

BERKHAMSTED TOWN COUNCIL

01442 800146
enquiries@berkhamsted.towncouncil.gov.uk


www.berkhamstedtowncouncil.gov.uk

2nd Floor
Civic Centre
161 High Street
Berkhamsted
Herts
HP4 3HD

17 April 2018

SUMMONS TO ALL MEMBERS

Notice is hereby given that there will be a meeting of the **TRANSPORT and ENVIRONMENT COMMITTEE** held in the Council Chamber, Civic Centre, Berkhamsted, on **Monday 23 April 2018 at 7.30 pm** for the purpose of transacting the business set out in the agenda below and you are hereby summoned to attend.



Mrs J Mason
Town Clerk

MEMBERS:

Councillors: S Beardshaw (Chair)
 S Bateman
 F Earl
 P Matthews
 I Reay
 T Ritchie
 G Yearwood

Substitutes: J Jones
 D Collins
 G Corry

EX OFFICIO:

Councillor Mrs C Green - Town Mayor

THE PUBLIC ARE INVITED TO ATTEND ALL MEETINGS OF THE TOWN COUNCIL

AGENDA

OPENING MATTERS

- TE 32/18** To receive **apologies for absence**
- TE 33/18** To receive **Declarations of Interest** regarding items on the agenda
- TE 34/18** To approve the **minutes of the meeting** held on 19 March 2018
- TE 35/18** Actions taken following the 19 March meeting and briefing notes on other items on the agenda see Town Clerk's report. (Attached.)
- TE 36/18** **Chair's Communications**
- (i) HS2 News From Chiltern Countryside Group: Public Meeting 26 March (230318)*
 - (ii) Walking in Hertfordshire – April (030418)*
 - (iii) Diabetes Awareness: Berkhamsted Joint Practices' Patient Participation Group, have organised a public meeting in Berkhamsted on Monday 30 April from 7pm in the Civic Centre, 161 High Street.
 - (iv) CDA Herts eBulletin March 2018 (030418)*
 - (v) News from Herts and Middlesex Wildlife Trust - April 2018 (040418)*
 - (vi) Springing into action at Rectory Lane Cemetery – newsletter and appeal for volunteers (040418)*
 - (vii) Chiltern Society Spring Newsletter (090418)*
 - (viii) Berkhamsted Young Business Network launch event: 25 April (110418)*
 - (ix) Affinity Water - Draft Business Plan and Water Resources Management Plan (160418)
- (Date circulated to councillors)*

TE 37/18 **Public Participation**

To suspend Standing Orders so that **members of the public might speak**

ENVIRONMENT

TE 38/18 **Replacement of trees in High Street - update**

TE 39/18 **Play area at Normandy Drive/ Dellfield - update**

TE 40/18 Requirement for Fencing around The Moor Play Area in Berkhamsted - update

TE 41/18 Castle Site Working Group – updates

- (i) Land transfer event 11 May 2018
- (ii) Letter to English Heritage's Chief Executive regarding funding for the Conservation Management Plan
- (iii) To **RESOLVE** that Town Council representatives on the group should meet to make recommendations on terms of reference and membership of Berkhamsted Castle Trust to the Annual Meeting of the Town Council on 21 May 2018.

TE 42/18 CIL Working Group

- (i) To **receive and approve** the notes of the meeting held on 13 April 2018 (to follow)
- (ii) To **consider** future action.

TE 43/18 Hertfordshire Pudding Stone near Heron Place

To **consider** a proposal to retrieve the stone as set out in correspondence from a local resident circulated to councillors on 11 April 2018.

TE 44/18 Japanese Knotweed – Use of Community Protection Orders

Advice from DBC's Legal Governance Team Leader is attached.

TRANSPORT

TE 45 /18 Parking Forum Issues

- (i) Multi storey Car Park (Cllr T Ritchie)
- (ii) Double yellow lining – to **consider** recent complaints received by Councillors (Cllr S Beardshaw);

TE 46 /18 Potholes in Berkhamsted

To **receive** feedback from HCC about an enquiry made by the Town Council about the possibility of setting a budget for funding some pothole repairs to supplement HCC activity in Berkhamsted.

TE 47 /18 Winter Gritting Regime

- (i) To **note** that on 10 April the Town Clerk e-mailed Rob Smith at HCC for information about grit spreading from lorries and the apparent absence of any visible grit on occasions;

- (ii) To **receive** Mr Smith's response (awaited at the time of issuing this agenda).

TE 48/18 Town Council Speed Activated Device

To **note** that as a preliminary to the purchase of a device, Cllr Reay has agreed to commission a speed and volume survey to be undertaken at Gossoms End. The cost will be £275.

