the event organiser is not part of the SAT.

Invited Members

Invited members include those drawn from the following list of organisations (this is not exhaustive and other agencies/organisations may be contacted if appropriate)

Welwyn Hatfield Borough Council Hackney carriage/taxi enforcement
Welwyn Hatfield Borough Council Building Control
Health and Safety Executive
Network Rail
First Capital Connect
Public Health England
Hertfordshire County Council Emergency Planning
British Transport Police
Neighbouring local authorities
Bus and coach providers
Welwyn Hatfield Borough Council parking services

Overlap with event planning teams

The responsibility for organising and running a safe event rests entirely with the event organiser who may form an event planning group to help plan and deliver an event. The SAT operates separately from any event planning groups that may be in place to plan for delivering events.

It is however recognised that agencies may need to be involved in both event planning and the SAT. Where this is the case, it is the responsibility of member agencies to ensure that appropriate governance arrangements are in place to avoid any confusion or conflict of interest (either actual or perceived).

METHOD OF OPERATION

It can be difficult to strike the right balance in deciding which events should be considered by SAT. The guiding principle is that events presenting a significant public safety risk (whether in terms of numbers of people attending or the nature of the event and/or the challenge of the environment) should definitely be considered. Small events like village fetes, where large numbers are not expected and/or the event is routine in relation to the activity normally carried out, will usually only be cascaded for information. The SAT also distributes requests for filming to be carried out in the borough which have been received by the council communications team.

The SAT generally operates using email communications, coming together for meetings as requested or deemed necessary.

Notification Process

Event organisers cannot be compelled to submit notifications to the SAT. Notification is however encouraged and information has been placed on the council's and other agencies' websites.

Notification is usually by way of an ENF (Event Notification Form) sent by the organiser/venue to the SAT coordinator either by post or email.

On some occasions, it may be that although an ENF has not been received, intelligence suggests that an event may be taking place or be in planning. On such occasions, member agencies may refer the matter to the SAT coordinator/chair and request that a SAT meeting takes place.

In order to receive appropriate information, event organisers are encouraged to provide details of their event at the earliest opportunity. As a general rule to be of any practical value, the SAT will require notification at least 3 months in advance of the proposed event taking place, significantly longer in the case of a major event such as an outdoor music event.

The SAT coordinator will circulate the ENF to appropriate SAT partners (core and invited members) by email along with any other documentation which has been received regarding each event. Where possible this will be done in batches to avoid multiple emails.

Comments are requested by return email: **non response will be assumed to indicate no observations/comments.**

This process is shown in Appendix A) WHBC councillors will also be periodically notified of ENFs that have been received, but will not be sent copies of the actual ENFs.

The Event Search Form (Appendix B) will be used by the SAT coordinator to help provide background information to an event; this will be supplemented by specific and general intelligence and information from partner agencies, event organisers and the venue.

The Event Screening Form (Appendix C) will be used as an initial basis for determining the indicative level of SAT involvement required; on this basis a meeting of the SAT may be requested.

Records relating to each ENF and any actions taken received will be kept by the SAT coordinator on the M3 computer system

Meeting Arrangements

Any member of the SAT may request a meeting to discuss an ENF, proposed event or other matter; such meetings will be arranged by the SAT coordinator. The venue for each meeting will be appropriate for the nature of the meeting and site visits may be undertaken. Member organisations are responsible for their own employees' health and safety when undertaking site visits.

The SAT may request that the organiser of an event attends a meeting to explain their plans in more detail. Alternatively the meeting may be a closed 'Technical Session' to consider details of a proposed event.

For large events, and with the agreement of the team, “sub groups” may be instigated to look at specific issues, for example in relation to venue access/egress and traffic management.

Agendas and minutes

Each meeting will be to an agenda published in advance of the meeting commencing (example agenda shown in Appendix D); with minutes recorded and circulated to all SAT members who attended or sent apologies to the meeting. Members are responsible for the cascade of minutes within their own organisation, obtaining any relevant authorisations from their own organisations and any relevant/appropriate follow up by their organisation in light of the meeting. A record of meeting attendance, with contact details will be compiled and may be circulated with the minutes. Any member not wishing their details to be circulated must advise the SAT coordinator.

Minutes of meetings and materials generated may carry an appropriate protective mark depending upon their content. This may include information which contains sensitive personal data, commercially sensitive information, confidential information, legally privileged information or information subject to non-disclosure provisions. Member agencies are legally responsible for ensuring such materials are appropriately stored and handled and not subject to inappropriate disclosure. Should Freedom of Information requests be received, (or the minutes need to be shared for any other reason) then any operational information, intelligence, or information regarding police tactics etc must not be shared unless there is a lawful reason to do so.

The SAT will use multi-agency headed paper and correspondence from the group will generally be issued via the SAT coordinator. The logos represent the core/supportive Authorities and agencies that may work within the SAT for a multi-agency approach. Member agencies may sign letters in their own name on behalf of the group. Any verbal advice should be subsequently summarised in writing and records should be maintained of all correspondence. Correspondence not issued directly via the SAT coordinator, should also be copied to the SAT coordinator, so that comprehensive records relating to SAT can be maintained at one source.

Organisers who fail to engage with the SAT may find that they do not have the support of the member agencies for their event and this may invalidate their insurance for the event. In order to support a general duty of care the SAT may decide to inform insurance companies and others that an event does not have the support of the SAT.

Individual member agencies continue to maintain their own enforcement responsibilities and may, following a SAT meeting, take up specific issues with event organisers/venues. This may include offering informal advice and guidance, signposting to sources of information or expert assistance or formal enforcement activities. Such work is separate to and falls outside the aims and objectives of the SAT and is therefore carried out according to the agencies’ own operating procedures and enforcement policies.

In performance and monitoring visits

The SAT may undertake (or request colleagues from member agencies to undertake and report back) a visit during the event to monitor the event, and to facilitate future learning.

