



MEETING : EXECUTIVE
VENUE : VIRTUAL MEETING
DATE : TUESDAY 7 JULY 2020
TIME : 7.00 PM

MEMBERS OF THE EXECUTIVE

Councillor Linda Haysey	- Leader of the Council
Councillor Peter Boylan	- Executive Member for Neighbourhoods
Councillor Eric Buckmaster	- Executive Member for Wellbeing
Councillor George Cutting	- Executive Member for Corporate Services
Councillor Jan Goodeve	- Executive Member for Planning and Growth
Councillor Graham McAndrew	- Executive Member for Environmental Sustainability
Councillor Suzanne Rutland-Barsby	- Executive Member for Communities
Councillor Geoffrey Williamson	- Executive Member for Financial Sustainability, and Deputy Leader

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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AGENDA

1. Apologies

To receive apologies for absence.

2. Leader's Announcements

3. Minutes (Pages 7 - 20)

To approve as a correct record the Minutes of the meeting held on 2 June 2020.

4. Declarations of Interest

To receive any Member(s) declaration(s) of interest.

5. Update from Audit and Governance Committee

To receive any report of the Committee Chairman – no report has been submitted as the Committee has not met since the last meeting of the Executive.

6. Update from Overview and Scrutiny Committee (Pages 21 - 24)

To receive a report of the Committee Chairman.

7. Contract Waiver - Archaeological Excavation (Pages 25 - 32)

8. East Herts Local Development Scheme - update July 2020 (Pages 33 - 54)

9. Street Trading Consent Policy (Pages 55 - 106)
10. Revised Regulation of Investigatory Powers Act (RIPA) Policy and Use of Social Media in Investigations Policy (Pages 107 - 166)
11. Revenue and Capital Outturn (Pages 167 - 182)
12. Capital Contingency (Pages 183 - 188)
13. Annual Report 2019 - 20 (Pages 189 - 224)
14. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
EXECUTIVE HELD AS A VIRTUAL MEETING
ON TUESDAY 2 JUNE 2020, AT 7.00 PM

PRESENT: Councillor (Chairman/Leader)
Councillors L Haysey, P Boylan,
E Buckmaster, G Cutting, J Goodeve,
G McAndrew, S Rutland-Barsby and
G Williamson.

ALSO PRESENT:

Councillors C Redfern, R Bolton, S Bull,
J Frecknall, M Goldspink, A Hall,
D Hollebon, J Jones, T Page, M Pope,
P Ruffles and A Ward-Booth.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
Helen Standen	- Deputy Chief Executive
Rebecca Dobson	- Democratic Services Manager
James Ellis	- Head of Legal and Democratic Services
Bob Palmer	- Head of Strategic Finance and Property
Sara Saunders	- Head of Planning and Building Control

Su Tarran	- Head of Revenues and Benefits Shared Service
Jess Khanom- Metaman	- Head of Operations
Steven King	- Finance Management Trainee
John Williams	- Electoral Services Manager

18 LEADER'S ANNOUNCEMENTS

The Leader of the Council welcomed those present in the virtual meeting, and those watching the livestreamed meeting. She explained the protocol which would be followed for the conduct of the meeting.

Councillor Haysey referred to the way in which the District's communities were taking measures to maintain social distancing, in particular in the three main towns of Hertford, Bishop's Stortford and Ware. The measures had been put in place to keep people safe, and it was important that all respected the social distancing requirements.

19 MINUTES – 11 FEBRUARY 2020

Councillor Haysey proposed, and Councillor E Buckmaster seconded, a motion that the Minutes of the meeting held on 11 February 2020 be approved as

a correct record. The motion on being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 11 February 2020 be approved as a correct record, and signed by the Leader.

20 DECLARATIONS OF INTEREST

There were no declarations of interest.

21 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

Councillor Wyllie said the Overview and Scrutiny Committee had not met since before the last Executive meeting, as due to the Covid-19 crisis, the Committee's March meeting had been cancelled. However, it would be meeting on 16 June, and areas of the Committee's work would shortly, therefore, be back on track.

22 UPDATE FROM AUDIT AND GOVERNANCE COMMITTEE

Councillor Pope said the Audit and Governance Committee had met remotely on 19 May 2020. It had had a full agenda, which had included a presentation on the audit plan for the forthcoming audit by the Council's external auditors, EY. The Committee had also received a presentation from the Shared Internal Audit Service (SIAS) and from the Shared Internal Fraud Service. In relation to the latter, it had been noted that there were a number of outstanding recommendations relating to cyber security matters,

so the Committee had asked that the relevant Officer attend the next meeting to give an update. In relation to the SIAS report, the Committee had noted that the number of internal audit days being purchased by the Council had decreased from 400 to 300 since 2017/18, and would monitor this level, as it would not wish to see that figure decrease further.

Councillor Pope said the Committee had also received the financial update for Quarter 3, and a more recent verbal update on the financial position. Finally, updates on the risk management strategy and the strategic risk register had been received.

23 GILSTON AREA SUPPLEMENTARY PLANNING DOCUMENT - FINAL FOR ADOPTION

Councillor Haysey submitted a report outlining the results of the public consultation on the draft Gilston Area Charter Supplementary Planning Document (SPD). The report sought agreement to adopt a revised document. The report also stated that the three statutory consultees had no comment on the Strategic Environmental Assessment Screening Report.

Councillor Haysey said this SPD would establish the principles of masterplanning for the Gilston area. During the next 10 to 15 years, 10,000 homes would be developed. She was adamant that the quality of design of these homes would be exemplary. The SPD would set standards for developers. The SPD had been out for consultation and a number of comments to improve the document had been incorporated. She

invited Councillor E Buckmaster to speak.

Councillor E Buckmaster said he wished to speak both as the Ward Member for the area, and the Executive Member for Wellbeing. He had been involved in a group which had helped to develop the SPD. He referred to the key words in the report regarding adopting the SPD, through a comprehensive and consistent manner. It was very important that the development would knit together with the existing landscape and communities. He referred to the importance of treating this as one strategic site as part of the masterplan. Modifications had been incorporated from responses to the consultation, including the site promoters, and the paper had been shared with the neighbourhood plan group, from whom no comments had been received.

Councillor Haysey proposed a motion to support the recommendations. Councillor Buckmaster seconded the motion.

Councillor Page said the Council's masterplans were commendable, and he recognised that much work had gone into producing the report. He expressed concern in respect of one aspect, affordable housing. He asked that a way of strengthening the affordable housing programme be identified, to demand a robust financial viability assessment, particularly in view of the current Covid-19 impact on house prices.

Councillor Haysey agreed it was a major concern. It was important to recognise the extremely valuable role played by key workers during the Covid-19 crisis, who

were not necessarily able to afford the house prices in the district's area. This concern would be the subject of careful and ongoing consideration.

Councillor Boylan said he was anticipating the report on the future of affordable housing for the district would be published by the early Autumn. He said in terms of planning policy frameworks, the Council had already adopted the Affordable Housing SPD.

Councillor Buckmaster said the largest site promoter in respect of the Gilston Area had made clear their intention to have provision of affordable homes.

The motion, on being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED – to recommend to Council that (A) the responses of the consultation be noted and the officer responses and proposed changes to the Gilston Area Charter Supplementary Planning Document (SPD) be supported;

(B) The Gilston Area Charter Supplementary Planning Document (SPD), as detailed in Appendix C of this report, be approved for adoption;

(C) In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, it has been determined that a Strategic Environmental Assessment of the emerging Gilston Area Charter Supplementary Planning Document (SPD) is not required as it is

unlikely to have significant environmental effects; and

(D) That the Head of planning and Building Control, in consultation with the Executive Member for Planning and Growth, be authorised to make any further minor changes to the document which may be necessary.

24 FINANCIAL UPDATE

Councillor Williamson submitted a report on the impact of Covid 19 on the Council's finances.

Councillor Williamson said he was bringing this report before the Executive, in view of the severe impact of the measures needed to combat the virus. The report set out the position as at the end of April, and addressed the short and medium term range of impacts.

Councillor Williamson said the report addressed the budget for 2020/21, the medium term financial plan and the Council's cash position and level of reserves.

He set out the position regarding the fall in the Council's income in relation to the 2020/21 budget. The budget relied on income from fees and charges. The shortfall against budget for income in April was approximately £800,000. There were concerns about some items which could cause higher losses, such as loss of income from the trade waste service, a reduction in interest rates on investments and reduced

income from Millstream investments.

Councillor Williamson went on to describe some costs savings, although these were limited. He referred to measures which had been taken such as a short term loan made to Everyone Active to cover their payroll while the Government furlough scheme was established; and amendments to the waste service. Arrangements had been made to defer rent from commercial tenants, for either the current quarter or the next quarter. In summary, the range of income losses for the 2020/21 budget could be between £2.9 million and £4.5 million, although as grant funding of approximately £1.5 million had been provided by the Government, the net increase of use of reserves would be between £1.4 million and £3 million.

Councillor Williamson then referred to the medium term financial plan. He said that when setting the 2020/21 budget, the saving proposals and additional income generation plans had closed the budget gap for this year but there was still a budget gap for 2021/22 of £420,000. Additional income generation plans from improved recycling rates and additional trade waste customers were unlikely to be realised in the short term. One of the key plans for income generation had been for pay and display, and officers were now re-mapping the timings for a decision on the parking strategy.

Councillor Williamson drew Members' attention to the impact of Covid 19 on council tax. Government support had been received for working age claimants receiving a council tax reduction, which was welcomed,

but the prospect of increased unemployment was a concern. Any increase in council tax support cases would reduce the taxbase. The report set out the assumptions made regarding the council tax income which would be needed in the MTFP for 2021/22.

Councillor Williamson referred to the conclusion in the report, in that it was not possible to give credible overall estimates of the impact of the Covid-19 situation on the MTFP, and that new ideas to reduce net expenditure would be needed to replace or supplement existing plans.

Councillor Williamson referred to the cash and reserves position. He said in conclusion that although the Council would suffer short to medium term difficulties, it was able to face its worst case scenario. In recognition of the fact that some businesses were struggling, the report included a recommendation that Heads of Service be authorised to agree deferment of fees and charges to allay hardship.

Councillor Williamson proposed a motion that the recommendations in the report be supported. Councillor McAndrew seconded the motion.

Councillor Pope said that as Chairman of the Audit and Governance Committee, he had noted a drop in income from the Council's two property investment vehicles. He asked for more specific details and an estimate of how long the losses were expected to last.

Councillor Williamson responded that the reasons for the reduction were that there had been reductions in

both funds and direct investments.

Councillor Haysey said that the overall context was that the Council was in a sound position, which was not the case for some neighbouring authorities. It was however important to keep reserves for the benefit of residents. It would be necessary to build up income streams. She thanked the Head of Strategic Finance and Property and officers for this excellent analysis of the council's financial position.

The motion, being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED – that (A) the potential impacts of Covid 19 on the budget for 2020/21 and the Medium Term Financial Plan be noted; and

(B) authority be given to Heads of Service to agree the deferment of any business related fees and charges where a business can demonstrate that payment would cause immediate financial hardship.

25 NOTING THE DECISION OF THE CHIEF EXECUTIVE TO
APPROVE A SCHEME FOR THE LOCAL AUTHORITY
DISCRETIONARY GRANT FUND TAKEN UNDER URGENCY
PROVISIONS

Councillor Williamson submitted a report on a decision taken by the Chief Executive on 26 May 2020, to approve the local authority discretionary grant funding scheme under urgency provisions. He said the

government had, as part of its response to Coronavirus, announced this funding, to be given to local authorities, to provide support for local businesses which were not eligible for the current Small Business Grant or Extended Retail Relief Grant Fund. East Herts Council had been awarded £1.57m to distribute to eligible businesses. The government had set national criteria. The report set out the aspects where local authorities had some limited discretion. In order to ensure that this money was distributed to businesses as soon as possible, the decision was approved by the Chief Executive, in consultation with the Leader, on 26 May 2020, setting a deadline of two weeks within which applications could be submitted.

Councillor Williamson proposed a motion that the recommendations in the report be supported. Councillor Rutland-Barsby seconded the motion.

Councillor Wyllie declared a disclosable pecuniary interest (DPI), in that he was the owner of a small business in the district. He said he had not appreciated at the start of the meeting that he would need to have declared this interest before the item was considered.

Advice was sought from the Democratic Services Manager as to the procedure to be followed where a declaration of interest had not been made at the start of the meeting. The Democratic Services Manager advised that it would be necessary that a Member declaring a DPI had to leave the meeting for the duration of any debate and voting on the item in question. Accordingly, Councillor Wyllie left the virtual

meeting for the duration of consideration of the item.

The motion, being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED - that (A) the decision to approve the local authority discretionary grant funding scheme, taken by the Chief Executive in consultation with the Leader, be noted; and

(B) delegated authority is granted to the Head of Revenues & Benefit Service, in consultation with the Executive Member for Financial Sustainability, to revise the scheme if all the available funds are not allocated under the proposed scheme criteria.

26 LOAN TO SLM - REPORT OF DECISION TAKEN BY CHIEF EXECUTIVE

Councillor Haysey reminded Members that this item included information at appendices B and C which was exempt from publication.

The Monitoring Officer advised that if Members wished to discuss those papers, the meeting would move to part 2, and exclude the press and public by means of stopping the livestream of the meeting.

Councillor Williamson presented a report requesting that the decision of the Chief Executive taken on 16 April 2020, to approve an emergency loan to the leisure contractor, Sport and Leisure Management Ltd (SLM), be noted. The decision had been taken under

delegated authority, to enable an expedited response, in the context of the coronavirus outbreak. The first part of the loan had already been repaid in full, and repayment terms were set out in relation to the further funding to support the cost of a core team of staff carrying out essential maintenance of the East Herts leisure centres.

Councillor Williamson proposed a motion that the recommendation in the report be supported. Councillor Cutting seconded the motion.

The motion, being put to the meeting, and a vote taken, was declared CARRIED.

