

Public Document Pack



Chairman and Members of the Council

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21 October 2024

cc. All other recipients of the Council agenda

Dear Councillor,

COUNCIL - 16 OCTOBER 2024

Please find attached the responses to Public and Members' questions that were submitted to the meeting above:

7. Public Questions (Pages 2 - 4)

To receive any public questions.

8. Members' Questions (Pages 5 - 17)

To receive any Members' questions.

Yours faithfully,

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Agenda Item 7

COUNCIL – 16 OCTOBER 2024

PUBLIC QUESTIONS

Question 1	Patrick Kane to ask Cllr Ben Crystall, the Leader of the Council
<p>Following EHDC's purchase of Water Lane Hall in 2019 and its subsequent designation as an Asset of Community Value, the building is falling into a state of serious disrepair. It is our understanding that EHDC is responsible either directly for maintenance (as the building owner) or indirectly (enforcing maintenance actions as the landlord of URC). In particular the toilets are backing up and overflowing because of drainage issues and water is leaking through the roof. Hirers have reported these and other issues to the URC and EHDC, but they have not been addressed and are getting worse. Without this work being done-before the winter the hall will almost certainly become unusable and unsafe, thus failing to remain an Asset of Community Value.</p> <p>Does EHDC intend to conduct essential maintenance on the building before the start of the winter, using the £170k budgeted for this work, or to compel the tenants to do so?</p>	
Response from Cllr Ben Crystall	
<p>Thanks for the question Patrick. It's clear that Water Lane Hall is valued by the community and in the original plan for the ORL site, developed under the previous administration, the hall was due for demolition. However we have worked hard to find a way to bring it outside the ORL development boundary so that it can be saved for continued community use.</p> <p>As you know Water Lane Hall is currently leased by the URC which manages the building and is responsible for ensuring it is operational, and this arrangement is likely to extend into the middle of next year. The leaseholders are responsible for day to day maintenance including cleaning and internal, non-structural repairs. The Council has a good relationship with the URC who are committed to keeping the venue open. Problems around drainage and leaks have been discussed and</p>	

recently they organised a plumber to fix the issue in the toilets and a roofer to patch the leak on the roof. We must remember that it is an old building and these are likely to be short term fixes. This Council has allocated up to £170k towards maintenance at Water Lane Hall and as a first stage we will undertake a structural survey to ascertain the state of the building and any estimates for repair. A separate sewer survey will also be required to look at wider issues around drainage. As some may be aware we have not yet commissioned that work on the basis that until the ORL development boundary is changed, Water Lane Hall remains within the scope of the ORL development. At its meeting on the 19th September, the ORL Board Members received an update to say that we expect the Development Agreement to be signed imminently and with this in mind, the board pressed officers to begin work on the survey as soon as possible. An update will be provided at the next ORL Board meeting but until the costs are known, we are unable to say with any certainty what work will be undertaken. And once we have a better sense of costs involved, we can begin to look at options for the future of the building.

Supplementary question from Patrick Kane

When might we see a schedule of works for the £170,000 spending?

Response from Cllr Ben Crystall

It was a difficult question to answer but the Executive would like to get it in place as soon as possible. He said that the development agreement needed to be signed first before the surveys could be carried out. He could not give a timeline at the moment but would provide it as soon as possible.

Question 2

Graeme Smith to ask Cllr Ben Crystall, the Leader of the Council

Since the designation of Water Lane Hall as an ACV in 2023, Friends of Water Lane Hall (FoWLH) have shared a proposal to renovate WLH to face onto the new Old River Lane, relating positively to the new ORL development. We understand that EHDC is currently re-negotiating with the United Reform Church about the re-location of URC parking spaces which were allocated in 2019 to URC on a 100 year lease behind the Lemon Tree. The renovation opportunity - and the future viability of WLH - would be invalidated in the event that the 11 leased car parking spaces are moved back into the area of the current WLH car park (part of

the EHDC purchased property), and would lose our community the opportunity to harmonise this area of the town centre with the new Old River Lane development. Essentially, moving the car parking to the back into the WLH boundary would block public access forever.