Debrief and learning from events

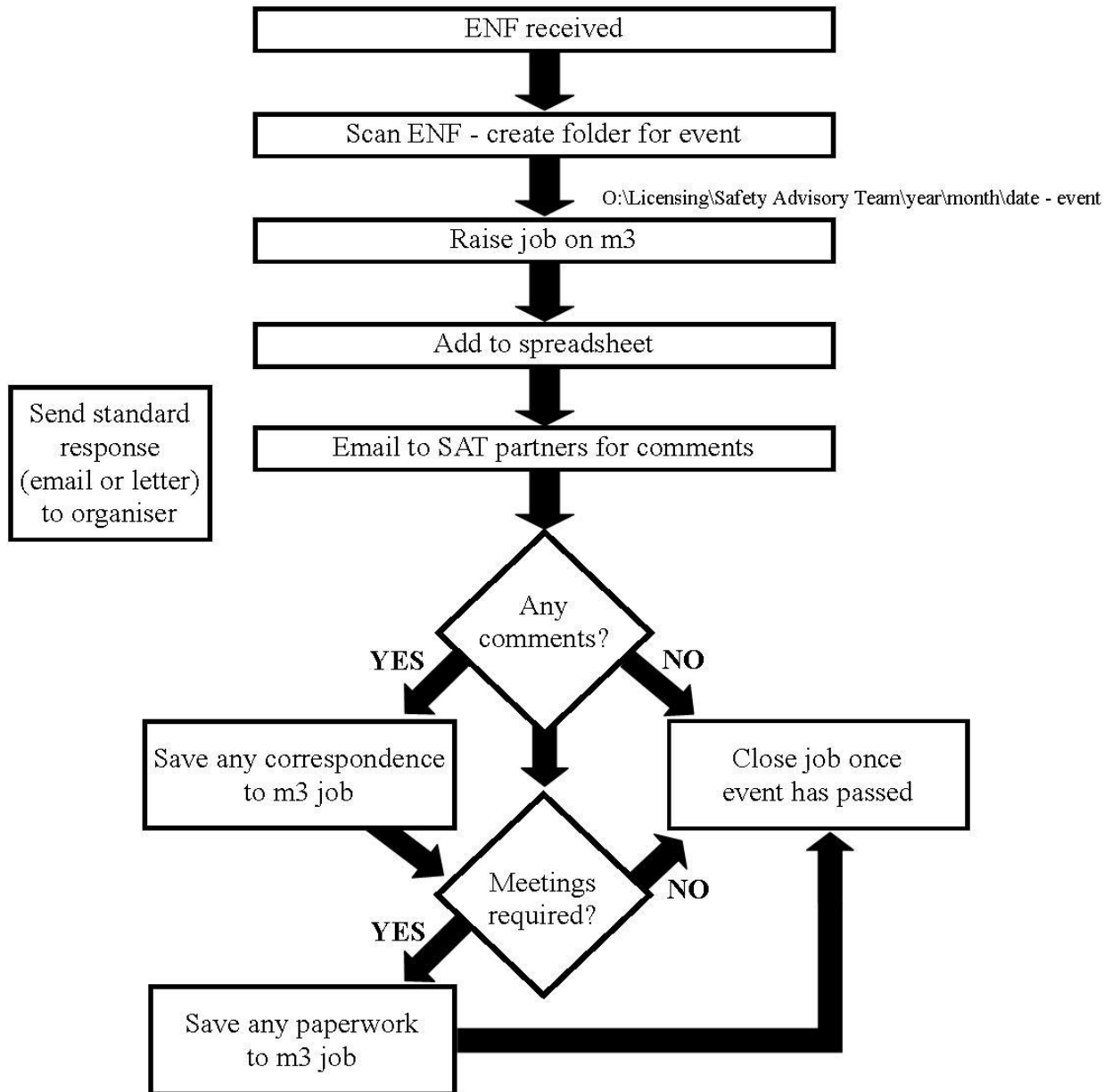
The SAT may organise multi-agency debriefs following an event; these will be written up by the SAT coordinator and made available to member agencies.

REVIEW OF THIS OPERATING PROCEDURE

This operating procedure is subject to an ongoing review and the **last review was in 2017. Each member agency is responsible for notifying the SAT chair of any changes/updates they consider to be required. The next scheduled review will be in 2019.**

Appendix A: Notification Process

ENF Processing



Make sure communications are kept open between all parties and any relevant documentation is cascaded appropriately.

Appendix B. Event Search Form

WELWYN
HATFIELD
BOROUGH COUNCIL



HERTFORDSHIRE
CONSTABULARY

Hertfordshire
Resilience
Emergency Planning in Partnership



East of England Ambulance Service **NHS**
NHS Trust

Event Name:

Date:

M3 ref:

EVENT SEARCH FORM

Search conducted by:

Date search conducted:

Search terms used:

Results of search (general):

Results of search (HSE enforcement & prosecution database):

Action taken:

Appendix C. Event Screening Form

Event Screening Form

Assessment

Event Name:		ENF sent to SAT partners:	
Date:		# of responses	
M3 ref:			

Hazard x Confidence x History x People = Event Risk Score

	Numerical score		
Hazard	Minor injuries 1	Major injuries 2	Fatalities 3
Confidence	High 1	Reasonable/no response ENF 2	Low 3
History	Good 1	Acceptable/none 2	Poor 3
People	<500 1	500 to 2.5k 2	>2.5k 3
Event Risk Score			

Results and guideline further actions

- < 10 no further actions
- 10 to 27 further discussions with event organisers and probable need for site visit during the event
- > 27 consider not supporting the event unless further controls are put in place

Summary of intended actions

- | | |
|---|-------------------------|
| NFA required | Unable to support event |
| Verbal advice provided/refer to specific agency | Meeting needed |
| Letter to be sent with documented advice | Schedule for inspection |

Appendix D. Example Meeting Agenda



Event Name

Event Location

Event Date(s)

Safety Advisory Team Meeting

Meeting Date

Meeting Time and Location

AGENDA

1. Introduction, welcome and apologies
2. Minutes of last meeting (if applicable)
3. Clarification of SAT aims and objectives

Aim

To obtain and share information in order to inform member agencies about events that are taking place in order to assist in multi-agency contingency planning

Objectives

- to provide a local multi-agency single point of contact for event organisers to share information regarding events
- to provide a mechanism to receive, share and disseminate information and intelligence amongst SAT partners and other relevant agencies
- to evaluate potential impacts of an event on each agency and the wider community
- to use information to inform and develop multi-agency contingency planning
- to highlight, upon request, and where possible, sources of potential further advice to event organisers

4. Declaration of any conflict of interest
5. Update from venue
6. Update from event organiser
7. Comments and observations from SAT partner agencies
8. AOB
9. Next steps
10. Arrangements for next meeting

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Agenda Item 6

Part
Item No.
Main Author: Rob Bridge
Executive Member: Roger Trigg

WELWYN HATFIELD BOROUGH COUNCIL
COUNCIL – 21 FEBRUARY 2018
REPORT OF THE CHIEF EXECUTIVE AND ACTING RETURNING OFFICER

INTERIM REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

1. **Executive Summary**

- 1.1 For electoral purposes, the Council is required to divide each parliamentary constituency in the area into polling districts for parliamentary elections and to designate polling places for each of those polling districts. Under the Representation of the People Act 1983, as amended by the Electoral Administration Act 2006, all Polling Districts, Places and Stations should be reviewed on a regular basis.
- 1.2 The Electoral Registration and Administration Act 2013 introduced a change to the timing of the review of polling arrangements and it is required that the next review must be started and completed between 1 October 2018 and 31 January 2020 (inclusive) and every five years thereafter.
- 1.3 This report informs the Council that there have been no responses received to the new interim proposals, which are detailed in the Appendix to this report, on the proposed changes to the current arrangements.