RESOLVED – that the decision of the Chief Executive, taken under delegated authority, be noted, to (A) approve a loan to SLM of the sum set out in the exempt from publication Appendix B to this report, to support the cost of SLM's payroll costs for furloughed staff for April 2020 only; and

(B) to approve funding for a further loan of £16,171 in April, £12,391 in May and £10,578 in June 2020 (subject to a monthly review of Government instructions) to support the cost of a core team of staff carrying out essential maintenance of East Herts leisure centres.

The meeting closed at 7.38 pm

East Herts Council Report

Executive

Date of Meeting: 7 July 2020

Report by: Councillor John Wyllie, Chairman of Overview and Scrutiny Committee

Report title: Report of Overview and Scrutiny Committee

Ward(s) affected: all

Summary

This report is a summary of matters considered at a recent meeting of the Overview and Scrutiny Committee, as reported by the Chairman of the Committee.

RECOMMENDATIONS FOR EXECUTIVE:

(a) To note the report of the Overview and Scrutiny Committee Chairman.

1.0 Proposal(s)

- 1.1 The Executive agenda includes a standing item for consideration of reports from the Overview and Scrutiny Chairman. Executive Members are invited to consider and note the comments submitted by the Chairman of the Committee.

2.0 Background

- 2.1 The following is a summary prepared by the Chairman of the Overview and Scrutiny Committee:
The Committee met virtually on 16 June and discussed a large number of items.

Development Management pre-planning – this topic was discussed and some improvements were identified, including proactive feedback.

Street Trading Policy – Members made a number of recommendations which are referred to in the body of the report by the Head of Housing and Health in relation to the prohibited goods list to include Flying Lanterns, Helium balloons and fireworks, Street Trading in AQA's and treating existing street traders with maximum consideration.

RIPA Policy – this draft policy was reviewed and it was agreed that it would be presented to the Overview and Scrutiny Committee on an annual basis.

Other topics discussed were Health and Wellbeing, Housing and Health and Hartham Leisure.

The Work Programme was also updated.

3.0 Reason(s)

- 3.1 To enable the Executive to be informed directly by the Overview and Scrutiny Chairman of the Committee's work and its scrutiny of forthcoming policy.

4.0 Options

- 4.1 Not to receive the Committee's views: this option would not be conducive to the scrutiny process.

5.0 Risks

- 5.1 That scrutiny is not taken into account in Executive decision-making.

6.0 Implications/Consultations

- 6.1 None in relation to this summary report, as specific reports which were considered by the Committee and

are submitted to the Executive set out implications in relation to those items.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 None.

Contact Member

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Report Author

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Manager

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East Herts Council Report

Executive

Date of Meeting: 7 July 2020

Report by: Executive Member for Wellbeing

Report title: Contract Procedure Rules: Exemption Report

Ward(s) affected: Bishop's Stortford Meads / ALL

Summary

To present to Executive the updated contract value of the contract exemption in place for archaeological works at Grange Paddocks Leisure Centre (GPLC).

RECOMMENDATIONS FOR EXECUTIVE:

(a)The contract procedure exemption be noted

1.0 Proposal(s)

- 1.1 To advise the Executive that the value of the contract exception noted by the Executive on 08 October 2019 has increased in value from £82,417 to £264,683.
- 1.2 It is proposed that Executive note the increased contract value of the contract exemption in place for RPS Consulting Ltd in relation to archaeological works at GPLC. This contract value still remains below the EU threshold for works.

2.0 Background

- 2.1 Last Year, at its meeting on 08 October 2019, the Executive noted the contract procedure for the archaeological excavation at GPLC. This report can be

found in Appendix A.

- 2.2 The contract exemption value, noted by the Executive on 08 October 2019, was based on the archaeological evidence found in the initial investigations undertaken by Cotswold Archaeology in Summer 2019. These early investigations did not indicate the levels of archaeology that were subsequently found on site during the full footprint excavation.
- 2.3 As a result of these unexpected findings, the excavation took an additional five weeks on site, requiring two additional archaeologists along with additional equipment. Consequently the post-excavation costs also increased due to the unexpected level of findings on site, which was not limited to: four sunken floored Roman buildings, over 200 kilos of Roman pottery, 10 inhumations, and over 600 metal objects. These findings have therefore incurred significant additional cost to the contract value exemption.

3.0 Reason(s)

- 3.1 To advise the Executive of an exemption to the formal tender procedure normally required for contracts with a value of between £50,000 and the EU threshold for works.
- 3.2 This matter was originally reported to the Executive in accordance with para 4.4 of Part 4H of the Councils Constitution: Contract Procedure Rules. Since that report, the Contract Procedure Rules have been modified, as agreed by Council on 13 May 2020. There is no longer a requirement that such exemptions be reported to the Executive. The exemption has been approved by the Head of Operations, in consultation with the Head of Strategic Finance and Property.

4.0 Options

- 4.1 Five quotations were sought as part of the original contract exemption report which can be found in Appendix A.

5.0 Risks

- 5.1 There is no risk of this contract value increasing again as these archaeology works, on behalf of East Herts, have now concluded.
- 5.2 The GPLC project maintains a project risk register which is reported to the Leisure Project Board.

6.0 Implications/Consultations

- 6.1 There are no financial implications to the Council as a result of this increase in contract value. This increased contract value has been accounted for as part of the GPLC capital budget.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

Yes

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes – confirmed that as archaeology is classified as works, this contract value falls below the EU threshold.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – previous report taken to Executive in October 2019.

Contact Member Eric Buckmaster, Executive Member for Wellbeing
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Report Author Emily Coulter, Project Manager
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Appendix A – previous report to Executive EAST HERTS COUNCIL

EXECUTIVE – 8 OCTOBER 2019

REPORT BY: BY THE EXECUTIVE MEMBER FOR WELLBEING AND THE
DEPUTY LEADER & EXECUTIVE MEMBER FOR FINANCIAL
SUSTAINABILITY

REPORT TITLE: CONTRACT PROCEDURE RULES: EXEMPTION REPORT

WARD(S) AFFECTED: BISHOP'S STORTFORD MEADS/ ALL

Purpose/Summary of Report

- To advise Executive of a contract procedure exemption

<u>RECOMMENDATIONS FOR EXECUTIVE: That:</u>	
(A)	The contract procedure exemption be noted

1.0 Background

- 1.1 This report is to advise the Executive of an exemption to the formal tender procedure normally required for contracts with a value of between £50,000 and the EU threshold.
- 1.2 It relates to the engagement of RPS Consulting Services Ltd to provide specialist services to manage and to assess the impact of an archaeological dig on the proposed site of the new Grange Paddocks Leisure Centre.

Appendix A – previous report to Executive

- 1.3 The matter is being reported to the Executive in accordance with para 4.4 of Part 4H of the Councils Constitution: Contract Procedure Rules. The exemption has been approved by the Head of Legal and Democratic Services, in consultation with the Head of Strategic Finance and Property, as required by para 4.4. However, in addition, the regulations require that the matter is reported to the next Executive to support the action taken.
- 2.0 Report
- 2.1 Grange Paddocks Leisure Centre (GPLC) is a key council project in which Council has approved significant capital funding for the delivery of a new leisure centre, located to the south of the existing centre, to support the delivery of the council's corporate priority of improving the health and wellbeing of its communities.
- 2.2 As part of the planning application considerations and in order to allow development to take place, a number of surveys have to be undertaken. An archaeology survey was one of the surveys required. A desktop archaeology study was instructed in February 2019.
- 2.3 The desktop study generated a recommendation that archaeological trenching take place, at pre-application stage, based on the Roman history of the site. Three trenches were excavated on the proposed footprint of the leisure centre, to ascertain the potential archaeological features identified through the surveying and Ariel photographs. This was carried out on in May 2019 over three days.
- 2.4 Following an evaluation of the trenching results, a full footprint excavation of the new leisure centre site is now required, prior to the commencement of development. The GPLC programme did not envisage that a full excavation of the proposed footprint would be required as part of this project.

Appendix A – previous report to Executive

- 2.5 Procurement of specialist services to deliver the archaeological dig of the site could have been undertaken through the Pre-construction Service Agreement (PCSA) that the council have in place with the constructor; Wilmott Dixon. However, under Wilmott Dixon's corporate policy they have to provide site supervision for any works undertaken on site, even though for this project they are not necessarily required. This would incur an additional cost of approximately £25k which does not represent good value.
- 2.6 Due to the above, the council wishes to procure the specialist services for the archaeological dig. The work is estimated to take 6-8 weeks, with RPS having capacity to start in the middle of September. The duration of the work could extend beyond 8 weeks, depending on the findings. On the basis of this time period, the dig must commence as soon as possible in order to allow it to be discharged as a planning condition and not delay the planned start on site date in early 2020.
- 2.7 It is due to this requirement to carry out the archaeological dig prior to commencement of the development, that this exemption request is being made. This is in accordance with para 4.6 (g) unforeseen works or circumstances where delay will adversely impact on service delivery for the council or access to external funds. If the work is not completed to the timescales above, this will have an impact on the programme and therefore have an impact on the expected revenue being generated from the leisure operator contract.
- 2.8 Due diligence has been done in obtaining quotations, and five quotations in total were obtained. The procurement officer has stated: 'although at this value the Contract Procedure rules expect an open tender process, the fact that 5 quotes have been obtained gives comfort that value for money has been obtained.' This offers reassurance that value for money has been achieved.

Appendix A – previous report to Executive

2.9 Costs are expected to be £82,417. As a result, the £50,000 threshold in total will be breached.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Member: Cllr Eric Buckmaster – Executive Member for Wellbeing
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Cllr Geoffrey Williamson – Executive Member for Financial Sustainability
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East Herts Council Report

Executive

Date of Meeting: 7 July 2020

Report by: Cllr Haysey, Leader of the Council

Report title: Local Development Scheme (LDS) July 2020

Ward(s) affected: All

Summary

- This report presents an updated version of the Council's Local Development Scheme (LDS): the schedule and work programme that sets out the timeline for preparation of any emerging Local Development Documents. It replaces the previous LDS dated March 2019.

RECOMMENDATIONS FOR Executive to recommend to Council:

- a) The Local Development Scheme (LDS) July 2020, at Appendix A, be agreed to take effect from July 2020.**

1.0 Proposal(s)

- 1.1 The purpose of the report is to enable Members to consider the Local Development Scheme (LDS) July 2020 and its contents and agree to this version taking effect to replace the previous version.

2.0 Background

- 2.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires Councils to prepare and maintain a Local Development Scheme (LDS).

- 2.2 Local development schemes set out when an authority expects to reach key milestones in the preparation of any emerging Local Development Documents (LDD's). LDD's include Development Plan Documents (DPD's), Supplementary Planning Documents (SPD's) and the Council's Statement of Community Involvement (SCI).
- 2.3 Previous iterations of the LDS focussed on the production of the emerging East Herts District Plan (a DPD). Given the adoption of the District Plan on 23 October 2018, the LDS does not set out a timeline for its revision or the preparation of any other DPD's.
- 2.4 Instead the focus of the latest LDS is on introducing the various documents that will make up the Statutory Development Plan in 2020, as well as identifying timelines for the production of a number of emerging SPD's and notes the inception of work towards a District Plan Review.

3.0 Considerations

- 3.1 The LDS sets out the documents that make up the development plan for East Herts and also identifies other supporting documents. The LDS then notes the Council's preparation of future documents and potential timelines.
- 3.2 The following documents make up the statutory development plan for East Herts:
- The East Herts District Plan 2018
 - Minerals Local Plan Review 2002-2016
 - Waste Core Strategy and Development Management Policies (2011-2026)
 - Waste Site Allocations Document (2011-2026)
 - Bishop's Stortford Silverleys and Meads Neighbourhood Plan
 - Bishop's Stortford All Saints, Central, South and part of Thorley Neighbourhood Plan

- Buntingford Community Area Neighbourhood Plan
 - Braughing Parish Neighbourhood Plan
 - Standon Neighbourhood Plan
 - Walkern Neighbourhood Plan
- 3.3 The LDS notes that the District Plan needs to be kept up-to-date and as such an assessment into the scope of a review will begin to take place in Autumn 2020 and will include evidence gathering exercises such as a call for sites towards the end of 2020.
- 3.4 The LDS also sets out detailed individual timelines for the production of the following SPD's:
- Sustainability
 - Vehicle Parking at New Developments
 - Old River Lane
- 3.4 The LDS also includes a Risk Assessment, setting out potential risks to the timeline for preparation of the SPD's and any mitigation measures.

4.0 Options

- 4.1 There are no alternatives because the legislation referred to above is a requirement on local planning authorities.

5.0 Risks

- 5.1 The preparation of a LDS is a statutory requirement, if it is not undertaken then East Herts would be failing its statutory duty.

6.0 Implications/Consultations

- 6.1 The LDS has not been subject to public consultation.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

All Wards

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – The Local Development Scheme (LDS) July 2020

Contact Member

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Appendix A

East Herts LDS 2020


Local Development Scheme



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Contents

1. Introduction:	2
2. The Development Plan:	3
3. Supporting Documents.....	7
4. Preparation of Further Local Development Documents.....	9
Appendix A: Risk Assessment for SPD Production:	13

1. Introduction:

- 1.1 The preparation of a Local Development Scheme (LDS) is a statutory requirement under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The LDS aims to explain and specify planning in East Hertfordshire by setting out the documents that make up the statutory Development Plan, and identifying all future planning documents that the Council wishes to produce and the timeframe for their preparation.
- 1.2 The LDS includes the timeline for preparation of any Local Development Documents (LDD's) the Council is preparing. LDD's include Development Plan Documents (DPD's), Supplementary Planning Document's (SPD's) and the Council's Statement of Community Involvement (SCI).
- 1.3 This LDS supersedes the previous version dated March 2019.

2. The Development Plan:

- 2.1 Development Plan Documents (DPDs) are planning strategies that contain policies for the use, protection and/or development of land, typically including the allocation of land for development. DPDs must be in general conformity with government guidance, in particular the National Planning Policy Framework 2019. Below is a list of the current DPDs that form the Statutory Development Plan in East Herts.