What assurances can EHDC council give that this community space to the Old River Lane side of Water Lane Hall (but within the WLH boundary) will not be given away to car parking?

Response from Cllr Ben Crystall

Thank you for your question Graeme. As we have just heard from the answer to the previous question, the very first action is to complete the structural survey and ascertain costs involved to bring the building up to an acceptable standard for keeping it open after the lease arrangements with the URC come to an end. Until such costs are known we are unable to speculate on any future arrangements.

Officers have met with the Friends of Water Lane Hall to discuss their proposals for the Hall but as of now the Council has only allocated £170k towards essential repairs and maintenance. Should any conversations take place about longer term arrangements there will be a number of issues to consider, of which parking is only one. Rest assured however, that public access will be maintained, regardless of parking issues.

Supplementary question from Graeme Smith

When can we expect EHC to unveil its long term strategy for the hall? Are the decisions about the hall delegated to officers or made by elected representatives?

Response from Cllr Ben Crystall

He said that the decisions would be made by the Executive, not delegated to officers. He said that he wanted to see community use continue and was open to discussion with community groups but he was not able to provide a timeline at the moment.

COUNCIL – 16 OCTOBER 2024

MEMBERS' QUESTIONS

<p>Question 1</p>	<p>Cllr Ian Devonshire to ask Cllr Vicky Glover-Ward, the Executive Member for Planning and Growth</p>
<p>In April 2024, the Five Year land supply Position Statement stated that we had a five year land supply of 5.95 years. However, recently the Planning Inspector has granted permission for 350 houses in Buntingford on appeal. The Inspector disagreed with this Statement and believed that we have much less than 5 years Land supply.</p> <p>This decision now leaves this Authority very vulnerable to further unwanted development, which is a very serious position. How did this Council arrive at this position?</p>	
<p>Response from Cllr Vicky Glover-Ward</p>	
<p>Members who sat in the previous administration will no doubt recall that the Council previously lost its 5YHLS following a hearing session in December 2022. At that time the Inspector questioned the deliverability of four sites. Since then, officers have worked hard to demonstrate that progress is being made on these sites.</p> <p>As a result of this work the Council's Five-Year Land Supply Position Statement published in March 2024, and subsequently updated in April 2024 (to reflect new affordability ratios) set out that the Council could demonstrate 5.57 – 5.95 years of supply depending on the affordability ratio used. The supply was informed by information from developers on their forecasts of build out rates, moderated where the Council considered these projections to be overly optimistic to reduce the numbers or put the delivery times back.</p> <p>The appellant in the Buntingford appeal challenged the Council's assessment of housing need and disagreed with the Council's position arguing that the Council could only demonstrate between 3.86 – 3.93 years.</p> <p>Having reviewed the evidence presented as part of the Inquiry the Inspector concluded that the Council could demonstrate between</p>	

4.20 – 4.49 years (depending on the affordability ratio used). She made it clear that this represented a 'snapshot in time', representing the situation as it stood at the time of the Inquiry.

The Inspector attached significant weight to appellant's proposed housing delivery, setting out that the development is expected to deliver 200-240 dwellings within the 5-year housing land supply period so makes an important contribution to reducing the Council's shortfall. Including 240 dwellings in the 5YHLS calculations increases the Council's land supply to 4.42 – 4.72 years.

Without a 5YHLS the 'tilted balance' is engaged when making decisions on planning applications. This changes the balancing exercise taken when deciding whether to give planning permission or not. In practice, where it is engaged, it increases the prospect of securing planning permission.

While the planning inspector's decision is not as we would hope it is beneficial in that it clearly identifies why sites should not be included in the 5 Year Land in the planning inspector's opinion.

Officers have sought Counsel's advice on whether there is any opportunity to challenge the decision and recommended next steps.

Counsel has advised that the only grounds to challenge the decision is if there is evidence that the Planning Inspectorate has made a legal mistake. In this case Counsel considered that a legal mistake had not occurred, and that the Inspector was within her right to make a planning judgement about the deliverability of the Council's anticipated supply of housing.

Counsel advised that in his view the Council would be better served to accept the Inspector's decision and that officers should concentrate on addressing the particular issues raised by the Inspector, to provide the clear evidence required to demonstrate supply.