2. **Recommendation(s)**

- 2.1 That the Council notes i) the one response received to the consultation; ii) that as a full review of electoral arrangements for the Borough is to be conducted from October 2018, it is recommended that the interim proposals detailed in the Appendix to this report be implemented and adopted until the electoral review as referred to in 1.2 above is considered.

3. **Financial Implication(s)**

- 3.1 There would be additional costs for the newly created polling stations together with attendant staffing where applicable (although the majority of changes would not result in further costing and with two stations there would be a saving in having reduced staff).

4. **Link to Corporate Priorities**

- 4.1 I can confirm that the subject of this report is linked to the Council's Corporate Priority. "Our Council – ensure fair and open access to our services for all members of our diverse community".

5. **Legal Implication(s)**

- 5.1 Reviews of Polling Places, Polling Districts and Polling Stations are carried out under the Electoral Registration and Administration Act 2013.

6. Climate Change Implication(s)

6.1 None specifically as a result of this report.

7. Risk Management Implication

7.1 There are no risk management implications arising directly as a result of this report. Risk assessments are carried out for all polling places and polling stations on a regular basis to ensure that they are safe and fit for purpose.

8. Explanation

8.1 Each local authority in Great Britain is responsible for reviewing polling districts and polling places in its area on a regular basis.

8.2 Responsibility for deciding how many polling stations are required for each polling place lies with the Acting Returning Officer who must allocate electors to the polling stations in such a manner that is most convenient.

8.3 The last review of polling districts, places and stations in Welwyn Hatfield was agreed at Council on 24 November 2014.

8.4 Public notice of the current interim review was given on 4 January 2018 at which representations were invited from key stakeholders, interested groups and organisations or individuals on the appropriateness of the polling places and any other comments on the scheme in general. The deadline for submission of comments was 2 February 2018.

8.5 There has been one response to the consultation:

8.6 Christchurch Baptist and Saint Francis of Assisi Church

The suggestion is that these two polling stations are replaced with two other polling stations nearer to the south of the ward to avoid electors in the south having to walk 20 minutes to the polling station. The two proposed replacement polling stations – Marsden Green Christian Spiritualist Church and Handside Hall will be investigated fully and as to viability and availability and the effect this would have on all electors in this area when it comes to the full review the beginning October 2018.

Panshanger – Money Hole Park Football Club

It is suggested that electors residing in Bushey/Great Gannett area were incensed in having to walk either a 20 or 24 minute walk to vote. This has been addressed in the current proposal.

Following the boundary review, these electors were transferred from Howlands Ward to Panshanger Ward. The polling station currently allocated to these electors is Panshanger Football Club, which is difficult for some electors to visit as there is quite a distance from where they live in relation to the polling station. These electors voted at Ludwick Family Club for the County and Parliamentary elections, but this venue is not suitable for a borough ward election, as it could confuse voters having two different

ward candidate information at the same polling station. A closer polling station may well increase voter participation.

9. Equality and Diversity

- 9.1 One of the key reasons for carrying out an interim review of the polling places and polling stations is to ensure that they continue to be convenient to all electors and are accessible for disabled persons.
- 9.2 An Equality Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

10. Background Papers

- 10.1 Reviews of Polling Districts, Polling Places and Polling Stations – Guidance from the Electoral Commission
Electoral Registration and Administration Act 2013
Electoral Administration Act 2006
The Review of Polling District and Polling Places (Parliamentary elections) regulations 2006

Name of author: Rob Bridge
Title: Chief Executive and Acting Returning Officer
Date: February 2018

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WELWYN HATFIELD BOROUGH COUNCIL
COUNCIL – 21 FEBRUARY 2018
REPORT OF THE CHIEF EXECUTIVE AND ACTING RETURNING OFFICER
INTERIM REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING
STATIONS

APPENDIX

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency: Welwyn Hatfield
Ward: Welwyn West
County Division: Welwyn
Parish (Ward): Ayot St Peter – Parish Meeting
Polling District: AAB
Electorate: 138
New Polling Station: St Peter Ayot Saint Peter Road AL6 9AB

Voters in Person: 114

Number of Absent Voters: 24

Electors from the following streets vote here:

Ayot Green
Ayot Little Green Lane
Ayot St Peter Road
Brickwall Close
Codicote Road
Homerswood Lane
Kimpton Road (part)
Water End Lane
Whitehill (part)

Current polling station was a temporary station - caravan sited on Ayot Green.
Caravan no longer available.

Welwyn Hatfield Borough Council Review of Polling Places

Constituency: Welwyn Hatfield
Ward: Welwyn West
County Division: Welwyn
Parish (Ward): Welwyn Village Ward of Welwyn Parish Council
Polling District: AAC
Electorate: 2166

New Polling Station: Welwyn Civic Centre Prospect Place
 Welwyn AL6 9ER

Voters in Person: 1723

Number of Absent Voters: 443

Electors from the following streets vote here:

Beecholme, Codicote Road	Hawbush Close	Rollswood Road
Blakes Way	Hawbush Rise	Roman Way
Bowmans Close	Hensley Close	Salix Close
Carleton Rise	High Street	School Lane
Charles Court, Clock House Gardens	Hobbs Hill	Spring Court
Church Place	Holly Hall Court, Church Street	St Johns Close
Church Street	Kimpton Road	St Marys Close
Clock House Gardens	Kindersley Close	Swan Field Court, School Lane
Codicote Road (part)	Lockleys Drive	The Green
Cylers Thicket	London Road 1-7, 6-20 (part)	The Limberlost
Danesbury Lane	Mill Lane	Times Court, Clock House Gardens
Danesbury Park, North Ride	Mimram Place	Trevena Gardens
Danesbury Park Road	Mimram Road	Welwyn By Pass Road
Dewars Close	Mimram Walk	Wendover Court
Dicket Mead	Nathans Close	Wendover Drive
Ellesfield	New Place	Wendover Lodge, Church Street
Elmoor Avenue	North Ride	Whitehill
Elmoor Close	Orchard Road	Wilga Road
Forge Lane	Orion Court, Clock House Gardens	Willow Walk
Fulling Mill Lane	Parkside	Wilshere Road
Glebe Road	Prospect Place	Wingate Gardens
Grange Hill	Quartz Court, Clock House Gardens	
Green End	Reynards Road	

Due to an extensive development at The Frythe, an additional polling station is to be created for ease of travelling of electors at the north end of Welwyn.