The East Herts District Plan:

- 2.2 Adopted in October 2018 and replaced the East Herts Local Plan 2007.
- 2.3 The District Plan sets out the framework for guiding development in East Herts. It describes the Council's spatial vision for the District and includes strategic policies to deliver the homes, jobs and infrastructure that is required.
- 2.4 The District Plan also contains development management policies that address the following topic areas:
- Housing
 - Economy
 - Design and Landscape
 - Transport
 - Community Facilities, Leisure and Recreation
 - Retail and Town Centres
 - Natural Environment
 - Heritage Assets
 - Climate Change
 - Water
 - Environmental Quality

- 2.5 The District Plan can be accessed [here](#) either as the whole document or chapter-by-chapter.
- 2.6 The Policies Map illustrates geographically how and where the policies in the District Plan apply across the district. An updated Policies Map has been published alongside the District Plan: maps.eastherts.gov.uk/districtplan

Minerals and Waste Local Plans:

- 2.7 Hertfordshire County Council is responsible for minerals and waste planning across the county. There are three documents that together form the Minerals and Waste Local Plans and contribute to the statutory Development Plan in East Hertfordshire.
- **Minerals Local Plan Review 2002-2016**
 - **Waste Core Strategy and Development Management Policies (2011-2026)**
 - **Waste Site Allocations Document (2011-2026)**

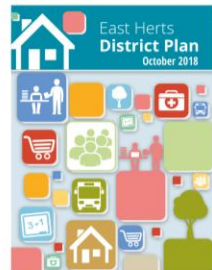
Neighbourhood Development Plans:

2.8 Neighbourhood Plans (NDP) form part of the statutory development plan when adopted. East Herts currently has six adopted Neighbourhood Plans:

- **Bishop's Stortford Silverleys and Meads**
- **Bishop's Stortford All Saints, Central, South and part of Thorley**
- **Braughing Parish**
- **Buntingford Community Area**
- **Standon NP**
- **Walkern NP**

The East Herts Development Plan

Local Plan

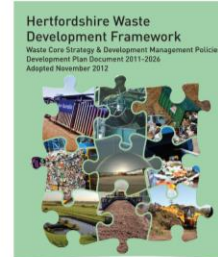


East Herts District Plan

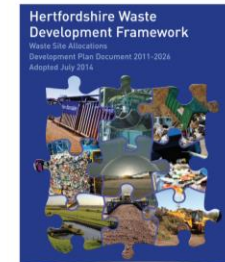
Minerals and Waste Local Plans

HERTFORDSHIRE MINERALS
LOCAL PLAN REVIEW
2002-2016
Adopted March 2007

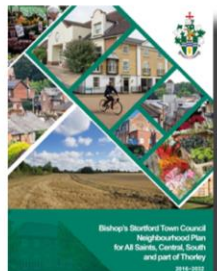
HCC Minerals Local Plan Review
2002-2016



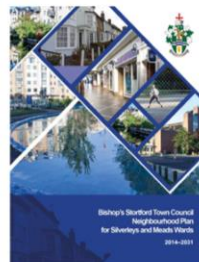
HCC Minerals Local Plan Review
2002-2016



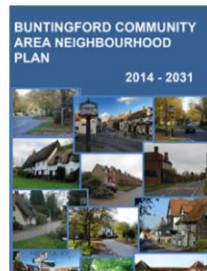
HCC Minerals Local Plan Review
2002-2016



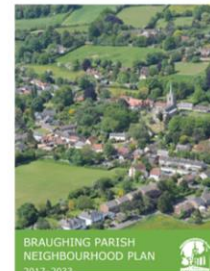
Bishop's Stortford - All Saints,
Central and part of Thorley



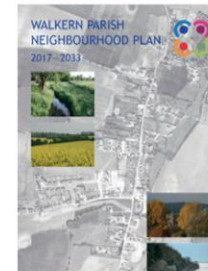
Bishop's Stortford - Silverleys and
Meads



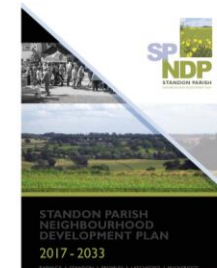
Buntingford Community Area



Braughing



Walkern



Standon

Neighbourhood Development Plans

3. Supporting Documents

3.1 The East Herts District Plan also has several supporting documents which are publicly available on the council's website. These include:

- **Supplementary Planning Documents** (SPDs)
- **Statement of Community Involvement** (SCI)
- **Authority's Monitoring Report** (published annually)
- **Local Development Scheme** (this document)

Supplementary Planning Documents:

3.2 Supplementary Planning Documents (SPD) are not part of the statutory Development Plan but provide additional guidance on matters covered in DPDs and are capable of being a material consideration in planning applications. The Council currently has a suite of SPDs that can viewed here:

<https://www.eastherts.gov.uk/spd>

3.3 As well as those existing SPDs a number of updates and new documents are being proposed as well. Timelines for these emerging SPDs can be found in Section 4 of this LDS.

Statement of Community Involvement:

3.4 The Statement of Community Involvement (SCI) sets out how East Herts Council will involve the community in the preparation, alteration and review of planning policies, plans and decisions. Community engagement is a key part of the planning system as it ensures that the Council is able to listen to the views of

stakeholders and the community to inform the outcome of planning decisions. This helps local people to become directly involved in place shaping in the district. The Council wishes to involve all sectors of the community in the planning process and is committed to maximising publicity of its planning documents.

- 3.5 The Council adopted an updated SCI in October 2019 which replaced the previous version. The SCI can be found here: <https://www.eastherts.gov.uk/sci>
- 3.6 The webpage also provides a separate update to the SCI (May 2020) relating to matters exclusively concerning the Coronavirus (Covid-19) Pandemic.

Authority Monitoring Report:

- 3.7 The Authority Monitoring Report (AMR) is published annually by the Council and seeks to assess the effectiveness of Local Plan policies, present monitoring information and monitor the progress of the development plan against the LDS.
- 3.8 The Council will seek to publish its latest AMR covering the period 1st April 2019 – 31st March 2020 in the Autumn of 2020. Publishing the AMR in the Autumn immediately following the end of the monitoring year enables the Council to provide more up-to-date data and more reasonably inform and monitor progress of the LDS.
- 3.8 The current (and any future) AMR can be viewed at:
<https://www.eastherts.gov.uk/amr>

4. Preparation of Further Local Development Documents

East Herts Development Plan Documents:

- 4.1 East Herts District Council does not anticipate bringing forward any new DPDs in 2020. See below for information regarding a review of the District Plan.

East Herts District Plan – Review:

- 4.2 To be effective the District Plan needs to be kept up-to-date. The National Planning Policy Framework states that policies in local plans, should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary.
- 4.3 In order to determine whether the Plan needs updating or the policies within it, the Council will need to undertake an assessment and in that consider some of following issues:
- Conformity with national planning policy;
 - Changes to local circumstances; such as a change in Local Housing Need, Housing Delivery Test performance; and 5 year land supply.
 - Whether issues have arisen that may impact on the deliverability of key site allocations; including economic changes that impact on viability.
 - Success of current policies in the Development Plan and whether any new priorities have arisen.

- 4.4 The assessment will begin in Autumn 2020 and will help the Council understand the extent to which a review will be required prior to the end of the five-year period. To supplement this assessment, we will need to commence a number of evidence gathering exercises and this will likely include a Call for Sites process towards the end of 2020.

Neighbourhood Plans:

- 4.5 Neighbourhood Plans (NP) are being prepared across the district, they are prepared at a timescale set by the Parish Council or qualifying body and therefore the timetable for their preparation is not contained in the LDS.
- 4.6 The Council updates its NP webpage regularly and so the best place to follow the production of all Neighbourhood Plans that are currently in preparation is here: <https://www.eastherts.gov.uk/article/35287/Neighbourhood-Planning-Activity-in-East-Herts>
- 4.7 Also, on the website is information on the geographical area covered by each individual Neighbourhood Plan as well as access to the policies and supporting evidence.
- 4.8 Currently East Herts has a number of non-adopted Neighbourhood Plans that have reached the statutory stages, these Neighbourhood Plans are listed below, alongside their current stage of preparation:
- **Thundridge** – Examination
 - **Hertford Sele Ward** – Regulation 16

- **Hertford Bengoe Ward** – Regulation 16
- **The Gilston Area** – Regulation 15
- **Much Hadham** – Regulation 14

Supplementary Planning Documents:

- 4.9 Supplementary Planning Documents are used to add further detail and guidance on the policies in the development plan. SPD's are capable of being a material consideration in planning decisions but are not part of the development plan.
- 4.10 The Council has adopted four new SPD's since the previous LDS was published in March 2019. These documents, alongside their adoption date, are listed below:
- **Retail Frontages** – October 2019
 - **Affordable Housing** – May 2020
 - **Open Space, Sport and Recreation** – May 2020
 - **Gilston Area Charter** – June 2020
- 4.11 The table on page 13 sets out a detailed timetable for the production of various SPDs against key milestones. The timeline for the production of SPD's is dependent upon a number of factors and so certain risks to the timeline have been identified in a Risk Assessment in **Appendix A**.
- 4.12 As well as the detailed timelines for the SPD's listed in the table below, the Council is also assessing the feasibility of undertaking further SPD's on the following subjects:

- **Custom and Self-Build Housing**
- **Governance and Stewardship**
- **Birchall Garden Suburb**

4.13 At the time of writing, the SPD's above either rely on the completion of another project where the timeline for completion is not yet clear; or, the resources of the Council are currently being directed towards other priorities and as such when a clear timeline is determined for these SPD's they will be included in an updated LDS.

Supplementary Planning Document

	2020							2021						
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Sustainability														
Vehicle Parking at New Developments														
Old River Lane														

Timeline Key

Evidence Gathering and Early Engagement

Consultation

Adoption

Strategic Environmental Assessment

Appendix A: Risk Assessment for SPD Production:

	Risk	Likelihood	Impact	Comment	Mitigation Measures
1	Change in National Policy or Legislation	High	Medium	Changes to the statutory process or new substantive policy which affects the content and direction of SPD preparation and decisions may cause delays to the programme.	The Council carefully monitors new policy and legislation and will prioritise managing any key impacts.
2	Council fail to agree SPD for consultation / adoption	Low	High	SPDs are detailed documents with a number of issues being difficult to resolve without compromise.	Ensuring Member engagement throughout the preparation process so that Members understand and agree to both the preparation process and proposals.
3	Planning Policy team resource diverted from SPD work.	Medium	High	The Council has a team that share responsibility in other areas, there could be pressure to undertake other activities which are non-critical to success of the SPD.	Agree priorities and staff resourcing.

	Last-minute adjustments and uncertainty due to late challenges to the evidence base.	Medium	High	This could result in the plan being found unsound at examination in public.	The timing of the consultation has been put back in order to enable frontloading of the evidence work and communication with key stakeholders.
7	Legal Challenge to SPD mounted	Low	Medium	Financial cost and delays to SPD adoption.	Ensure SPD produced in accordance with regulations and based on objective analysis of planning issues.
8	Legal Challenge to SPD Successful	Low	High		

East Herts Council Report

Executive

Date of Meeting: 7 July 2020

Report by: Paul Thomas-Jones, Service Manager –
Environmental Health

Report title: Proposed Revised Street Trading Consent
Policy

Ward(s) affected: All

Summary

RECOMMENDATIONS FOR EXECUTIVE THAT:

- (a)** The Proposed Revised Street Trading Consent Policy be considered and that suggested amendments, additions, deletions and/or clarifications raised by the Executive then be considered by the Executive Member for Wellbeing and the Head of Housing and Health prior to drafting the final proposed version, and accompanying report, for determination by Council; and
- (b)** The recommendations put forward by the Overview and Scrutiny Committee be considered by the Executive and any amendments to the policy made before being determined by Council.

1.0 Proposal(s)

- 1.1 It is proposed that the council's existing Street Trading Consent Policy, which was drawn up in 1984, be revised and updated taking into account relevant case law and best practice and how the policy could further the council's latest priorities and objectives.
- 1.2 It is proposed that the Executive utilises its power under

the council's Constitution to assist in the drafting of the final revised version to be put to Council for determination in due course.

2.0 Background

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982, "The Act", allows for the council to adopt 'streets' in which trading requires the consent of the council. This is a means of controlling street trading within the council's area.
- 2.2 On 30 May 1984, the council adopted a policy, which is still in force. This is presented at Appendix A. This policy named a number of streets within East Herts which had the general effect of rendering it an offence for any person to engage in street trading in one of the named streets unless they have first been authorised to trade in that street by the council.
- 2.3 The named streets consisted of, all streets within the designated urban areas of Bishop's Stortford, Hertford, Sawbridgeworth and Ware and a number of trunk roads in the district. The full list of streets is included in Appendix A.
- 2.4 The existing policy is now 36 years old and arguably overdue for review.

Proposed key changes to the existing policy

- 2.5 Appendix B presents a significantly revised policy which is now being proposed. The proposed changes reflect case law and best practice established over the near 40 years since the Act's introduction.
- 2.6 The revised policy proposes the following changes.

Policy area	Proposed change
Streets on which consent to trade is required	<ul style="list-style-type: none"> • extension from only certain streets being covered by the policy to trading on all streets within East Hertfordshire requiring the council's consent
Application requirements and procedures	<ul style="list-style-type: none"> • introduction of clear guidelines on what can be taken into account when considering a street trading consent application • an increase in the range of consultees when considering consent applications to include the Town and Parish Councils together with the District Council Ward Member • introduction of clear guidance on the level of refund applicable if the consent is surrendered part-way through the term of the consent • introduction of a right to appeal a decision where an applicant for street trading consent feels they have been treated unfairly • establishment of a public register of street traders
Street trading standards	<ul style="list-style-type: none"> • introduction of acceptable standards of appearance for any street trading vehicle or stall • introduction of acceptable standards of behaviour for street traders • specification of the level of food hygiene training for street traders together with a requirement for a minimum rating of three under the national Food Hygiene Rating Scheme (within the range of 0-5 stars)
Criteria for restricting consent to trade	<ul style="list-style-type: none"> • restriction of street trading in Air Quality Management Areas for those traders who require their vehicle engines to be running or the use of a petrol or diesel generator • adoption of national standards regarding an acceptable size of a layby in which to allow street trading • restriction on selling of food and confectionary near educational establishments, that is, within 100 metres

Anticipated potential impacts of the proposed changes

2.7 The council currently gives consent for three static and

eight peripatetic street traders. In addition, on the 23rd October 2018, Council approved a switch to the use of street trading consents for managing the markets in Hertford and Ware.