Officers have been working with HCC and other statutory consultees, stakeholders and the Applicants of the sites that were removed from the supply, towards a position whereby the sites

can be considered deliverable. In particular progress is being made on BISH3 (Bishop's Stortford North), BISH6 (Bishop's Stortford High School), BISH7 (Good Yard) and HERT3 (West of Hertford).

An updated Five-Year Land Supply Position Statement will be published in due course and will reflect the progress that is being on these sites.

As a result of questions from members of most of the parties in this chamber I asked officers to prepare a briefing paper which has been circulated today. It has taken a while as officers recommended, and I agreed, that work on action plan for the sites that were disallowed should take precedence over less pressing issues. In the interim I have held informal meetings and discussions with members of the three parties that had approached me with questions about the implications of this judgement.

Supplementary question from Cllr Ian Devonshire

Councillor Devonshire asked who was responsible for the failure.

Response from Cllr Vicky Glover-Ward

Councillor Glover-Ward said that the administration were handed a housing supply that did not meet the five year land supply and they had done everything possible to regain that supply. She said the council could not presuppose what a planning inspector will class as deliverable or undeliverable as it was based on their planning judgement.

Question 2

Cllr Graham McAndrew to ask Cllr Ben Crystall, the Leader of the Council

At the Executive meeting on 1st October, I suggested exploring the option of a shared CEO, potentially shared with another authority, given the completion of key projects and streamlined operations. This would provide cost efficiencies and still meet our strategic needs. With the current vacancy, does the Leader agree that we should also review the composition of the Senior Management Team to ensure optimal use of resources?

Response from Cllr Ben Crystall

Thanks for the question Graham. As you may be aware, since our previous CE left, we acted quickly and within days selected Helen Standen as Interim CEO. This should be confirmed tonight. With Helen in place, our immediate priority is to hire a new Finance Director to replace Steven Linnet who is retiring in December. This is urgent given the budget cycle. We have approved the job spec, briefed an agency and they are now carrying out searches for the right candidates to move forwards to interview.

As far as investigating options for our next CE, we have also acted swiftly on this. We've had discussions with the LGA over shared roles and have begun discussions with leaders at shared authorities to understand the issues. Interestingly there are only 16 such arrangements amongst about 180 councils across England. From our discussions so far a shared CE is clearly challenging to establish but we're looking closely at whether it will suit EH and what the financial and governance implications would be. Meanwhile in clear contrast, Cllr Deering is chomping at the bit for us to appoint a new CE as quickly as possible – clearly we want to fully consider the shared option first. And while we have acted quickly, we must proceed carefully as this is a serious decision with long term impact for the council and residents. I'm mindful of the experience of one of our neighbouring authorities, Harlow, which has seen 5 CEs in 2 years. We need to make the right choice and that's our priority, even if it takes a little longer than some of your colleagues would like.

In terms of the Senior Leadership Team, as the member may be aware, within this year and next year's budget, savings of half a million pounds have been identified to be made from changes to the senior management structure. Taking into account the need to focus on the budget position and ensure that services continue to be delivered to residents and businesses across East Herts, Helen immediately started a full review of the senior structure which aims to rebalance the workload of the senior team, deliver the required savings, as well as ensuring maximum resource efficiency, so we continue to deliver value for money.

Supplementary from Cllr Graham McAndrew

Councillor McAndrew asked for a timeline for the recruitment process.

Response from Cllr Ben Crystall

Councillor Crystall said that he hoped that the recruitment for a Section 151 Officer would be complete by Christmas and would have a better idea about structural change early in the new year.

Question 3

Cllr David Andrews to ask Cllr Ben Crystall, the Leader of the Council

What can you tell council this evening about how the consultation on Parking is shaping up? Both On-line and at the in-person sessions in each of the towns?

Response from Cllr Ben Crystall

Thanks for your question and to be honest I am very surprised that you're asking me when I would expect you to know that this falls squarely within Cllr Tim Hoskin's portfolio. I know at the county council if you ask the wrong portfolio holder a question you don't always get an answer. But as we like to be more helpful here, on this occasion Cllr Hoskin has very graciously agreed to answer your question.