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Welwyn West
County Division:	Welwyn
Parish (Ward):	Welwyn Village Ward of Welwyn Parish Council
Polling District:	AAE (new polling district)
Electorate:	1221
New Polling Station:	Welwyn Sports & Social Club Ottway Walk Welwyn AL6 9AT

Voters in Person: 1011

Number of Absent Voters: 210

Electors from the following streets vote here:

Akers Court	Newitt Court
Barbara Court	Node Way Gardens
Becket Gardens	Norman Road
Broomfield Close	Ottway Walk
Broomfield Road	Porteous Court
Butterwick Way	Reeves Court
Chatt Court	Saxon Road
Dolphin Court	St Marys Court, Ottway Walk
Frythe Avene	Stuart Road
Gostwick Lodge, Butterwick Way	Tenterfield House, London Road
Halls Close	The Beeches
Hammond Close	The Crescent
Henwyck Lodge, Butterwick Way	Tudor Road
Kingsdale House, Windsor Road	Windsor Close
Lancaster Way	Windsor Road
London Road 17-67, 22-70	York Way
Maran Avenue	

Following an extensive development in Welwyn, a second polling station is to be created to allow electors at the north end of Welwyn to have a polling station closer to the electorate. This would encourage more electors to participate rather than travelling further to the station in the village. Off street parking is also available.



Welwyn

Linces Farm

Rye field Farm

Linces Spring

Sander's Spring

Hospital

Ppg Sta

Playing Fie

Tamarisk Cottage

Ayot Bury

Rectory Wood

Whitehill Cottages

Whitehill Farm

Horseshoe Plantation

Ayot St Peter

Gregg's Wood

The Frythe

AAB
St Peter
Ayot Saint Peter Road AL6 9AB

War Memorial

Saul's Wood

Homer's Wood

Homer's Wood

Little Hocketts Wood

Long Spring

Mitchell's Wood

Ayot Little Green

Ayot Green

Melbourne Stud

Manor Farm

Sherrards Mews

Old Wood

Bowle's Wood

Saw Mill

Brock's Wood

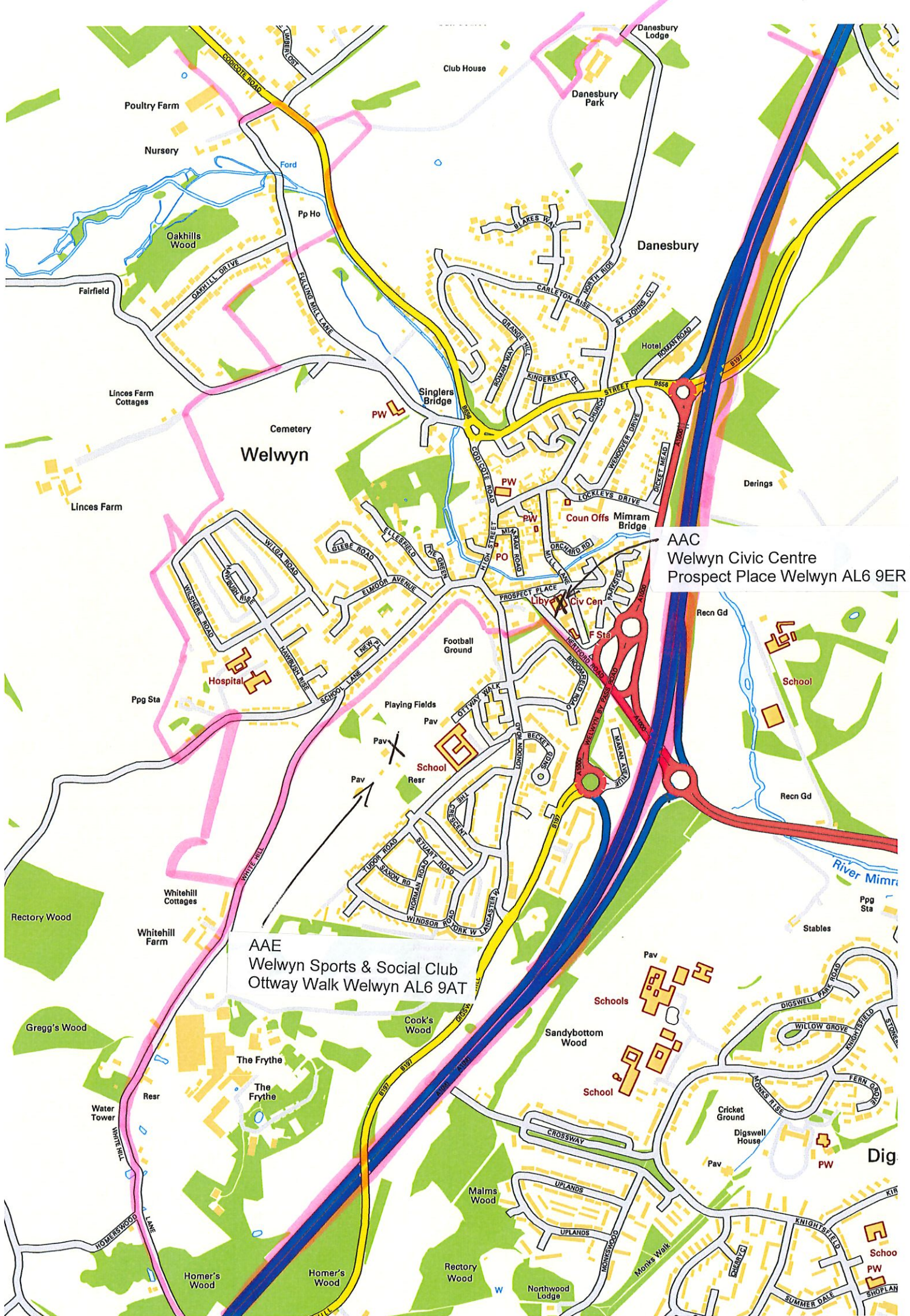
WELWY

Crackendell Wood

Cat's Gallows

Brickwall Cottage

Golf Course



AAC
Welwyn Civic Centre
Prospect Place Welwyn AL6 9ER

AAE
Welwyn Sports & Social Club
Ottway Walk Welwyn AL6 9AT

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Peartree
County Division:	Handside & Peartree
Polling District:	BBA
Electorate:	2270
Polling Station:	Peartree School, Peartree Lane, WGC AL7 3XW
Voters in Person:	1944
Number of Absent Voters:	326

Electors from the following streets vote here:

Althelstan Walk North	Hyde Way
Athelstan Walk South	Knella Road: Oak Tree House, 1-17,
Bedwell Close	45-131, 42-44, 48-50 (part)
Bessemer Road	Liberty House, Bessemer Road
Bridge Court	Ludwick Way
Bridge Road East	Lynmouth Road
Broadwater Crescent	Mill Green Road
Broadwater Road	Moatwood Green
By The Mount	Oaktree Garth
Corals Mead	Otto Road
Creswick Court	Peartree Close
Duncan Close	Peartree Lane
Edgars Court	Penn Way
Empire House, Bessemer Road	Pondcroft
Essendon Gardens	Ravenfield Road
Gainswood	Regent Court
Goblins Green	Salvisberg Court, Otto Road
Groom Place	The Reeds
HED House, Bessemer Road	The Spinney
Holwell Road (part)	Verulam Close
Home Ley	Well Garth
Home Meadow	

The polling districts for BBA, BBB, BBC and BBD have been amalgamated and split into two polling districts BBA and BBB. Previously these polling districts were a different county division but following the county boundary review, these are now coterminous.