2.8 Work by the council's Environmental Health team suggests the following impacts should the proposed revised policy be approved by Council:

- 1.8.1 adopting national standards on what is deemed to be an acceptable size of a layby to allow street trading would negatively impact on one trader currently operating in a layby that would be deemed too small in which to safely operate. Without adding some discretionary measures within the new policy, this trader would have to cease operating at the current location because the council could no longer give consent at the time of consent renewal later this year
- 1.8.2 moving to trading on all streets in the district requiring consent would mean those currently trading outside of the named streets would be brought within the consent regime. The Environmental Health team does not have a record of the exact numbers of such traders this would cover although from existing contact regarding food safety it is anticipated that the new duties could be accommodated within the existing staffing complement
- 1.8.3 a restriction on consent in the Air Quality Management Areas (AQMAs) (broadly defined as Gascoyne Way, Hertford, Hockerill Junction, Bishop's Stortford and London Road, Sawbridgeworth) for traders requiring their engines to keep running to power their stall/vehicle or the use of a petrol/diesel generator would impact traders currently relying on these power sources. There are not currently

any static traders within the AQMAs.

- 1.8.4 restricting the sale of food and confectionary near educational establishments would adversely impact on traders wishing to do this. The Environmental Health team does not know of any static traders, who have a current street trading consent from the Council, operating in this way.

Proposed changes to fees

2.9 The Act allows local authorities to:

- charge fees as they consider 'reasonable' for granting or renewal of a street trading licence or a street trading consent
- determine different fees for different types of licence/consent according to:
 - duration of licence/consent
 - the street in which it authorises trading
 - description of articles in which the holder is authorised to trade.

2.10 It is appropriate when setting a fee to consider charging on a full cost recovery basis, incorporating costs for processing applications/renewals and any further costs of enforcement and officer training. The proposed fees in the revised draft policy reflect the current fees and would be reviewed each year as part of the council's budget setting process.

Consultation

2.11 Public consultation was conducted in February 2020 including publicising the proposals in the local press and directly e-mailing all street traders in the district, and market traders in Hertford and Ware, currently

requiring council consent to trade. Two responses were received. One respondent registered their approval of the proposed revisions. The other respondent raised a number of more detailed questions about the operation of any consents regime. Full details of the consultation responses are included in Appendix C. Neither response has led to any substantive amendments to the proposed revised policy.

- 2.12 The proposed updated Street Trading Consent Policy was considered by members of the Overview and Scrutiny Committee on the 16 June 2020. The Committee made a number of recommendations for the Executive to consider which are summarised below.
- That the list of prohibited goods at section 6.1 k) of the proposed new policy should be extended also to include Chinese Lanterns, Helium Balloons and Fireworks.
 - That any existing traders affected by the new policy should be treated with the maximum consideration to avoid any adverse impact on existing businesses.
 - That the new policy should discourage any street trading within an Air Quality Management Area.

3.0 Reason(s)

- 3.1 The Act requires that determination of a street trading consent policy is a matter for Council, this is reflected in the council's Constitution. Thus, in due course a final draft of the revised policy will be put to Council for consideration.
- 3.2 It is good practice to review policies on a regular basis; the existing policy is now 36 years old.
- 3.3 Since the adoption of the original policy, Council priorities, Codes of Practice and case law have all lead to changes in the way Street Trading should operate within

4.0 Options

- 4.1 In exercising its power the Executive has the option to:
- signal its contentment with the revised Street Trading Consents Policy as currently drafted. If this approach is taken, this will be relayed to Council when it considers the final draft version or
 - suggest amendments, additions, deletions and/or clarifications to the report. If this approach is taken, all such suggestions will be considered by the Executive Member for Wellbeing and the Head of Housing and Health and will either be incorporated into the final draft or brought to the Council's attention as being the views of the Executive in accompanying report to the final draft version put to Council in due course or
 - consider that there is an insufficient case for the revised policy, whether amended or not, to be put to Council for determination. If this approach is taken, the Executive should make their rationale for this approach explicit so that the Executive Member for Wellbeing and the Head of Housing and Health can assess whether to desist from putting the policy to Council in its current form or to proceed to determination by Council in which case the Executive's views would be included in the accompanying report

5.0 Risks

If the policy was not revised

- 5.1 There are no risks associated with not updating the current policy other than, arguably, the council

depriving itself of the opportunity to improve the standards of street trading in the district and utilising the policy to further air quality and healthy eating objectives, among others.

- 5.2 The current policy while dated is in keeping with the Act and thus there is no risk of challenge associated with not having updated it.

If the policy was revised

- 5.3 Should the proposed revised policy ultimately be approved by Council, there are possible reputational risks associated with adverse impacts on current and/or potential future traders as discussed in section 2 above.
- 5.4 As with all new policies, there is a risk of legal challenge from a person adversely impacted should they believe the council has acted contrary to the legislation. Any risk of a successful legal challenge is considered minimal as officers have ensured that the proposed revisions accord with the Act and subsequent case law and best practice.

6.0 Implications/Consultations

- 6.1 The outcome of the public consultation is discussed in section 2 above.
- 6.2 There are no adverse financial implications arising from either retention of the existing policy or ultimate adoption of the revised policy as the cost to administer the current policy is built into the existing budgets and the revised policy envisages the cost to process and monitor consents being recovered in full through the fees charged.

Community Safety

Yes – the proposed revised policy includes standards for traders and

restrictions on the granting of consents where laybys are unsuitable. Both amendments would arguably have a positive impact on community safety.

Data Protection

No

Equalities

Yes – an equalities assessment will be completed prior to finalisation of the version put to Council for determination. Work conducted to date does not indicate any detriment to anyone with a protected characteristic.

Environmental Sustainability

Yes – the proposed restriction on the continuous running of a vehicle's engine or the use of petrol/diesel generators in an AQMA would have a positive impact on air quality and environmental sustainability.

Financial

No – the proposed policy is predicated on full cost recovery of the council's costs through the fees charged. This is allowable under the Act.

Health and Safety

Yes – the setting of agreed standards for traders will maximise the health and safety of workers and customers.

Human Resources

No

Human Rights

No

Legal

No – the revised policy is compliant with Local Government (Miscellaneous Provisions) Act 1982.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – existing Street Trading Consent Policy
- 7.2 Appendix B – proposed revised Street Trading Consent Policy
- 7.3 Appendix C – summary of consultation responses
- 7.4 Appendix D – equalities impact assessment

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Jonathan Geall, Head of Housing and Health

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Appendix A

EAST HERTFORDSHIRE DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING

Notice is hereby given that at their meeting on 30th May, 1984, the East Hertfordshire District Council resolved, pursuant to the power vested in them by paragraph 2(1) Local Government (Miscellaneous Provisions) Act 1982, that the streets within East Hertfordshire, which are specified in the Schedule hereto, be designated consent streets for the purposes of Schedule 4 of the Act, with effect from 1st August, 1984.

The general affect of the resolution is to render it an offence for any person to engage in street trading in a consent street, unless they have first been authorised to trade in that street by the Council.

Applications for consent to trade in the streets specified in the Schedule hereto should be made in writing to The East Hertfordshire District Council, New Road, Ware, Herts. SG12 7BY, enclosing the appropriate fee which shall be as follows :-

(a) Annual fee - ~~£26.25~~ / 31

(b) Occasional fee - £ 5.00

Food Hawkers who have registered as such with the Council after 31st January, 1984, and before 1st August, 1984, are not required to provide a further fee with their initial consent street application.

SCHEDULE

CONSENT STREETS

The following will be consent streets with effect from 1st August, 1984. (It will be an offence for any person to trade in the following streets after that date, without having first obtained a consent from the Council):-

- (a) All streets within the designated urban areas of Sawbridgeworth, Ware, Hertford and Bishop's Stortford,
- (b) A10 Trunk Road - Broxbourne Council boundary,
South of Rush Green to North Hertfordshire
boundary,
North of Buckland
- (c) the following principal roads:-
 - (i) A119 - Plough roundabout Hertford to A1170 in Ware
 - (ii) A120 - Junction with A10 at Puckeridge to Essex boundary
Nr. Bishop's Stortford
 - (iii) A414 - Essex boundary at Harlow to District boundary at
Hollwell

- (iv) A507 - Junction with A10 at Buntingford to District boundary Nr. Cottered
- (v) A602 - Junction with A414 Hertford to District boundary Nr. Stevenage
- (vi) A1059 - South Road, South Street, Dane Street, Station Road, Bishop's Stortford
- (vii) A1060 - Hallingbury Road, Bishop's Stortford
- (viii) A1170 - Broxbourne Council boundary Nr. Hoddesdon to A10 junction north of Ware
- (ix) A1184 - Essex boundary Nr. Harlow to Hockerill Street, Bishop's Stortford.
- (x) A1250 - Hadham Road and Dunmow Road, Bishop's Stortford

14th June, 1984.

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East Hertfordshire District Council

Street Trading Consent Policy

DRAFT

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1.0 Purpose and scope of this policy

- 1.1 Through this policy the Council aims to regulate the location of street traders and aims to prevent the obstruction of the streets within East Hertfordshire by street trading activities. In doing so, it recognises the importance of consented businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.
- 1.2 This policy will guide the Council when it considers applications for street trading consents. It will also inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.
- 1.3 This policy will be applicable for any new street trading application made after the date of this policy. For current consent holders, this policy will be applicable from the date of renewal.

2.0 What is street trading?

- 2.1 For the purposes of this policy, street trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street ^[1]. The term street includes footways, car parks, public house forecourts and generally any area where the public have access without payment.
- 2.2 Street trading includes, but is not limited to:
 - a) trading from mobile and temporary static structures
 - b) the sale of food and drink or the sale of non-food items
 - c) ice-cream vans
 - d) mobile artists and musicians who sell their recorded work on the street
 - e) the sale of Christmas trees and other festive items
- 2.3 Street trading does not include:
 - a) a person acting under the authority of a pedlar's certificate

^[1] Local Government (Miscellaneous Provisions) Act 1982, Part III, Schedule 4, Paragraph 1

- b) anything done in a market or fair, the right to hold which having been obtained by a grant, enactment or order
- c) trade carried out by a roundsmen e.g. milkmen
- d) trading in a trunk road picnic area
- e) trading as a news vendor
- f) trading which—
 - a. is carried on at premises used as a petrol filling station; or
 - b. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop (such businesses must not obstruct the highway)
- g) selling things, or offering or exposing them for sale, as a roundsman

2.4 Further details on the excluded activities mentioned in paragraph 2.3 above can be found in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

2.5 For the purposes of this policy and administering street trading consents within East Hertfordshire:

- a) static street traders are those who trade from a fixed location such as a layby or area of land and would include stalls or food vans.
- b) peripatetic street traders are those who remain in location for a limited duration, usually to carry out a transaction, before moving on to another location and would include ice-cream vans.

3.0 What is a consent street?

3.1 For the purposes of this policy, a street is any road, footway or other area to which the public have access without payment.

3.2 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

3.3 Street trading consent is therefore required in a number of places other than on a public highway or public land. Within East Herts street trading consent would be needed in the following locations:

- a) roads and walkways
- b) lay-bys and verges

- c) footpaths
 - d) car-parks (both public and private)
 - e) residential streets
 - f) industrial estates
 - g) parks, commons and other green space including river banks
 - h) land accessible to the public within 10 metres of any of the above.
- 3.4 A consent street does not include land to which the public have to pay to access it, such as a music festival where there is an admittance fee or where access is restricted to a particular group of people, such as land within the grounds of a football stadium during a football match.
- 3.5 If the street is a designated 'consent street' then street trading without consent is a criminal offence.

4.0 Street trading in East Herts

- 4.1 All streets as defined in Section 3.0 above in East Hertfordshire have been designated as consent streets; namely, streets where consents are required in order to trade. Consents are granted by East Hertfordshire District Council and are subject to conditions and the payment of a fee.
- 4.2 It is illegal to trade in a consent street without first obtaining street trading consent from the Council.
- 4.3 In addition to the exempt activities listed in paragraph 2.3 above, East Herts Council will not require street trading consent to be sought for the following activities:
- a) fetes, carnivals, Services of Remembrance or similar community based and run events, for example Christmas lights switch-on events and non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity and where the event has been notified to the Council's Safety Advisory Group (although a licence may be required from the relevant Markets Authority, where applicable)
 - b) sales of articles by householders on land within the curtilage of their property, for example garage sales
 - c) goods from working farms or smallholdings sold at the premises where they were produced

- d) trading in privately run shopping centres, for example Jackson Square Shopping Centre in Bishop's Stortford (although a licence may be required from the relevant Markets Authority, where applicable)
- e) handing out promotional literature for goods, services or venues (although consent may be required from the Council's licensing team)

5.0 Right of Appeal

- 5.1 There is no statutory right of appeal against refusal to issue a street trading consent however applicants who feel that their application has been dealt with unfairly are able to complain through the Council's corporate complaints procedure which is available via our website www.eastherts.gov.uk.
- 5.2 Street trading consent can be granted for up to 12 months and can be revoked at any time by the Head of Housing and Health. When the Council grants or renews consent for street trading, the Council may attach any reasonable condition.