JEM 170418

Berkhamsted Town Council
Transport and Environment Committee
23 April 2018
Clerk's Report

1. Actions taken following the 19 March meeting not covered on the agenda

All actions are associated with on-going projects so are covered in separate agenda items.

2. Briefing notes on 23 April agenda items.

TE 38/18 Replacement Trees in High Street – Preparations have been made at five sites although the pit outside Papa Johns still has a tree stump in it and the remains of an unmapped (but dead) electrical cable. The tree officer and I met with a business owner on 6 April and assurances have been given that the adjacent tree (birch) would be slender, of compact habit and kept trimmed back. Additionally the tree officer is investigating the possibility of covering the soil with self-binding gravel to stop the build up of litter around the tree which was a further concern for the proprietor. Actual planting should take place imminently at three sites with two others requiring further investigation.

TE 39/18 Play area at Normandy Drive/Dellfield – DBC's Rob Cassidy is in the process of contacting three companies (Wicksteed, Proludic and Kompan) to see if they would like to quote. Once the quotes have been received they will be sent to procurement and a choice made. DBC is more than happy to send the designs over for the Town Council to look at. The next stage would be sorting out the detail of installation dates and such like.

TE 40/18 – Requirement for fencing around The Moor play area – Councillors have been sent copies of my 3 April letter to David Austin reiterating the request and drawing attention to the impact of additional temporary parking on the East side of The Moor during the construction phase of the new car park. He is currently consulting with colleagues and will reply before our T & E meeting. This matter was also raised with James Deane when he was advised by e-mail of the Town Council's support of the proposal to provide temporary additional parking at The Moor.

TE 41/18 – Castle Site Working Group - (i) Invitations have now been sent out to the event on 11 May to hand the Mallinckrodt land to Berkhamsted Castle Trust; (ii) a letter to EH's Chief Executive was sent on 11 April (following consultation with Tim Cockerill and members of the group) and was copied to councillors, also on 11 April; (iii) Members of the group need to arrange a date to meet.

TE 42/18 – CIL Working Group – The notes of the meeting on 13 April will be circulated before T & E.

TE 44/18 Japanese Knotweed – Use of Community Protection orders

At the last meeting, at Cllr Batman's suggestion, I was asked to make further enquiries of DBC about their powers to take action regarding Japanese Knotweed. DBC has confirmed that it has no further powers beyond those that councillors were given advice about at the 29 January meeting. However, further helpful information from DBC's perspective is attached to the agenda, provided by the Legal Governance Team Leader.

TE 46/18 - Potholes in Berkhamsted – HCC's Localities Officer has advised that the establishment of a Town Council budget to fund some pot hole repairs is not possible because of safety, logistical and contractual reasons.

JEM
17/4/18

Japanese Knotweed and the Use of Community Protection Notices

Information provided by DBC's Legal Governance Team Leader (Property & Planning)/Deputy Monitoring Officer

There is a possibility that Japanese Knotweed could be the subject of a Community Protection Notice ('CPN'), although that said the mere existence of the knotweed might not be sufficient to meet the test for a CPN:

<http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/1/crossheading/community-protection-notices/enacted>

A CPN can be used against individuals (or companies) who are acting unreasonably and who persistently or continually act in a way that has a detrimental effect on the quality of life of those in the locality. The Act does not explicitly refer to Japanese knotweed or other, similar invasive non-native plants, as the anti-social behaviour powers are intended to be flexible. However, frontline professionals can stop or prevent any behaviour that meets the legal test in the powers.

A CPN can be used to require someone to control or prevent the growth of Japanese knotweed or other plants that are capable of causing serious problems to communities. The test is that the conduct of the individual or body is having a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality, and that the conduct is unreasonable. Under section 57 of the Act, "conduct" includes "a failure to act". A CPN could therefore be used to require someone to control or prevent the growth of Japanese knotweed or other plants that are capable of causing serious problems to communities.

This means if an individual, or organisation, is not controlling Japanese knotweed or other invasive plant and could be reasonably expected to do so, the CPN could be used after a written warning has been served beforehand to get them to stop the anti-social behaviour. Breach of any requirement of a community protection notice, without reasonable excuse, would be a criminal offence.

There have also been occasions where neighbouring landowners have taken action through the civil courts and secured significant damages in the process to compensate for either damage caused or diminution in property value:

<https://www.pla.org.uk/2017/06/williams-and-waistell-v-network-rail-infrastructure-ltd/>

Only the Borough Council would have the powers under the Anti-Social Behaviour, Crime and Policy Act to issue a CPN.