Welwyn Hatfield Borough Council

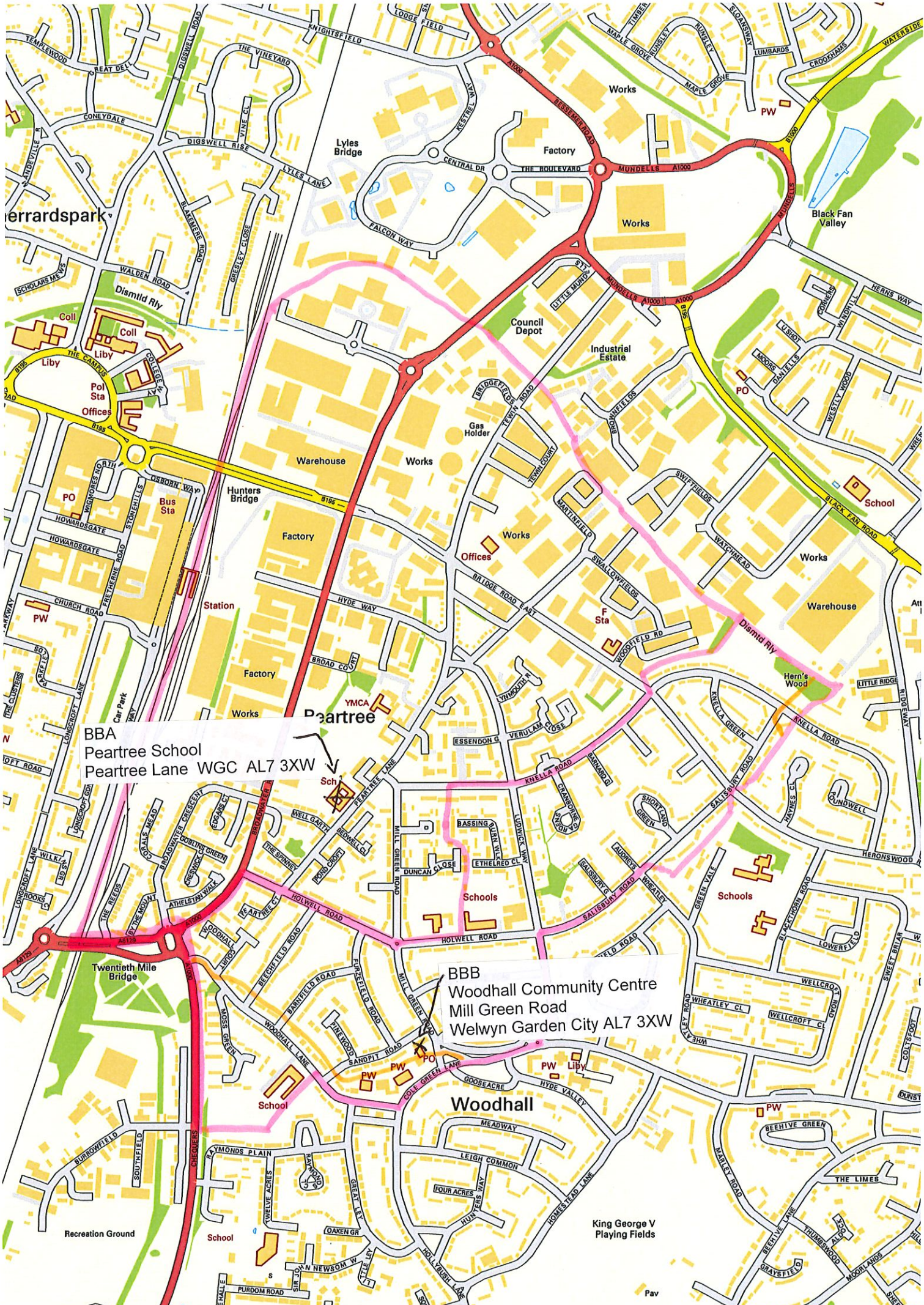
Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Peartree
County Division:	Handside & Peartree
Polling District:	BBB (incorporating roads from BBC and BBD)
Electorate:	2215
Polling Station:	Woodhall Community Centre, Mill Green Road Welwyn Garden City AL7 3XW
Voters in Person:	1971
Number of Absent Voters:	244

Electors from the following streets vote here:

Apple Tree House, Knella Road	Longlands Road
Barnfield Road	Longmore Gardens
Barnard Green	Ludwick Green, Ludwick Way
Bassingburn Walk	Moss Green
Beechfield Road	Oak Tree House, Knella Road
Burgundy Croft	Peartree Court
Celia House, Ludwick Way	Pinewood
Cherry Tree House, Knella Road	Pollards Close
Cole Green Lane (part)	Reiss House, Ludwick Way
Cowper Road	Rosemoor Close
Cranborne Gardens	Salisbury Gardens
Ely House, Ludwick Way	Salisbury Road (part)
Ethelred Close	Sandpit Road
Furzefield Road	Shortlands Green
Heronswood Place	St Audreys Green
Heronswood Road (part)	Vicarage House, Ludwick Way
Holwell Road (part)	Woodhall Court
John Eccles House, Ludwick Way	Woodhall House, Cole Green Lane
Knella Green	Woodhall Lane (part)
Knella Road: Cherry Tree House, Apple Tree House, 133-215, 52, 58-8-124, 134-160, 176-214 (part)	

The polling districts for BBA, BBB, BBC and BBD have been amalgamated and split into two polling districts BBA and BBB. Previously these polling districts were a different county division but following the county boundary review, these are now coterminous. We propose to trial a change of polling station from Holwell School as now they have become a two tier school, they do not want to close on Election Day.



BBA
Peartree School
Peartree Lane WGC AL7 3XW

BBB
Woodhall Community Centre
Mill Green Road
Welwyn Garden City AL7 3XW

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Hollybush
County Division:	Welwyn Garden City South
Polling District:	BCA
Electorate:	1327
Polling Station:	Calvert House Community Centre Homestead Lane Welwyn Garden City AL7 4NZ
Voters in Person:	1145
Number of Absent Voters:	182

Electors from the following streets vote here:

Bartlett Close
Beaumont House, Cole Green Lane
Cole Green House, Hyde Valley
Cole Green Lane
Four Acres
Gooseacre
Hanover House, Hyde Valley
Hollybush House, Hollybush Lane
Hollybush Lane 31-57, 87-97, 99-101, 6-64, 66-112, (part)
Homestead Lane 115-137, 2-24, 34-64, 74-130 (part)
Howlands 468-510, 520-604, 436-448 (part)
Hunters Way
Hyde Valley
Leigh Common
Meadway
Old Dairy Yard
South Ley
South Ley Court
Two Acres
Walnut Court
Walnut Grove
Woodhall Lane 90-104 (part)

Some of the electors have previously voted outside their ward. The polling districts have been altered to allow them to vote within the ward.