6.0 Street trading consent considerations

- 6.1 In considering applications for the grant or renewal of a street trading consent the following factors will be considered:
 - a) Public safety
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. This would include the consideration of factors such as interference with sight lines for road users and access to pedestrian crossings.
 - b) Public order
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.
 - c) Prevention of public nuisance
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

- d) Appearance of the stall or vehicle
The stall or vehicle must be of smart appearance, clean and maintained in a sound condition.
- e) Environmental impact
Static street traders who require their vehicle engines to be running or the use of petrol or diesel generators in order to operate will not be allowed to trade within any of the Council's declared Air Quality Management Areas.
- f) Highway safety
There must not be any dangers to those who have a right to use the highway and no obstruction for emergency access. Street trading consent holders are not allowed to drive vehicles on a footpath to access the site. Consent holders are allowed to cross a footpath where there is no other reasonable means of access and in all cases where there is a dropped kerb.
- g) Lay-by Safety
Some lay-bys within the district are deemed to be unsuitable sites due to safety grounds, namely, those where there is no segregation between the lay-by and the live carriageway. Lay-bys intended for static street trading must conform to the specifications set out in the Design Manual for Roads and Bridge (see Appendix 3).
- h) Proximity to schools and colleges
Street trading by businesses supplying hot or cold food or confectionary between 07:30-hrs and 18:00-hrs will not be permitted for locations within 100 metres, as the crow flies, of the boundary of a school, college or other educational establishment.
- i) Trading hours
In town centres street trading hours will normally mirror those of shops or restaurants in the immediate vicinity. However, the council will consider each application on its merits before agreeing permitted trading times. The council retains the right to specify permitted trading hours that are less than those applied for.
- j) Suitability of the applicant
When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a permission including:
 - a. relevant complaints received about the applicant's previous street trading activity and any previous revocation or surrender of a street trading consent into account.

- b. any refusal or neglect in paying fees due to the council for a street trading consent or for any other charges due for services rendered by the council to the applicant in his capacity as the holder of a street trading consent. Examples of such services include collection of refuse and cleansing of streets.
 - c. previous failures of the applicant, without reasonable excuse, to make use, to a reasonable extent, of a previous street trading consent.
 - d. relevant information brought to the Council's attention by one of the consultees.
- k) Prohibited goods
Street trading consent will not be granted for the sale of the following items:
 - a. alcohol except for consumption with a sit down meal at the premises (see Section 7.0 below)
 - b. firearms and replica firearms
 - c. knives
 - d. weapons and replica weapons
 - e. tobacco products
 - f. fireworks and Chinese lanterns
 - g. articles that would typically be sold in sex shops
 - h. animals
 - i. helium balloons
- l) Training of food traders
Businesses trading in hot or cold food must ensure all food handlers hold at least a Foundation Certificate in Food Safety accredited by the Chartered Institute of Environmental Health, or the Royal Society of Health, or the Royal Institute of Public Health and Hygiene (or equivalent). The certificate must be no more than three years old.
- m) Food hygiene rating
Businesses trading in hot or cold food must have a rating of three or more under the Food Standards Agency's Food Hygiene Rating Scheme. New businesses will be given a one-month leeway period to achieve the necessary rating.

n) Sanitary accommodation

Consent holders and their employees must have access to suitable and sufficient sanitary accommodation at all trading times.

o) Waste Disposal

Consent holders must have in place suitable arrangements for the disposal of waste generated by their business. It is the responsibility of each trader to ensure that all refuse generated by or collected upon their pitch is taken away with them or disposed of by suitable waste provision arranged by the trader themselves.

6.2 In addition to the considerations listed in paragraph 6.1 above, nothing in this policy or in any street trading consent that has been issued shall relieve the consent holder, or any person employed by them, of any obligation to comply with all other legislation, whether national or local. It is the obligation of the consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a street trading consent for any failure to comply with national or local legislation.

6.3 The Council is unable to refuse a street trading consent application on the grounds that it feels there were enough shops or street traders in the area already selling similar products as this would go against the requirements of the European Services Directive 2006/123/EC.

6.4 The Council cannot issue a street trading consent to a trader for locations and times when a market is operating. Traders wishing to trade within a market should contact the market organiser to discuss trading.

6.5 At the Executive in October 2018, members agreed to cease the markets operating in Hertford and Ware and regulate these traders under the street trading provisions. Traders in these former market locations will have access to other facilities such as electricity which is not provided for in regular street trading locations; therefore for the purposes of this Policy, these trading pitches are referred to as “Enhanced Street Trading Consent” holders. If a trader wants to trade at an enhanced pitch, they should contact the Council to discuss renting a pitch (www.eastherts.gov.uk/markets).

7.0 Street trading and the Licensing Act 2003

7.1 Street traders that either serve hot food or drink at any time between 23:00-hrs and 05:00-hrs the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.

- 7.2 The Council's licensing team will be informed of all street trading consent applications which are likely to need a licence under the Licensing Act however it is the responsibility of the business operator to ensure they have a Premises Licence where it is needed. Details of the licensing process under the Licensing Act 2003 can be found on the Council's website (www.eastherts.gov.uk/licensingact).
- 7.3 A trader will not be allowed to trade if a Premises Licence is needed but not been issued.

8.0 Types of street trading consents

- 8.1 Occasional street trading consent
Consent to trade for a maximum of twenty-eight consecutive days.
- 8.2 Annual street trading consent
Consent to trade on specified days for a year.
- 8.3 Enhanced street trading consent
Consent to trade in Hertford's and/or Ware's town centre locations on former "market days", including Hertford farmer's market.

9.0 Street trading consent fees

- 9.1 Fees will be set and reviewed annually as part of the Council's fees and charges setting process.
- 9.2 Should the consent holder wish to vary the Consent at any time during the life of the consent, an administration fee will be charged.
- 9.3 Where street trading ceases during the term of consent, refunds will be calculated depending on the remaining time left on the consent:
- a) 6 months or more – a refund of 25% of the fee paid.
 - b) 3-6 months – a refund of 10% of the fee paid.
 - c) Less than 3 months – not eligible for a refund.
- 9.4 Registered charities wishing to apply for a Street Trading Consent will receive a 50% discount on the occasional or annual fee.

- 9.5 Details of the current fees and charges can be found on the Council's website (www.eastherts.gov.uk/streettrading). Details of the fee structure for this new policy can be found in Appendix 2 below.

10.0 Access to information held by the Council

- 10.1 All non-personal information provided as part of the street trading consent process is subject disclosure by the Council under the Freedom of Information Regulations and the Openness of Local Government Bodies Regulations. These regulations place a duty on the Council to disclose this information; it is not a discretionary power.
- 10.2 To aid the disclosure requirements mentioned in paragraph 10.1 above, the Council will maintain a register of granted street trading consents on its website which will be updated regularly. This will include the name of the business, location of trading and the expiry date of the consent.

11.0 Street trading consent applications

- 11.1 Each static street trading consent application can only relate to one site. Therefore if a trader wishes to trade from different sites at different times, they must apply for each one separately.
- 11.2 Each application is subject to fees and charges set out on the Council's website (www.eastherts.gov.uk/streettrading).
- 11.3 All street trading consent applications and renewal applications must consist of:
- a) a map showing all streets and other public areas within a radius of 200 metres from the proposed location of the street trading site, where the trader is static. Maps are not required for peripetic traders such as ice-cream vans. The map shall be to a scale of 1:2000 and clearly indicate the location of the site in the centre of the map, and the locations of other street traders and outlets trading in the proposed area.
 - b) a letter, where trading is proposed on private land, from the land-owner confirming that the applicant has permission to trade from the site. This may be subject to additional fees and charges imposed and collected by the land owner.
 - c) a passport-style photograph of the applicant.
 - d) proof of eligibility to work in the UK.

- e) four colour photographs of the trading unit illustrating the different elevations of the unit.
- f) evidence that both applicant and assistants have completed the required food hygiene qualification (for food related applications – see paragraph 6.1 above).
- g) evidence of having a suitable method for waste disposal where applicable.

11.4 Street trading consent applications must be accompanied by the correct fee before the application will be processed.

11.5 Street trading cannot start before the street trading consent has been issued. Trading without consent is illegal and would be subject to enforcement action. All enforcement action will be in line with the Council's published Enforcement Policy which is available on the Council's website.

11.6 Either at the time of the application, or once the application has been approved and prior to it being issued, the applicant must provide the Council with the following:

- a) An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5 million
- b) A current MOT certificate and insurance documents where a motorised vehicle will be used for street trading

11.7 Where appropriate the vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any issuing any Street Trading Consent.

12.0 Consultation on applications

12.1 The Council will carry out a consultation process for all street trading consent applications with relevant interested persons and organisations before a street trading application is considered. These include:

- a) East Herts Council's internal teams:
 - i. Environmental Health
 - ii. Development Management
 - iii. Parking

iv. Environmental Services

- b) Hertfordshire Constabulary
- c) Hertfordshire Highways
- d) the appropriate Town or Parish Council
- e) the appropriate District Council Ward Councillor(s)
- f) any other consultee that officers consider appropriate.

12.2 Consultees will be provided with a copy of the traders application form to allow them to make an informed decision.

12.3 Consultees will be asked to respond in writing (preferably email) within twenty-one days. Observations, recommendations or objections received as a result of the consultation will be taken into consideration when the application is determined. Any objections must be linked to the street trading consent considerations listed in section 6.0 above.

12.4 Affected local residents or businesses are able to make representations through their Town or Parish Council or their local District Council Ward Councillor.

12.5 Officers will assess the reasonableness and appropriateness of all objections before they are taken into consideration.

13.0 Street trading consent renewals

13.1 Existing consent holders should submit their application, if they wish to have continuity of trading, at least six-weeks before the expiry of their current consent. At this time, the Council will consult , as detailed above, to determine if the street trader is a cause for concern or has been the subject of complaints.

13.2 If a renewal application is not made at least six-weeks before the expiry of the current licence, the Council will not have sufficient time to process the application before the current consent expires. Where this occurs the trader will have to stop trading when the current consent expires and will not be allowed to trade until the new consent is issued.

13.3 An application to renew an existing street trading consent will not be determined until all fees have been paid and documentation provided to the Council, which will result in the applicant not being permitted to engage in street trading once the previous consent has expired.

14.0 Street trading consent transfers

- 14.1 A street trading consent cannot be transferred or sold to another person except to a member of the consent holder's immediate family in the event of the consent holder's death or incapacity.
- 14.2 All transfers are subject to a fee payment.
- 14.3 The sub-letting of a pitch or consent location is prohibited and will result in revocation of the consent.

15.0 How applications will be determined

- 15.1 All applications will be determined by an authorised officer acting on delegated authority.
- 15.2 The authorised officer will evaluate applications against the criteria set out in this policy and then consider all reasonable and appropriate objections. Reasonable and appropriate objections are those that relate to the criteria set out in Section 6.0 above.
- 15.3 The officer will approve the application if it:
 - a) meets the criteria set out in this policy, and
 - b) there are no reasonable and appropriate objections.
- 15.4 If the application:
 - a) does not meet the criteria in this policy, or
 - b) there are reasonable and appropriate objections

the authorised officer may contact the applicant and objectors to attempt to resolve the potential reasons for refusal. The authorised officer, applicant and objectors may discuss:

 - a) changes that could be made to the proposed location, goods or trading hours and
 - b) additional conditions that could be introduced to mitigate any concerns.
- 15.5 If the applicant refuses the offer of a meeting, the authorised officer will either introduce additional conditions or refuse the application.

- 15.6 If the objections and failure to meet the criteria in this policy can be resolved by changing the application and/or introducing additional conditions the authorised officer will approve the application.
- 15.7 If the objections and failure to meet criteria in this policy cannot be resolved by making changes to the application or introducing additional conditions the officer will refuse the application.

16.0 Refusal to issue a street trading consent

- 16.1 Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application.
- 16.2 There is no statutory right of appeal against refusal to issue a street trading consent however applicants who feel that their application has been dealt with unfairly are able to complain through the Council's corporate complaints procedure (www.eastherts.gov.uk/3coms).
- 16.3 Trading will not be permitted during the appeal period when an application has been refused and can only take place within the conditions of any street trading consent that has already been granted where the appeal relates to conditions that have been imposed.

17.0 Reasonable use of the site

- 17.1 The geography of East Hertfordshire means there are limited locations for static street traders to trade. Therefore to ensure fairness to other potential traders, static street traders are expected to make reasonable use of the site to which their consent applies. Failure to do so is grounds for the Council to withdraw or amend the consent.
- 17.2 Reasonableness will be determined on a case-by-case basis. However, generally the consent trader will be expected to trade within the terms of their consent unless they are on holiday or unwell.
- 17.3 Where a consent holder is not able to trade for a period greater than two-weeks, then the consent holder must notify the Council as to the reasons for this.

18.0 Multiple applicants for the same area

- 18.1 Multiple street trading consents may be granted to different applicants for the same static site provided different trading days/times are applied for. At any one time only one consent holder will be permitted to trade on a site.
- 18.2 For peripetic traders such as ice-cream vans, the Council will not limit the number of traders in a town or village for the reasons set out in paragraph 6.3 above.

19.0 Temporary closure of a site

- 19.1 The consent holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements.
- 19.2 No compensation will be paid to the consent holder for lost trading days by East Hertfordshire District Council as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.

20.0 Street trading consent conditions

- 20.1 All street trading consents will be subject to standard conditions which are set out in Appendix 1 of this policy.
- 20.2 Where it is felt necessary the authorised officer determining the application may add additional conditions to the street trading consent if they are needed to support the street trading consent considerations in Section 6.0 above.

21.0 Complaints

- 21.1 Legitimate complaints will be fully investigated and consent holders shall be expected to liaise with the Council to resolve them. Substantiated complaints may result in a consent being revoked.
- 21.2 Complaints may also be taken into account when considering an application to renew a street trading consent.

22.0 Review

22.1 This policy will be reviewed every three years, but a review can be triggered by a change in legislation or other relevant factors.