Councillor Hoskin said that the engagement sessions were to help shape the drafting of the parking strategy before consultation takes place later this year. We received 1,641 online responses to the survey and the in-person sessions had mixed attendances from two attendees to up to 20. The lunchtime sessions were more popular than evening sessions. The general themes coming out of the engagement sessions were that recognition that different areas had different access to services and facilities and parking charges should reflect that. Views on emission-based parking were varied with affordability of electric vehicles being a key obstacle. There were also mixed views about parking for workers, businesses and commuters. Once the online and face to face data is analysed we will have a better steer on the direction of the parking strategy

We expect to have some initial results back in November. These will be appended to the scrutiny report in January 2025.

Supplementary question from Cllr David Andrews

Councillor Andrews said that residents had pointed out to him that they felt the questions in the consultation were leading and were concerned that it was leading to differential parking charges. He asked if the Leader could offer assurances that this would not happen.

Response from Cllr Ben Crystall

Councillor Crystall said the Executive would have to await the results of the parking consultation so could not provide any assurances until the responses had been considered.

Question 4**Cllr Tom Deffley to ask Cllr Chris Wilson, Executive Member for Community Engagement**

The Council has held various consultations recently on a variety of subjects, which have been held on-line and in person. Does the Executive Member for Community Engagement believe that these consultations have represented good use of resource and value for money?

Response from Cllr Chris Wilson

I would like to thank Cllr Deffley for the question.

There is a simple answer and that is yes. But that wouldn't do justice to what is a legitimate and fair question.

To take the consultations and engagement in turn, dealing with those that have gone beyond the compulsory statutory process.

There were consultations in-person on the air quality strategy. Cllr Hoskins and myself found these very helpful and useful as a way of gauging opinion and as thought-provoking stimuli for the purposes of producing the plan. These cost nothing and helped Cllr Hoskin and officers produce a plan that has recently been cited as an exemplar by DEFRA.

Secondly, there have been engagement sessions prior to the parking strategy being drawn-up. I can tell members that the online survey has had more than 1600 responses and so I feel this has been a big success and a great help to Cllr Hoskin in setting forth our parking strategy. We have also had in-person discussions with residents in 6 different places (the 5 towns and Stanstead Abbots). It is fair to say that attendance numbers have varied and were disappointing in places. What was true though is that in no small part thanks to officers involvement there was a depth to all the discussions we had which complemented the survey and gave us a greater understanding of the differing views of residents.

Finally, we consulted with residents over Old River Lane in terms of the future public square. 1030 responses were received via a combination of online surveys, paper forms and face to face meetings.

In terms of cost, both these exercises took up officer time whilst we employed consultants to help facilitate the parking engagement and market researchers to make sure we got a cross-section of the public's views on ORL.

So was this a waste of money? In my view had the previous administration engaged better and in a more open-ended way with residents at the start of the ORL project we might well be in a better place now. For the town centre to thrive and ORL to be a success we simply have to find out what people want. That has been done very well. Similarly, we need to know when and how people will park to make sure we give people a good service while making the revenue we need. So, engaging well is crucial to these aims and to our finances.

I will be embarking on a lessons learnt exercise to see how we can improve things, and I can see possible improvements in engagement in asking people to volunteer in advance of in-depth face to face sessions in future and then they can select the time and place for these sessions. I would also call on all councillors including Cllr Deffley to get involved- tell me and officers how we can better get our message through to local residents so that they can engage and so they represent local residents' ideas themselves and in sessions where applicable. Finally, the more knowledge, opinion and views we can get from residents the better, and the more efficient and more profitable we will be.

Question 5

Cllr Yvonne Estop to ask Cllr Chris Wilson, Executive Member for Resident Engagement

Bishop's Stortford residents heard about a proposal to make Cemetery Road one-way through a Traffic Regulation Order consultation, generating a large number of objections. Herts County Council executive member for transport, Cllr Bibby, and highways officers pointed out this had been approved through a planning condition for St James Park in 2021.