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Hollybush
County Division:	Welwyn Garden City South
Polling District:	BCB
Electorate:	2022
Polling Station:	King George V Playing Field Beehive Lane Welwyn Garden City AL7 4BP
Voters in Person:	1740
Number of Absent Voters:	282

Electors from the following streets vote here:

Beehive Lane (part)	Kingsley Court (part)
Boundary Court, Boundary Lane	Lady Grove
Boundary House, Boundary Lane	Linkfield
Boundary Lane	Little Wade
Camfield	Merrifield Court
Drycroft	Middlefield
Elliott Close	Mount Way
Golden Dell	Mountway Close
Green Acres	Pinnate Place
Harebell	Rollswood
Hollybush Lane 131-139, 143-161 (part)	Ryelands
Howlands 329-371, Willow House, 379-419, 427-521, 531-603, 300-426 (part)	The Croft
Katescroft	The Wade
Kendall Close	

The polling districts have been altered to allow all electors in Hollybush ward to vote within that ward. Previously electors from polling district BCA voted outside their ward.

Welwyn Hatfield Borough Council

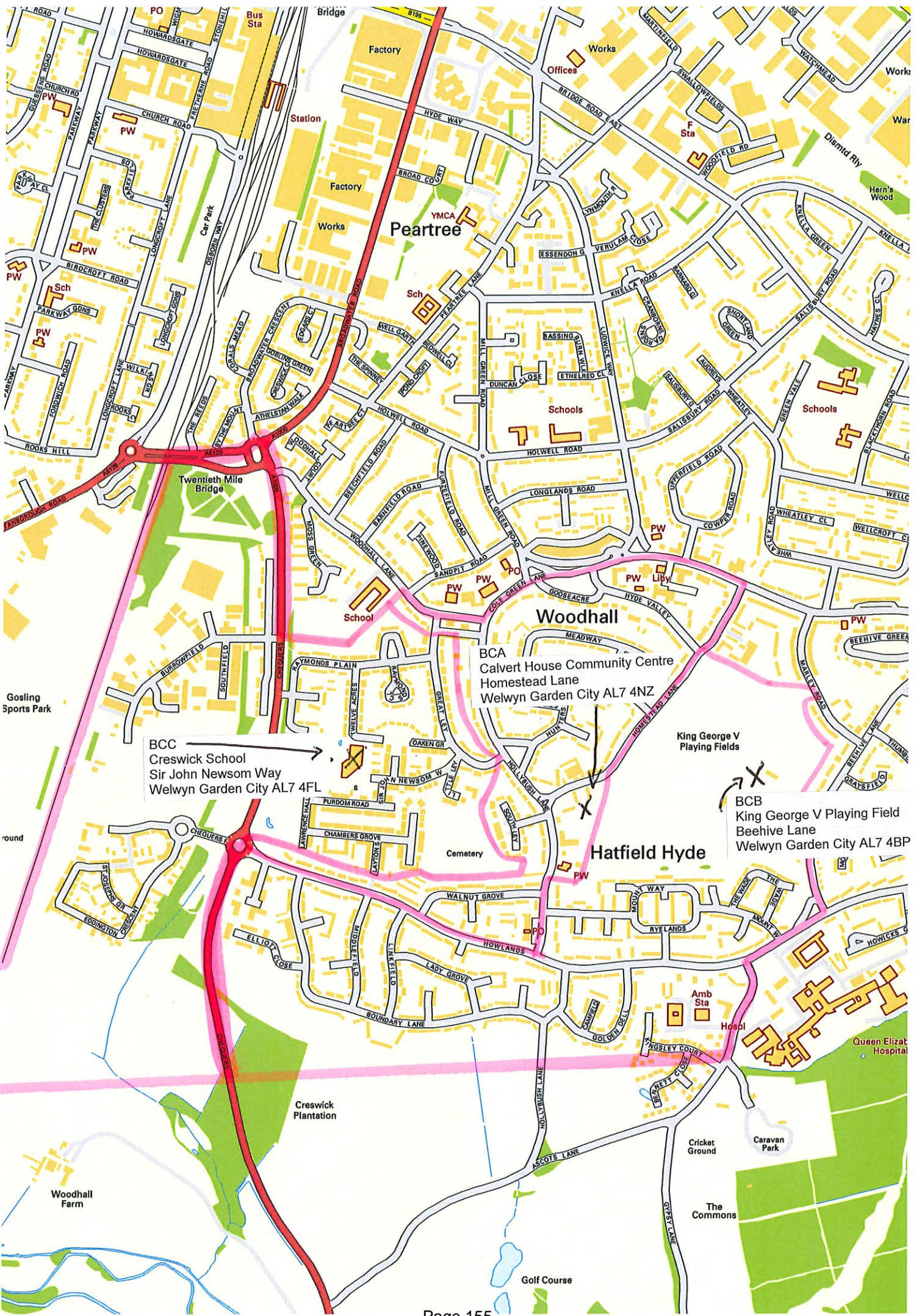
Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Hollybush
County Division:	Welwyn Garden City South
Polling District:	BCC
Electorate:	1666
Polling Station:	Creswick School Sir John Newsom Way Welwyn Garden City AL7 4FL
Voters in Person:	1470
Number of Absent Voters:	196

Electors from the following streets vote here:

Berwick Place
Burrowfield
Chambers Grove
Chequers
Chequers Field
Eddington Crescent
Great Ley
Hitherbault
Kenyon Place
Lawrence Hall End
Layton Street
Little Ley
Oaken Grove
Purdom Road
Raymonds Close
Raymonds Plain
Sir John Newsom Way
St Josephs Green
Twelve Acres

The polling districts have been altered to allow all electors in Hollybush ward to vote within that ward. Previously electors from polling district BCA voted outside their ward.



BCC
Creswick School
Sir John Newsom Way
Welwyn Garden City AL7 4FL

BCA
Calvert House Community Centre
Homestead Lane
Welwyn Garden City AL7 4NZ

BCB
King George V Playing Field
Beehive Lane
Welwyn Garden City AL7 4BP

8 Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Haldens
County Division:	Haldens
Polling District:	BFA
Electorate:	1328
New Polling Station:	The Holy Family Catholic Primary School Crookhams Welwyn Garden City AL7 1PG
Voters in Person:	1131
Number of Absent Voters:	197

Electors from the following streets vote here:

Crookhams
Eastor
Flexley Wood
Haldens (part)
Kilnfield
Lumbards
Maple Grove
Margery Wood
Mundells
Nutfield
Pondfield
Postfield
Quickbeams
Robin Mead
Rowans
Runsley
Salmon Close
Sloansway
Swanhill
Timbercroft

The current polling station used is the nursery at Rowans school. This station is not a suitable venue due to there being a step into the nursery which is accessed by a ramp and the facilities for staff are not suitable including the toilets which are children's toilets. There is also a negative response to using the school by the head teacher and further, it is also known to flood when there is adverse exceptional weather.