Appendix 1 - Street trading consent standard conditions

Standard conditions for all street trading consent

All street trading consents will be subject to the following standard conditions:

- a) Holders of consents must avoid obstruction of the street or danger to persons using it and nuisance or annoyance (whether to persons using the street or otherwise).
- b) The consent (or a photocopy of it) must be displayed on the vehicle or stall whilst trading is going on and must be shown when requested by an authorised officer of the Council or a Police Officer.
- c) All reasonable instructions of Police Officers or authorised officers of the Council must be complied with.
- d) Vehicles must not be parked on the public footway at any time.
- e) The vehicle and other articles, including signage and trailers, must be removed from the site when not trading.
- f) Consent holders and their employees must have access to suitable and sufficient sanitary accommodation at all trading times.
- g) The vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of presentable appearance.
- h) Neither the consent holder nor any employees shall display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.
- i) No consent holder shall trade from any location which may cause a nuisance, obstruction, danger or other offence.
- j) Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e. insurance, tax and MOT to make the use of that vehicle on a road legal.
- k) It is the duty of the consent holder to establish the ownership of the land to which this consent relates, and seek permission from the owner to trade from that location. This may involve additional restrictions and payment which the Council are not responsible for.
- l) Businesses selling food must be registered with the Environmental Health team in the District where the business address is located.
- m) This consent does not allow the holder to trade within any markets or farmers markets on their respective market days.

- n) A street trading consent does not relieve the consent holder, or any person employed to work on the stall, of any obligation to comply with all other national or local legislation. It is the obligation of the consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a street trading consent for any failure to comply with general or local legislation.
- o) The consent holder must inform the Council of any material changes to the conditions of trading which were provided as part of the application process such as a new trading unit being used.
- p) The council reserves the right to alter or amend these conditions at any time.

Additional conditions for peripatetic street trading consents

Peripatetic street traders such as ice-cream vans will be subject to these additional conditions:

- a) Do not sound chimes:-
 - i. before 12:00-hrs or after 19:00-hrs
 - ii. more often than every 3 minutes
 - iii. for longer than 4 seconds at a time
 - iv. when the vehicle is stationary
 - v. except on the approach to a selling point
 - vi. when in sight of another vehicle which is trading
 - vii. when within 50 metres of schools (during school hours), hospitals and places of worship (on Sunday and other recognised days of worship)
 - viii. more often than once every 2 hours in the same length of street
 - ix. louder than 80dB(A) at 7.5 metres
 - x. as loudly in quiet areas or narrow streets as elsewhere.
- b) This consent does not allow the holder to trade in any of the East Herts Council owned car parks.
- c) Must not trade within 100 metres of the boundary of a school college or other educational establishment.
- d) The trader must move at least 50m from last trading location and not return to the location within 4 hours.
- e) The trader must not wait in one location for more than 20 minutes

Additional conditions for static street trading consents

Static street traders such as stalls or food vans will be subject to these additional conditions:

- a) A rubbish bin must be provided in the trading area where goods are sold that are for immediate use or consumption. Waste must not be placed in litter bins provided for public use. Any waste arising from the trading activity within 100m of the stall in any direction must be removed and properly disposed of at the end of each trading day.
- b) The consent holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the consent holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.
- c) The consent holder shall not place any furniture or equipment in the trading area other than as permitted by the consent.
- d) The consent holder shall ensure that litter checks are carried out regularly in the vicinity of the premises.
- e) No live or recorded music shall be played at any time.
- f) The consent holder shall ensure that the stall/vehicle is positioned in the allocated space for the location/s in which the street trading consent is issued. The consent conditions issued will specify certain dimensions that the consent shall not exceed in terms of height, length and width when travelling.
- g) Any stall, container or authorised vehicle or other article used for trading must be removable at all times. In the event of an emergency or at any other time it should be so removed at the reasonable request of any authorised officer from the Council or any officer of the emergency services.
- h) Any stall, container, authorised vehicle or other article used for street trading shall be moved from the trading location no later than one hour after trading and shall not return until trading commences the following day.

Appendix 2 - Fees & Charges

	2020/21 Consent Fee	Refund with greater than 6 months left (25% of fee paid)	Refund with between 3 and 6 months left (10% of fee paid)
Occasional Street Trading Consent	£129	£32.25	£12.90
Annual Street Trading Consent	£377	£94.25	£33.70
Transfer of Street Trading Consent	£55	N/A	N/A
Variation of Existing Street Trading Consent	£55	N/A	N/A
Enhance Street Trading Consent in Hertford - Standard pitch 3m x 2.1m (10' x 7')	£22.90 per pitch, per day	N/A	N/A
Enhance Street Trading Consent in Hertford - Casual Trader pitch 3m x 2.1m (10' x 7')	£27.30 per pitch, per day	N/A	N/A
Enhance Street Trading Consent in Hertford - Additional space	£1.50 per 0.3-m ² , per day	N/A	N/A

	2020/21 Consent Fee	Refund with greater than 6 months left (25% of fee paid)	Refund with between 3 and 6 months left (10% of fee paid)
Enhance Street Trading Consent in Ware - Standard pitch 3m x 2.1m (10' x 7')	£14.70 per pitch, per day	N/A	N/A
Enhance Street Trading Consent in Ware - Casual Trader pitch 3m x 2.1m (10' x 7')	£16.40 per pitch, per day	N/A	N/A
Enhance Street Trading Consent in Ware - Additional space	£1.30 per 0.3-m ² , per day	N/A	N/A
Enhance Street Trading Consent in Hertford or Ware for a registered charity	£24.40	N/A	N/A
Electricity Charges for Enhanced Street Trading Consent in Hertford or Ware	£3.40 per stall per day	N/A	N/A

Appendix 3 - Locations of Enhanced Street Trading Consents

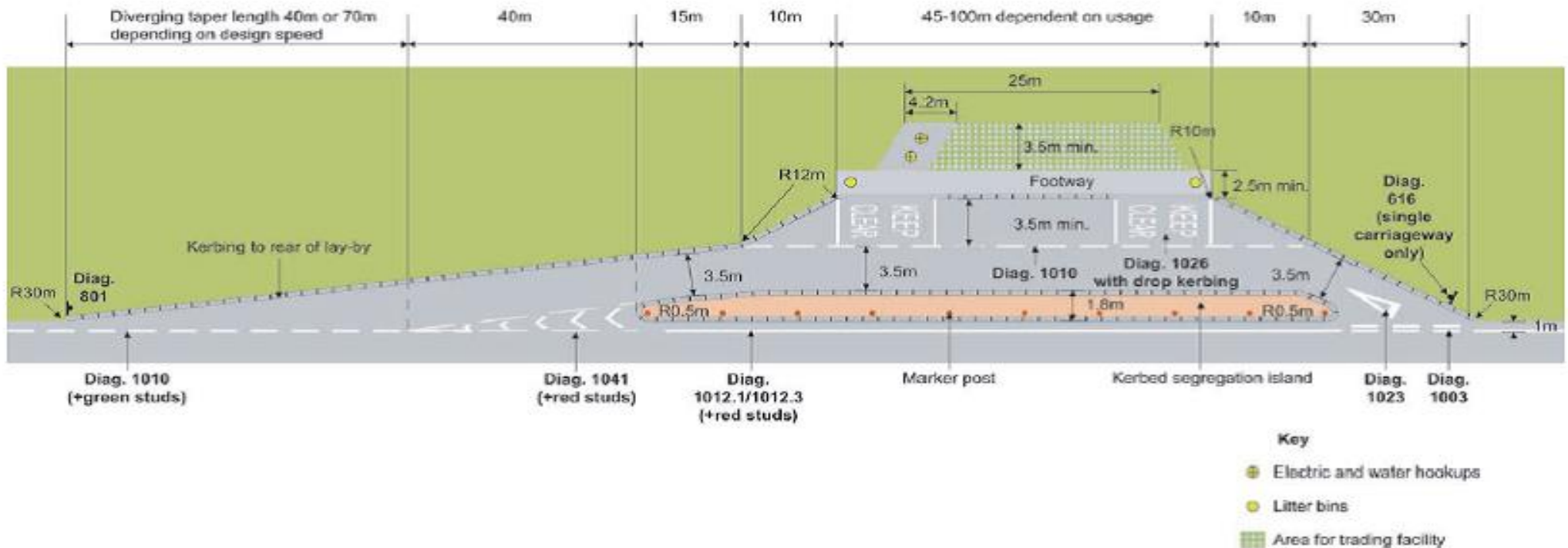
The following locations have been designated as street trading consent streets that are required to hold an Enhanced Street Trading Consent for trading on the indicated days at the indicated times. At all other times, a standard street trading consent will be required.

Town	Street	Days and Times
Ware	High Street	Tuesday 08:00 to 18:00-hrs
Ware	Tudor Square	Tuesday 08:00 to 18:00-hrs
Hertford	Maidenhead Street	Saturday + Christmas Eve 08:00 to 18:00-hrs
Hertford	Bull Plain	Saturday + Christmas Eve 08:00 to 18:00-hrs
Hertford	Railway Street	Saturday + Christmas Eve 08:00 to 18:00-hrs
Hertford	Bircherley Green	Saturday + Christmas Eve 08:00 to 18:00-hrs
Hertford	Market Place	Saturday + Christmas Eve 08:00 to 18:00-hrs

Appendix 4 - Acceptable lay-by layout

Blow is an extract from the Design Manual for Roads and Bridge, Volume 6, Section 3, Part 3 (November 2007) which can be found on <http://www.standardsforhighways.co.uk/ha/standards/>. The guidance sets out the requirements for the location and layout of lay-bys and rest areas.

Any lay-by used for Street Trading must meet the requirements of this guidance document.



Appendix C - Consultation Responses

Question 1

Do you agree that the Council should stagger the implementation date of the new policy?

■ Yes ■ No



Question 2

Do you agree that the Council should increase the scope of the Policy to include all eligible streets within East Hertfordshire?

■ Yes ■ No



Question 3

Do you agree with the example exemptions? If you feel anything has been missed off, please provide details below.

■ Yes ■ No



Additional comments relating to Question 3

"Currently the exemptions in 4.3 cover 'a)fetes, carnivals or similar community based and run events, for example Christmas lights switch-on events and non-commercial, community or charitable events where the profits are not used for private gain'. Because of the presence of the word 'similar' this could be taken to exclude community based events which are not 'fun' for example Services of Remembrance, at which it is customary to serve coffee in some cases (eg Bishop's Stortford. Can the wording be amended, possibly just removing the word 'similar' would do."

- Comment – Services of Remembrance added to the list of examples.

Question 4

Do you agree that the Council should introduce an appeals process?

■ Yes ■ No



Question 5

Do you agree with the new assessment criteria covering "environmental impact"?

■ Yes ■ No



Additional comments relating to Question 5

"Under Highway Safety it says 'Street trading consent holders must not drive vehicles on a footpath'. They should however be allowed to cross a footpath where there is no other reasonable means of access and in all cases where there is a dropped kerb."

- Officer's Comment – Policy has been updated to reflect the suggestion.

Question 6

Do you agree with the new assessment criteria covering "lay-by Safety"?

■ Yes ■ No



Additional comments relating to Question 6

"This appears to prohibit street traders from trading in ordinary laybys (ie laybys where there is no segregation such as parking bays) which is surely something Ice cream vendors do quite a lot (and is safer than trading from the roadside where there is no layby _provided that the serving window is facing the pavement_"

- Officer's Comment – This section of the policy has been updated to clarify that this only relates to static street traders, not mobile street traders.

Question 7

Do you agree with the new assessment criteria covering "proximity to schools and colleges"?

■ Yes ■ No



Additional comments relating to Question 7

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 8

Do you agree with the new assessment criteria covering "suitability of the applicant"?

■ Yes ■ No



Additional comments relating to Question 8

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 9

Do you agree with the new assessment criteria covering "training of food traders"?

■ Yes ■ No



Additional comments relating to Question 9

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 10

Do you agree with the new assessment criteria covering “food hygiene ratings”?

■ Yes ■ No



Additional comments relating to Question 10

“I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this”

- Officer’s Comment – N/A

Question 11

Do you agree with the new assessment criteria covering “sanitary accommodation”?

■ Yes ■ No



Additional comments relating to Question 11

“I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this”

- Officer’s Comment – N/A

Question 12

Do you agree with the new assessment criteria covering “waste disposal”?

■ Yes ■ No



Additional comments relating to Question 12

“I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this”

- Officer’s Comment – N/A

Question 13

Do you agree with the refund matrix detailed in paragraph 9.3?

■ Yes ■ No



Additional comments relating to Question 13

“I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this”

- Officer’s Comment – N/A

Question 14

Do you agree with the list of documentation applicants must provide before their application is considered?

■ Yes ■ No



Additional comments relating to Question 14

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Comment – N/A

Question 15

Do you agree with extending the list of consultees?

■ Yes ■ No



Question 16

Do you agree with the Council's approach to assessing the applications?

■ Yes ■ No



Additional comments relating to Question 16

"I dont wish to answer yes or no, I wish to make no comment. Unfortunately the form does not allow this"

- Officer's Comment – N/A

Question 17

Do you agree with the Council's description of what is reasonable use of a static street trading site?

■ Yes ■ No



Additional comments relating to Question 17

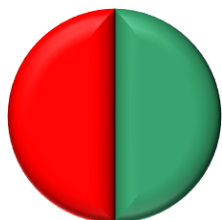
"Seasonal traders will frequently trade say April through October and then on fewer days or not at all when it is poor weather. requiring the trader to notify the Council that they are not trading for 2 weeks is unreasonable. Whilst this may make sense for sites on the public highway (the occupancy of which is effectively managed by the Council), for sites on private land (the occupancy of which is managed by the landowner) there is no value in this provision."

- Officer's Comment – Limited sites across the district mean that if a static trader, who is covered by this policy, is not using a site, the Council is highly likely to receive calls from interested traders, therefore this information will aid in the delivery of this policy.

Question 18

Do you agree with the Council's standard licensing conditions?

■ Yes ■ No



Additional comments relating to Question 18

"Conditions d and e are not reasonable for a peripatetic trader such as an ice cream van whose pattern of trading involves something like trading mostly in one place but also trading at 'hot spots' at particular times when they are 'hot'."

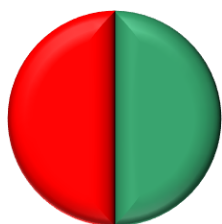
- Officer's Comment – Vehicles should not be parking on the public footpath as this will obstruct it for pedestrians. If it is unsafe to stop on the road, they should not stop. With regards to signage, I would not expect an mobile trader to be erecting signage due to the limited duration they are at any one site.