One HCC officer said 'I do find it a real shame that our residents did not engage in the planning process before the 'one way' proposal was approved as a planning obligation for Countryside Properties'. This application was for the discharge of a condition and was one of 51 discharge of condition applications and 22 reserved matters applications for St James Park (not to mention 9 variation applications). None of the applications with substantive design proposals are noticed by residents because of the arcane language of the proposal.

What can the council do to enable residents to identify and engage with substantive proposals following the grant of outline permissions?

Response from Cllr Chris Wilson

I would like to thank Cllr Estop for the question. Before answering I would like to provide some context. The proposal she details from Highways was in itself one that, if I am being kind, could be described as badly misjudged. Whilst it is correct that residents could have made comments earlier about the planning condition, the fact Highways suggested a scheme that met with almost universal disapprobation from residents and councillors of all parties should make them reflect on their own decision-making process.

Having said this of course we want to encourage residents to engage with all aspects of our services and this is why we have introduced the Community Forums as a way of keeping residents informed of delivery on the ground with respect to some of our strategic sites.

More specifically, in terms of the planning position, there is no statutory duty to consult on the discharge of planning conditions - ordinarily therefore this is not something the LPA would undertake as a matter of course. Extensions of time cannot be used for discharge of planning conditions and, there is a deemed discharge route if the council do not determine in time. In addition, it should be noted that the fee for discharging a planning condition is £145 which barely covers our admin.

Cllr Estop highlights that there were 51 planning conditions on the outline planning permission - consultation on all the applications to discharge those conditions would result in very substantial additional cost to the council, significant increased workload in officers having to

manage, and consider representations, and this would ultimately lead to the delays in discharge of planning conditions and potential for fees to be repaid.

Finally, however, there is one way in which the council can engage with such issues and that is through local ward councillors. We are all local experts and can monitor new planning proposals and developments and engage with our residents regarding these issues, representing their views at every stage. I am confident we all do so but also that there are always ways of doing this better and I am sure we can all learn from each other how to engage in situations such as the recent one at Cemetery Road.

Question 6

Cllr Yvonne Estop to ask Cllr Carl Brittain, Executive Member for Financial Sustainability

Members are aware of the £300,000 annual business rates accruing to Charringtons House. Could you please set out the overall figures for insurance cost, security and maintenance cost of the deteriorating building, and lost annual rental income since premature eviction of office tenants by the previous administration in 2022?

Response from Cllr Carl Brittain

The overall figures for insurance, security and maintenance at Charringtons House are as follows. In 2023/2024, the council spent a total of £2,810. So far in 2024/2025, the council has spent £2,348 on these items. We thus anticipate this year's total to be slightly higher than last year. This simply reflects the difference in reactive maintenance works year-on-year.

When preparing a building for closure, it is arguably moot as to when it is best for tenants to move out. Of note, the council has taken advantage of tenancy end dates and has negotiated repossession with the tenants so as to reduce any tenancy termination liabilities.

The rental income in 2021/22 was £370,000 and it was £310,000 in 2022/23. Thus, a 2022 annual rental income figure of between £310,000 and £370,000 could have possibly continued beyond March 2023 if some tenancies had continued. This level of income, however, would be unlikely to have actually been achieved given the open knowledge of the very limited future for the building.

Question 7	Cllr David Willcocks to ask Cllr Vicky Glover-Ward, Executive Member for Planning and Growth
<p>Can the Executive Member provide a progress report on the Council's support of work by Bishop's Stortford Town Council and Hertfordshire County Council on the creation of the new cycle route in Bishop's Stortford North, in particular whether an agreement has been reached between the councils on use of EHC parkland for the overall project?</p>	
<p>Response from Cllr Vicky Glover-Ward</p>	
<p>In principle. we as EHDC are happy to have the cycle route going through EHDC land; however, EHDC are unable to commit to the ongoing costs of any maintenance for same.</p> <p>BSTC has asked for a 'letter of comfort' to state the above and I was made aware of this at a recent BS Partnership Meeting. The CEO of EHDC was also at the partnership meeting and undertook to arrange a meeting with the BSTC to discuss the level of drafting required for such a letter of comfort to enable the project</p> <p>As EHDC cannot take liability for any costs for the installation or maintenance of the cycle path then either:</p> <p>a. HCC need to provide assurances that it will be adopted by HCC OR b. BSTC should provide assurances that any and all maintenance costs will be met by BSTC</p> <p>We are happy to work with both HCC and BSTC to make this cycle route happen; I and the Exec Member for Environment, Tim Hoskins are working with BSTC and other parties through the BS Partnership and the BSTC Sustainable Transport subcommittee respectively to assist BSTC in providing the assistance required from EHDC to enable this project.</p>	
Question 8	Cllr David Willcocks to ask Cllr Carl Brittain, Executive Member for Financial Sustainability
<p>Please provide detailed information on the estimated annual savings for the council that can be attributed to the services of East Herts Citizens' Advice?</p>	
<p>Response from Cllr Carl Brittain</p>	