Rowans School Rowans
Schools
BFA
The Holy Family Catholic Primary School
Crookhams Welwyn Garden City AL7 1PG

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Panshanger
County Division:	Welwyn Garden City South
Polling District:	BGC
Electorate:	838
New Polling Station:	Douglas Tilbe House Hall Grove Welwyn Garden City ALY 4PH
Voters in Person:	691
Number of Absent Voters:	147

Electors from the following streets vote here:

Breakmead
Bushey Close
Bushey Green
Bushey Ley
Carve Ley
Dodwood
Great Break
Great Ganett
Heronswood Road (part)
Holwell Hyde
Little Ganett
Ridgeway (part)

Note 1: This polling station is outside the polling district and the ward.

Note 2 : Following the boundary review, these electors were transferred from Howlands Ward to Panshanger Ward. The polling station currently allocated to these electors is Panshanger Football Club, which is difficult for some electors to visit as there is quite a distance from where they live in relation to the polling station. These electors voted at Ludwick Family Club for the County and Parliamentary elections, but this venue is not suitable for a borough ward election, as it could confuse voters having two different ward candidate information and at the same polling station. A closer polling station may well increase voter participation.



BGC
Douglas Tilbe House
Hall Grove Welwyn Garden City ALY 4PH

Hall Grove

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Hatfield Villages
County Division:	Hatfield South
Parish (Ward):	West Ward of Hatfield Town Council
Polling District:	CAD
Electorate:	999
Temporary New Polling Station:	Howe Dell Community Hall The Runway Hatfield AL10 9JY – Room 2
Voters in Person:	808
Number of Absent Voters:	191

Electors from the following streets vote here:

Ashbury Close
Bramble Road
Brookside
Crossbrook
Ellenbrook Crescent
Ellenbrook Lane
Haltside
Poplar Avenue
Poplars Close
Ryders Avenue
Selwyn Avenue
Selwyn Crescent
Selwyn Drive
St Albans Road West (part)
The Sidings
Wilkins Green Lane

Change caused by the existing polling station - the Ramada being renovated.



CAD
Howe Dell Community Hall
The Runway Hatfield AL10 9JY - Room 2

Ramada Hatfield
St Albans Road West

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Hatfield East
County Division:	Hatfield East
Parish (Ward):	West Ward of Hatfield Town Council
Polling District:	CCD and CCE
Electorate:	338 and 529
Polling Station:	Hatfield Leisure Centre Dance Studio Travellers Lane Hatfield AL10 8TJ
Voters in Person:	292 and 466
Number of Absent Voters:	46 and 63

Electors from the following streets vote here:

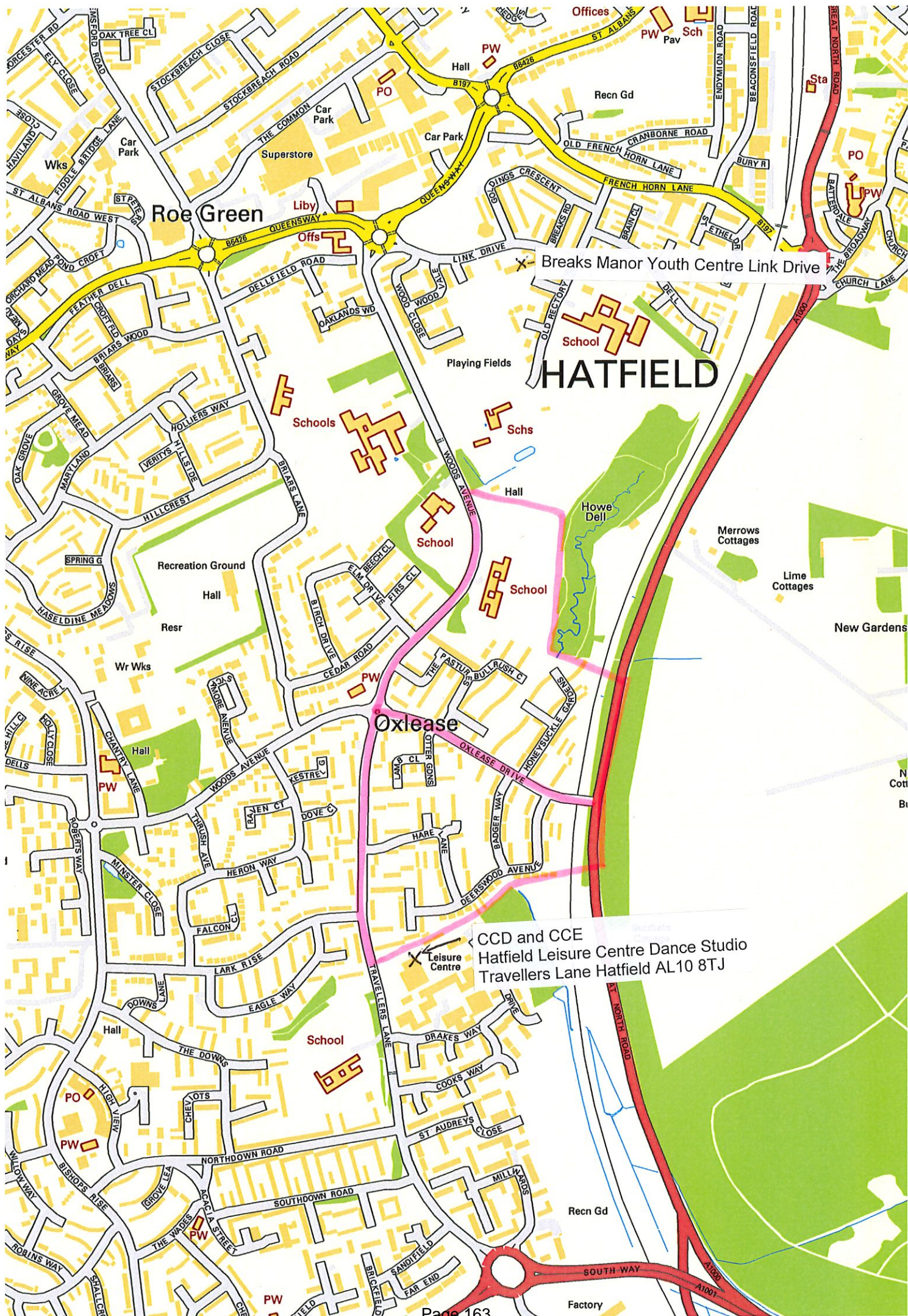
CCD

Bullrush Close
Foxglove Close
Honeysuckle Gardens
Primrose Close
The Pastures

CCE

Badger Way
Coney Close
Deerswood Avenue
Hare Lane
Lamb Close
Otter Gardens
Oxlease Drive
Travellers Lane (part)

Note: Following the recent changes to the boundary, these electors now have to attend a polling station much further away. They also pass the polling station which they used to attend which is now in a different ward. A closer polling station as proposed would make a more accessible location and may well increase voter participation.