Question 19

Do you have any other comments to make?

Do you agree with the Council's standard licensing conditions?

■ Yes ■ No



Additional comments relating to Question 19

"Appendix 1 condition m appears to permit holders of enhanced trading licences to trade at markets other than those in Ware and Hertford. This is contrary to policy 6.4. A better wording would be With the exception of enhanced street trading consent holders, who may trade at the location(s) and time(s) for which

they have enhanced consent, this consent does not allow the holder to trade within any markets or farmers markets on their respective market days.”

- Officer’s Comment – The wording for this condition has been updated to add clarity.

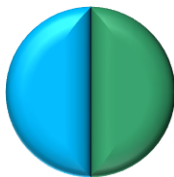
“Appendix 2 Fees and Charges - Enhanced consents - is the price per pitch per day, per pitch per 6 months or per pitch per year - it does not say.”

- Officer’s Comment – The wording for this has been updated to add clarity.

Question 20

Details of person responding

- Member of Public
- New Consultee



Equality Impact Analysis Form**APPENDIX D****1. Equality Impact Analysis (EqIA) Form**

Title of EqIA (policy/change it relates to)	Proposed Updated Street Trading Consent Policy	Date	19/06/2020
Team/Department	Environmental Health / Housing & Health		
Focus of EqIA What are the aims of the new initiative? Who implements it? Define the user group impacted? How will they be impacted?	This new policy seeks to update the current street consent policy. By extending the consent streets to cover the whole of East Herts we are widening consumer protection and safety, particularly to the rural areas where these businesses provide a valuable service to the local community.		

2. Review of information, equality analysis and potential actions

Please fill in when appropriate to the change. If it does not, please put N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age	N/A	Services are accessible to all age groups	No impact	N/A
Disability	N/A	Services are accessible to all users	No impact	N/A
Gender reassignment	N/A	Services are accessible to all users	No impact	N/A
Pregnancy and maternity	N/A	Services are accessible to all users	No impact	N/A
Race	N/A	Services are accessible to all users	No impact	N/A
Religion or belief	N/A	Services are accessible to all users	No impact	N/A
Sex/Gender	N/A	Services are accessible to all users	No impact	N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Sexual orientation	N/A	Services are accessible to all users	No impact	N/A
Marriage and civil partnership	N/A	Services are accessible to all users	No impact	N/A
Assessment of overall impacts and any further recommendations				
No foreseeable impact				

3. List detailed data and/or community feedback which informed your EqIA (If applicable)

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
N/A			
N/A			

4. Prioritised Action Plan (If applicable)

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
N/A				
N/A				

EqIA sign-off: (for the EQIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Lead Equality Impact Assessment officer:

Date:

Directorate Management Team rep or Head of Service:

Date:

Author of Equality Impact Analysis:

Date:

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East Herts Council

Executive

Date of Meeting: 7th July 2020

Report by: Cllr George Cutting, Executive Member for Corporate Services

Report title: Revised Regulation of Investigatory Powers Act (RIPA) Policy and Use of Social Media in Investigations Policy

Ward(s) affected: ALL

Summary

The Regulation of Investigatory Powers Act regulates the manner in which certain public bodies, including Local Authorities, may conduct surveillance and access a person's electronic communications. The Council must have an up to date policy governing its use of RIPA, and also designate a Senior Responsible Officer and Authorising Officers under the Act.

The Investigatory Powers Commissioner's Office also expects that Local Authorities pay particular attention to how it uses social media when engaging in investigatory practices, in order to ensure that it remains legal at all times.

RECOMMENDATIONS THAT:

- (a) The revised Regulation of Investigatory Powers Act (RIPA) Policy at Appendix A be adopted.**
- (b) The new Use of Social Media in Investigations Policy at Appendix B be adopted.**

1.0 Proposal(s)

- 1.1 It is proposed that the council's existing Regulation of Investigatory Powers Act (RIPA) Policy, which has not been reviewed since 2010, be revised and replaced taking into account significant legislative changes which have occurred in the intervening decade.
- 1.2 That a new Use of Social Media in Investigations Policy be adopted in order to deal specifically with investigations carried out via these means.
- 1.3 That other steps being taken with respects the findings of the IPCO report be noted.
- 1.4 The Council's Constitution states that the Executive shall "determine recommendations and other matters referred to it by committees, sub-committees or the Council".
- 1.5 The revised RIPA Policy and Use of Social Media in Investigations Policy went before Overview & Scrutiny on 16th June 2020 and was recommended to Executive to adopt both policies.

2.0 Background

- 2.1 The Regulation of Investigatory Powers Act 2000 ("RIPA") came into force on 25 September 2000 and sought to regulate covert investigation practices undertaken by a number of bodies, including local authorities.
- 2.2 Local authorities must have an up to date policy in place which is reviewed and approved by Members annually. Additionally the Council's use or otherwise of RIPA needs to be reported to Members on a quarterly basis.
- 2.3 The Investigatory Powers Commissioner's Office ("IPCO") independently scrutinises the use of RIPA powers by the investigatory bodies that are subject to it.
- 2.4 The Commissioners inspect Councils to ensure

compliance with RIPA and can audit/review the Council's policies and procedures, as well as individual authorisations.

- 2.5 The IPCO carried out a physical inspection of East Herts Council on 21st November 2019. The resulting report gave a recommendation of "Critical", outlining several areas where the Council was not meeting legal requirements, and eight actions that were required to address them.
- 2.6 One such area was the policy document itself which had remained unchanged since 16th December 2010, and was therefore not reflective of several quite big legislative changes which took place with the introduction of The Protection of Freedoms Act 2012 and the Investigatory Powers Act 2016, as well as updated Home Office Codes of Practice.
- 2.7 The IPCO report also stated that *"At present, there are three designated Authorising Officers, as well as the Chief Executive and his Director. In light of the low/absent use of the powers in recent times, and the change in roles and responsibilities of some officers, it was timely to look afresh at who was best placed to be designated under the revised Policy."*
- 2.8 The updated policy has addressed this and designates new Authorising Officers at Appendix B of the policy.

Social Media

- 2.9 Another area of societal change since 2010 is the use of social media, which has become far more ubiquitous in our daily lives than it was at the start of the last decade. The IPCO expects the use of social media to be specifically included in all up to date policies, and is covered at paragraph 13 of the new draft policy.
- 2.10 Further, it is proposed that with the introduction of the Use of Social Media in Investigations Policy, an entirely new policy which has not previously existed at East

Herts, the Council will go above and beyond what is required as a minimum so as to ensure that this ever changing landscape is given the attention it deserves.

Other required changes

- 2.11 Of the eight actions identified in the IPCO report, adoption of the new Policy would address actions A1, A4 and A8, namely;

A1 – The Council's RIPA Policy document must be updated to incorporate the numerous legislative changes since 2010,

A4 – Designation of Senior Responsible Officer and Authorising Officers to be determined in early 2020,

- Addressed in Appendix B of the draft policy

A8 – Ensure procedures are clear should judicial approval under The Protection of Freedoms Act 2012 be required

- Addressed at paragraph 7.7 of the draft policy.

- 2.12 The remaining five requirements, and how these will be met are as follows;

A2 – Regular updates to elected members and their annual approval of the RIPA policy must take place.

- Quarterly reporting of the Council's use, or otherwise, of RIPA will begin to take place through the Member's Information Bulletin, ensuring that elected members are kept informed of its application at East Herts Council. The RIPA policy will also be kept under constant review, with an annual review reported to Overview and Scrutiny, and any proposed changes latterly adopted by the Executive.

A3 – A Central Record must be reinstated.

- It is a requirement for there to be a centrally retrievable record of all provisional and judicially approved authorisations under RIPA. It had been thought at the time of the IPCO inspection that East Herts Council had failed to maintain such a

register however in the months since the inspection; an old central register was found. This Central Record has been updated and is now reinstated.

A5 – *Training to be maintained on a regular basis, designed to incorporate social media guidance and awareness raising amongst officers.*

- East Herts fared well on the matter of training, with the IPCO report stating that “a much better situation existed in relation to RIPA training, which had been provided on a regular and suitably tailored basis to a good range of officers in September 2016, March 2017 and July 2018.” This will continue, and broaden to include the use of social media and the new Use of Social Media in Investigations Policy.

A6 – *Determine internal quality assurance regime and means of updating Senior Leadership Team on regular basis.*

- Internal oversight of RIPA will sit with the Head of Legal and Democratic Services, who will ensure that the topic, as well the Council’s use, or otherwise, of RIPA powers is reported to Leadership Team on a quarterly basis.

A7 – *Check that any recording equipment is stored, managed and inventoried correctly.*

- Noise monitoring equipment and cameras held by the Council for investigatory purposes are managed by the relevant enforcement teams. Each team has been asked to conduct a new inventory of the equipment they keep, and to maintain this regularly so that it is kept up to date.

Conclusion

2.13 The IPCO Inspector stated in her report that the inspection in November 2019 “revealed a local authority

that had, for whatever reason, taken its “eye off the ball” as far as RIPA policies and procedures and internal oversight was concerned.”

- 2.14 The revised policy, newly designated Authorising Officers and the additional steps outlined above at paragraph 2.12 above will rectify that situation and place East Herts back in a state of compliance.

3.0 Reason(s)

- 3.1 The adoption of the new RIPA Policy is a matter for the Executive to consider and adopt.
- 3.2 The revised policies went before the Overview and Scrutiny Committee on 16th June 2020. Members of the committee commended the revised policies and unanimously support their adoption, remarking that they are robust, detailed and very thorough.
- 3.3 No alterations were proposed by the Overview and Scrutiny Committee, and it is their recommendation that the policies be adopted by the Executive unchanged.

4.0 Options

- 4.1 The adoption of a RIPA Policy is a requirement to ensure compliance with legislation and Home Office Codes of Practices.
- 4.2 The Use of Social Media in Investigations Policy is not specifically required, and can therefore be adopted or rejected.

5.0 Risks

If the policy was not revised

- 5.1 East Herts Council would be in breach of its legal requirements to comply with the Regulation of Investigatory Powers Act, the Protection of Freedoms Act, the Investigatory Powers Act 2016 as well as Home Office Codes of Practice.
- 5.2 The Council would fail to comply with the IPCO report

and be at a heightened risk of breaching human rights law.

If the policy was revised

- 5.3 The Council would become compliant with relevant law governing the use of RIPA.
- 5.4 The IPCO's recommendations will have all been complied with and would address the "Critical" finding made by the IPCO inspection in November 2019.

6.0 Implications/Consultations

- 6.1 The implications of not adopting the new RIPA Policy are grave, including potential breaches of criminal law.
- 6.2 This is less so of the Use of Social Media in Investigation Policy, but it is advised that this is also implemented so as to address East Herts Council's lack of policy on this matter currently.

Community Safety

Yes – Allows the Council to legal make use of investigatory practices governed by RIPA, which could be utilised to protect communities from illegal activities.

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

Yes – The use of powers under RIPA directly affects a person's right to respect for private and family life under Art 8 of the Human Rights Act. It is imperative that RIPA is utilised correctly so as to make legal those potential intrusions.

Legal

Yes – The Council is not in compliance with the relevant legislation and Home Office Codes of Practice unless and until it adopts a new RIPA policy.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – Draft RIPA Policy
- 7.2 Appendix B – Draft Use of Social Media in Investigations Policy.

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East Herts District Council

Regulation of Investigatory Powers Act 2000

Policy

Document Control

Organisation	East Hertfordshire District Council
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East Herts Council

Regulation of Investigatory Powers Act 2000 Policy

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1. Introduction

1.1. Summary

The Regulation of Investigatory Powers Act 2000 ("RIPA") came into force on 25 September 2000 and sought to regulate covert investigation practices undertaken by a number of bodies, including local authorities.

This Policy is the framework on which East Herts Council ("the Council") applies the provisions of RIPA as it relates to covert surveillance. It must be read in conjunction with the statutory codes of practice issued by the Secretary of State and any additional guidance provided by the Investigatory Powers Commissioner's Office (the "IPCO") (formerly the Office of Surveillance Commissioners – OSC) and individual Services to deal with the specific issues of their service.

1.2. Background

The Human Rights Act 1998 requires the Council to have respect for the private and family life of citizens. However in rare cases, it may be lawful, necessary and proportionate for the Council to act covertly in ways that may interfere with an individual's rights.

The rights conferred by Article 8 of the Human Rights Act are not absolute rights, but qualified right, meaning that it is still possible for a public authority to interfere with those rights provided the following criteria are satisfied;

- (a) It is done in accordance with the law
- (b) It is necessary (as defined in this document); and
- (c) It is proportionate (as defined in this document).

RIPA provides a statutory mechanism for authorising certain types of surveillance. It seeks to ensure that any interference with an individual's right under Article 8 is necessary and proportionate. In doing so, RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.

It is possible that unauthorised surveillance will be a breach of a person's right to privacy under Article 8. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not

obtained, the surveillance carried out will not have the protection that RIPA affords.

If the correct procedures are not followed;

- evidence may be disallowed by the courts,
- a complaint of maladministration could be made to the Ombudsman, and/or
- the Council could be ordered to pay compensation

It is therefore essential that this document, along with any further guidance that may be issued from time to time by the Head of Legal and Democratic Services, always be complied with.

1.3. Policy Review

RIPA and this document are essential for the effective, efficient and legal operation of the Council's covert surveillance activity. This document will, therefore be kept under annual review by the Head of Legal and Democratic Services.

Authorising Officers, as defined below, must bring any suggestions for the continuous improvement of this document to the attention of the Head of Legal and Democratic Services, at the earliest possible opportunity.

1.4. Scope

RIPA does not;

- Make unlawful anything that is otherwise lawful
- Impose any new statutory duties, or
- Prejudice or disapply any existing powers available to the Council to obtain information by any means not involving conduct that is governed by RIPA. (For example it does not affect the Council's current powers to obtain information from the DVLA or the Land Registry).