I would like to thank Cllr Willcocks for his question. I'm afraid the council does not have an estimate of any savings that accrue to the council from the work of the Citizens' Advice Service in East Herts. The council does, however, provide financial support and so officers are currently working with the chief executive of the East Herts Citizens' Advice Service to better understand the organisation's costs, the specific uses to which the council's funding is put – for example front line advice and/or management overheads – and any opportunities for cost savings.

It is recognised that the Citizens' Advice's debt advice is of practical assistance to those to whom the council owes a homelessness duty. So, in addition to council funding for the overall provision of services, the council also uses £20,000 a year of its Homelessness Prevention Grant from central government to fund debt advice to homeless people. The Housing Service's records indicate that each year, around 50 homeless households that the council supports will have received debt advice from Citizens' Advice.

In addition, Citizens' Advice's support to all residents on accessing benefits and dealing with debt may assist in recovery of council tax but the council does not hold statistical evidence of this.

Members may be interested to learn that the council is currently working with Citizens' Advice and other voluntary organisations on preparatory work for a bid to the National Lottery's Partnerships Fund. Part of this work includes more clearly articulating voluntary sector agencies' ability to assist people and save costs to partner agencies. The outcome of this work will be available later next year at which time a bid for Lottery funding will be considered.

Question 9

Cllr David Jacobs to ask Cllr Carl Brittain, Executive Member for Financial Sustainability

Earlier this year EHDC agreed to sell some of its property assets as part of its budget for 2024/25. A subset of these properties was discussed at Executive on 1/10/24 and agreed for sale by auction. Can the Executive Member for Financial Sustainability provide an update on the original list of sites, setting out which if any of the properties have already been sold and whether the list of prospective sites has changed since it was initially shared with councillors?

Response from Cllr Carl Brittain

I would like to thank Cllr Jacobs for his question and assure him that work is underway regarding all the property assets identified for potential disposal as part of the budget approved by Council on 28th February earlier this year.

The Executive approved disposal of four site at its meeting of 1st October 2024. Of the remaining five sites:

- the development agreement for the disposal of the Old River Lane site to Cityheart will be signed very shortly, current expectation is that it will be signed by the end of October
- it is proposed that disposal of the car park adjacent to the site to Waitrose will follow the signing of the development agreement
- a series of options for disposal of the residential units adjacent to Northgate End car park are being drawn up by officers for member consideration
- I removed the recommendation to dispose of Southern Maltings in Ware from the Executive meeting on 1st October to afford a little more time for consideration of the process, given that the building is currently occupied unlike any of the sites approved for disposal at the same meeting.
- I and my colleagues have considered the case for disposal of the car park in Ware to Tesco and have concluded that this is not in the best interest of the council or residents at this moment in time.

The council keeps under review all property holdings with a view to benefits of retention or disposal. Cllr Jacobs will be aware that disposal of Havers Parade, Elizabeth Road, Bishop's Stortford is currently under consideration and any additional potential sites for disposal will be included in the 2025/26 budget papers.

Question 10

Cllr David Jacobs to ask Cllr Ben Crystall, Leader of the Council

Can the Leader provide Council with a statement on the circumstances in which the Chief Executive left the council last month without serving any notice or handover period, including details of any severance package?

Response from Cllr Ben Crystall

You may recall that a statement was already provided in September, outlining the fact that the then Chief Executive had made the decision to leave the Council after five years at the helm, and I would invite

you to revisit that statement should you wish to be reminded of any of its details.