Roe Green

HATFIELD

Oxlease

CCD and CCE
Hatfield Leisure Centre Dance Studio
Travellers Lane Hatfield AL10 8TJ

Welwyn Hatfield Borough Council

Review of Polling Places

Constituency:	Welwyn Hatfield
Ward:	Welham Green and Hatfield South
County Division:	Hatfield South
Parish (Ward):	South Ward of Hatfield Town Council
New additional Polling District:	DBB
Electorate:	1131
New Polling Station:	Oxlease House Day Centre Travellers Lane Hatfield AL10 8TJ
Voters in Person:	985
Number of Absent Voters:	146

Allen court	Northdown Road (part)
Almond Walk	Richmond Court
Brickfield	Rowan Walk
Brickfield Court, Brickfield	Sandifield
Cooks Way	Scholars Walk
Downsfield	Southdown Court
Drakes Way	Southdown Road
Far End	St Audreys Close
Five Oaks, Sandifield	Stanley Drive
Gean Walk	Strawberry Field
Hamilton Court	Travellers Lane
Kingsmill Court	Whitebeams
Millwards	

Current polling station used for Hatfield South part of Welham Green and Hatfield South Ward. Polling station split into two to encourage electors to the west of the polling district to vote at a station closer to them.

Welwyn Hatfield Borough Council

Review of Polling Places

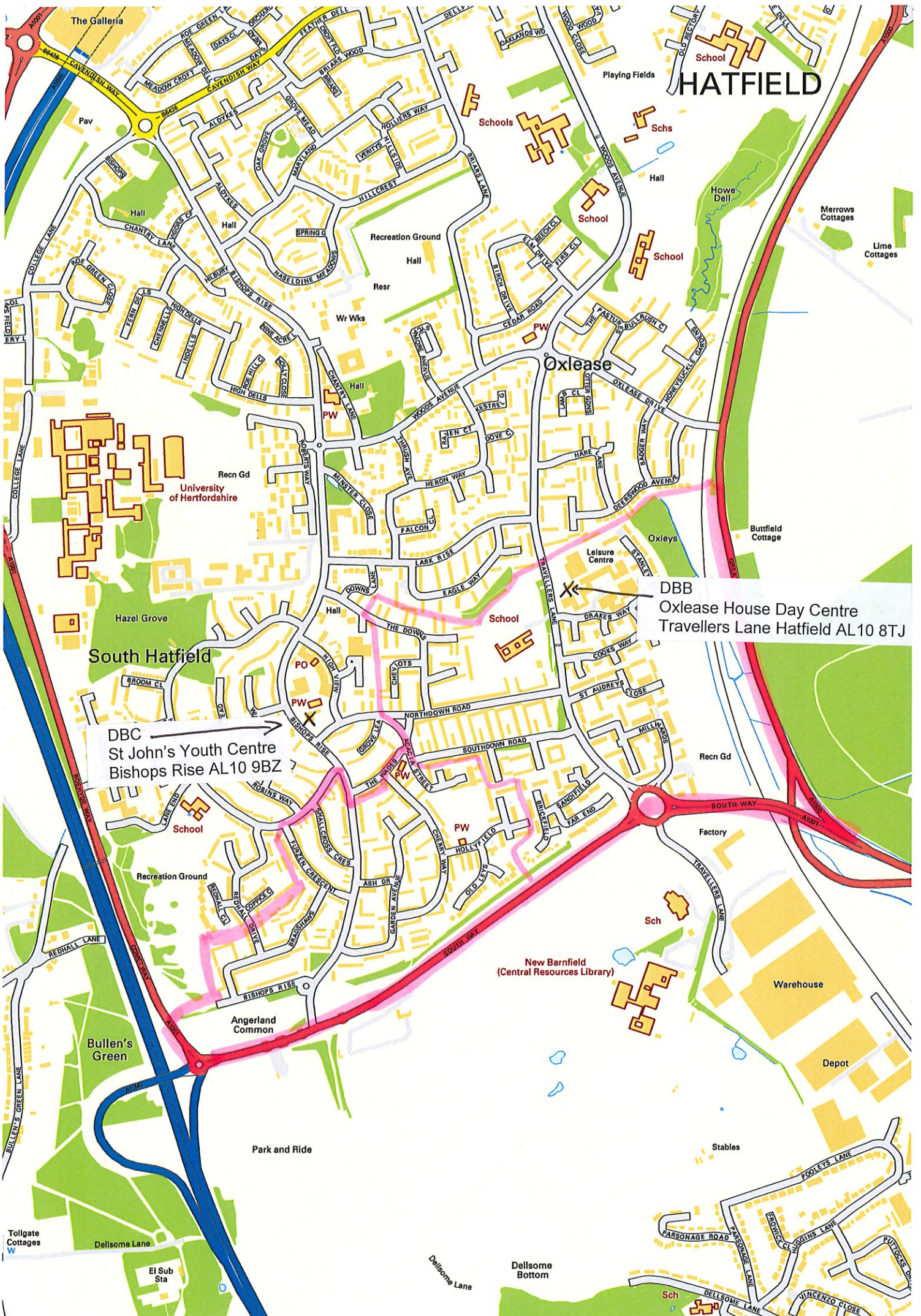
Constituency:	Welwyn Hatfield
Ward:	Welham Green and Hatfield South
County Division:	Hatfield South
Parish (Ward):	South Ward of Hatfield Town Council
New additional Polling District:	DBC
Electorate:	1184
New Polling Station:	St John's Youth Centre Bishops Rise AL10 9BZ
Voters in Person:	1009
Number of Absent Voters:	175

Acacia Street
Ash Drive
Bishops Rise (part)
Bradshaws
Cherry Way
Cheviots
Chilterns
Cotswolds
Furzen Crescent

Garden Avenue
Hollyfield
Old Leys
Redhall Drive (part)
Redhall Lane
Shallcross Crescent
Summerfield
The Downs

New polling district created. Following boundary changes, electors to the west of the ward were concerned about the distance to travel to their allocated polling station in the east of the ward.

This polling station is outside the polling district and the ward. Created to encourage voter participation.



The Galleria

HATFIELD

South Hatfield

DBC
St John's Youth Centre
Bishops Rise AL10 9BZ

DBB
Oxlease House Day Centre
Travellers Lane Hatfield AL10 8TJ