If RIPA procedures are followed correctly the conduct of an investigation will be deemed lawful for all purposes (section 27 RIPA). This protection extends to criminal and civil proceedings, Employment Tribunal hearings and a complaint to either the Local Government Ombudsman or the

Investigatory Powers Tribunal. It therefore provides protection both for the Council and any officer who may have been involved in an investigation.

It should also be noted that the requirements of RIPA, and this policy, extends to external agencies working on behalf of the Council. Where such agencies are carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so.

RIPA provides a means of authorising certain acts of covert surveillance for a variety of purposes. To fully understand the effects of RIPA, it is essential to understand the various types of activity that are covered, and those that are not permitted, and the purposes that will justify surveillance.

The provisions of RIPA that apply to Local Authorities provide a regulatory framework that permits;

- The use of Directed Surveillance
- The Use of Covert Human Intelligence Sources
- The Acquisition and Disclosure of Communications Data

2. Definition of Surveillance

"Surveillance" includes:

- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations or their other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; and
- Surveillance by, or with, the assistance of a surveillance device, which will include cameras, video, and listening or recording devices.

Surveillance can be either overt or covert.

2.1. Overt Surveillance

The overwhelming majority of surveillance undertaken by the Council will be done overtly, meaning there will be nothing secretive or hidden

about the way it is conducted. In many cases officers will be going about Council business openly (e.g. a routine inspection by an Environmental Health Officer) or will have notified the subject of the investigation that they are likely to be under surveillance (e.g. where a noisemaker is warned (preferably in writing) that noise will be recorded if it continues.)

Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, an officer visiting a site to check whether a criminal offence had been committed). Repeated visits may amount to systematic surveillance however, and require authorisation: if in doubt, advice should be sought from the Head of Legal and Democratic Service or the Senior Responsible Officer

Use of body worn cameras should also be overt. Badges should be worn by officers stating body cameras are in use and it should be announced verbally that recording is taking place. In addition, cameras should only be switched on when recording is necessary e.g. when issuing parking tickets.

2.2. Covert Surveillance

Covert surveillance is any surveillance that is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place.

It should be noted that if the same outcome can be achieved by overt means then those means need to be fully explored in the first instance. Covert surveillance must only be undertaken when there is no less invasive way of achieving the outcome.

3. Directed and Intrusive Surveillance

3.1. Directed Surveillance

Directed surveillance is surveillance which is covert, but not intrusive, and undertaken:

- a) for the purposes of a specific investigation or specific operation;
- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and

- c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under RIPA to be sought for the carrying out of the surveillance.

3.2. Intrusive Surveillance

Currently, local authorities are **not** authorised to carry out intrusive surveillance.

Surveillance becomes intrusive if the covert surveillance:

- a) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle; or
- b) where a device placed outside consistently provides information of the same or equivalent quality and detail as might be expected if it were in the premises or vehicle, or
- c) is carried out in places ordinarily used for legal consultation, at a time when they are being used for such consultations

Therefore directed surveillance turns into intrusive surveillance if it is carried out involving anything that occurs on residential premises or any private vehicle and involves the presence of someone on the premises or in the vehicle or is carried out by means of a surveillance device **OR** when directed surveillance is carried out in places ordinarily used for legal consultation, at a time when they are being used for such consultations.

Residential premises are any part of premises occupied for residential purposes or living accommodation, including hotel rooms or prison cells. However, it does not include common areas in blocks of flats and similar premises.

A private vehicle is a vehicle used primarily for private purposes by the owner or person entitled to use it.

Commercial premises and vehicles are therefore excluded from intrusive surveillance.

Only the police or other law enforcement agencies are permitted to employ intrusive surveillance. Likewise, the council has no statutory powers to interfere with private property.

4. Identifying directed surveillance

You should ask yourself the following questions:

4.1. Is the surveillance overt or covert?

Refer to paragraphs 2.1 and 2.2 above. If your activities are not hidden from the subjects of your investigation, you are not within the RIPA framework at all. If the proposed surveillance is covert in nature, then refer to paragraph 4.2 below.

4.2. Can the same outcome be achieved by overt means?

Does the surveillance have to be covert? If not, then you should proceed with overt surveillance, including the use of signs and other notification techniques so that the subject of the surveillance is aware it is taking place.

4.3. Is the surveillance for the purposes of a specific investigation or a specific operation?

Although, the provisions of the Act do not normally cover the use of overt CCTV surveillance systems, since members of the public are aware that such systems are in use, there may be occasions when public authorities use overt CCTV systems for the purposes of a specific investigation or operation. For example, if the CCTV cameras are targeting a particular known offender. In such cases, authorisation for directed surveillance may be necessary.

4.4. Is the surveillance likely to result in the obtaining of private information about a person?

Private information is defined in RIPA section 26 (10) as including any information relating to a person's private or family life.

The European Court of Human Rights has considered this definition and has found that private life is a broad term not susceptible to exhaustive definition. Aspects such as gender identification, name, sexual

orientation and sexual life are important elements of the personal sphere protected by Article 8.

The Article also protects a right to identity and personal development and includes an individual's private or personal relationship with others. It includes an individual's business and family relationships. Family life itself should be treated as extending beyond the formal relationships created by marriage.

4.5. Is the surveillance otherwise than by way of an immediate response to events or circumstances where it is not reasonably practicable to get authorisation?

Directed surveillance does not include covert surveillance carried out by way of an immediate response to events or circumstances which, by their very nature, could not have been foreseen. For example, an environmental crime officer would not require an authorisation to conceal themselves and observe a suspicious person which they came across in the course of a routine patrol.

However, if as a result of that immediate response, you undertake a specific investigation you will need authorisation.

5. Covert Human Intelligence Sources (CHIS)

A person is a covert human intelligence source ("CHIS") if;

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship if, and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

A relationship is used covertly, and information obtained is disclosed covertly if, and only if, it is used or disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

A member of the public who volunteers information to the Council is not a covert human intelligence source.

Likewise, members of the public who report allegations of anti-social behaviour and are asked to keep a note of incidents will not normally be CHIS either as they are not usually required to establish or maintain a covert relationship.

It should be noted, however, that if the information provided is recorded as potentially useful or actionable, there is potential duty of care to the individual and the onus is on the public authority to manage human sources properly. Authorising Officers should be alive to the possibility of 'status drift'. Authorising Officers, when deciding whether to grant an authorisation, should take account of the difference between a volunteer of information already known to the individual and the relevance of the exploitation of a relationship for a covert purpose.

5.1. Conduct and use

The conduct or use of CHIS must be authorised in accordance with RIPA.

Conduct of a CHIS. This is establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining or passing on information.

Use of a CHIS. This includes inducing, asking or assisting a person to engage in the conduct of a source, or to obtain information by means of the conduct of such a source.

The use of a juvenile CHIS may only be authorised for one month at a time.

5.2. Test Purchases

Carrying out test purchases will not require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS.

For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter).

By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop, or an adult is observing a juvenile test purchase, this will require authorisation, as directed surveillance. In all cases, a prior risk assessment is essential in relation to any young person used for a test purchase.

5.3. Security and Welfare

Only the Chief Executive is able to authorise the use of vulnerable individuals and juvenile CHIS's. The Authorising Officer shall have regard to the special safeguards and provisions that apply to vulnerable individuals and juvenile sources, more particularly set out in the Covert Human Intelligence Source Code of Practice which can be found [here](#).

The Authorising Officer shall ensure that arrangements are in place for the proper oversight and management of sources, including appointing individual officers for each source. The person responsible for the day-to-day contact between the public authority and the source will usually be of a rank or position below that of the Authorising Officer.

Officers using a source shall consider the safety and welfare of that source (even after cancellation of the authorisation), and the foreseeable consequences to others of the tasks they are asked to carry out. The Authorising Officer shall carry out a risk assessment before authorising the source.

6. Communications Data

The powers contained in Part 1 of Chapter 2 of RIPA permit Local Authorities to obtain information relating to the use of a postal service or telecommunications system for obtaining communications data and the disclosure to any person of such data. For these purposes, communications data includes information relating to the use of a postal service or telecommunications system but does not include the contents of the communication itself, content of e-mails or interaction with websites.

Communications data includes subscribers details, names and addresses and telephone numbers of those contacted, billing addresses, account information, web addresses visited etc.

Two types of data (Customer Data or Service Data) are available to local authorities and, when making an application for obtaining or disclosing such data, the applicant must specify exactly which type of information

A third type of data (Traffic data) is not accessible to local authorities.

6.1. Customer data – (Subscriber data, RIPA s21(4))

Customer data is the most basic. It is data about users of communication services. This data includes:

- Name of subscriber
- Addresses for billing, delivery, installation
- Contact telephone number(s)
- Abstract personal records provided by the subscriber (e.g. demographic information)
- Subscribers' account information – bill payment arrangements, including bank, credit/debit card details
- Other services the customer subscribes to.

6.2. Service data – (Service Use data, RIPA s21(4)(b))

This relates to the use of the service provider's services by the customer, and includes:

- The periods during which the customer used the service(s)
- Information about the provision and use of forwarding and re-direction services by postal and telecommunications service providers
- 'Activity', including itemised records of telephone calls (numbers called), internet connections, dates and times/duration of calls, text messages sent
- Information about the connection, disconnection and reconnection of services
- Information about the provision of conference calling, call messaging, call waiting and call barring telecommunications services

- Records of postal items, such as records of registered, recorded or special delivery postal items, records of parcel consignment, delivery and collection
- 'Top-up' details for prepay mobile phones – credit/debit card, voucher/e- top up details

6.3. Traffic data – (Traffic data, RIPA s21(6))

In relation to communications means:

- any data identifying or purporting to identify, any person, apparatus or location to or from which the communication is or may be transmitted
- any data identifying or selecting or purporting to identify or select apparatus through which, or by means of which the communication is or may be transmitted
- any data comprising signals for the actuation of apparatus used for the purposes of a telecommunications system for effecting (in whole or in part) the transmission of any communication and
- any data identifying the data or other data as data comprised in or attached to a particular communication but that expression includes data identifying a computer file or computer program access to which is obtained, or which is run by means of the communication to the extent only that the file or program is identified by reference to the apparatus in which it is stored.

7. RIPA Authorisation Procedure

7.1. General

Directed surveillance, the use of CHIS and the acquisition of communications data must be lawfully carried out in strict accordance with the terms of the relevant authorisation and Magistrates Court approval.

The Council can only authorise directed surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or be an offence under:

- a) S146 of the Licensing Act 2003 (sale of alcohol to children);

- b) S147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
- c) S147A of the Licensing Act 2003 (persistently selling alcohol to children); and
- d) S7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under the age of 18)

The Council will only very rarely make use of CHIS so the applicant officer should consult the Head of Legal and Democratic Services before making an application for a CHIS authorisation in order to ensure that the current statutory requirements and best practice are being observed.

Applications for authorisations and notices requesting communications data must be processed through the Council's Home Office accredited single point of contact ("SPoC"). As the need to obtain such information will only very occasionally arise the applicant officer should contact the Head of Legal and Democratic Services before making an application in order to ensure that current statutory requirements and best practice are being observed.

All applications for authorisation must be sought and granted before any surveillance activity takes place. The decision whether or not to authorise an application must not be taken with the benefit of hindsight. This should be borne in mind when submitting an application to the Magistrates' Court.

Once approved, the original authorisation and accompanying paperwork must be forwarded to the RIPA Co-Ordinator (Senior Solicitor – Corporate Legal Team) to allocate the application a Unique Reference Number (URN) and for key details to be entered onto the central register.

7.2. Before Making the Application

Before making an application for an authorisation, the requesting officer must;

- read this policy document,
- determine whether the activity that they are proposing to conduct involves directed surveillance or the use of a CHIS,
- assess whether the activity will be in accordance with the law – is it governed by RIPA,
- assess whether the activity is necessary and why,

- assess whether the activity is proportionate.

If the activity can be conducted overtly or if a less intrusive option is available and practical, then that option should be pursued rather than obtaining a RIPA authorisation.

7.3. Special consideration in respect of confidential information

Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy e.g. where confidential information is involved.

Confidential information consists of personal information (such as medical records or spiritual counselling), confidential journalistic material, confidential discussions between Members of Parliament and their constituents, or matters subject to legal privilege.

Legal privilege

Generally, this applies to communications between an individual and his/her legal adviser in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of the Head of Legal and Democratic Services should be sought in respect of any issues in this area.

Confidential personal information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's spiritual welfare or matters of medical or journalistic confidentiality.

Confidential journalistic material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

It should be noted that matters considered to be confidential under RIPA may not necessarily be properly regarded as confidential under section 41 Freedom of Information Act 2000.

Where such information is likely to be acquired, the surveillance may only be authorised by the Chief Executive or, in his absence, the person acting as the Head of Paid Service.

7.4. Who can give Provisional Authorisations?

Authorisations may only be given by the Authorising Officers listed in Appendix B. Only the Chief Executive can authorise the use of a CHIS, or the acquisition of confidential information (see paragraph 7.3 above).

Applications for the acquisition of Communications data can only be issued by a Home Office accredited single point of contact ("SPoC") (see paragraph 7.8 below)

It will be the responsibility of Authorising Officers who have been duly certified to ensure their relevant members of staff are also suitably trained as 'applicants' so as to avoid common mistakes appearing on forms for RIPA authorisations.

Training will be given, or approved by the Head of Legal and Democratic Services before Authorising Officers are certified to sign any RIPA forms. A central register of all those individuals who have undergone training or a one-to-one meeting with the Head of Legal and Democratic Services, on such matters, will be kept by the Head of Legal and Democratic Services.

Authorising officers should not normally be responsible for authorising operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable. Where an Authorising Officer authorises such an investigation or operation the central register will highlight this and the Commissioner or inspector will be notified of this during his or her next inspection

Authorising Officers will also ensure that staff who report to them follow this guidance document and do not undertake or carry out any form of surveillance without first obtaining the relevant authorisations in compliance with this document.

Authorising Officers must also ensure that, when sending copies of authorisations and associated documentation to the Head of Legal and Democratic Services, that these are sent in sealed envelopes and marked 'Strictly Private and Confidential'.

Any equipment to be used in any approved surveillance must be properly controlled, recorded and maintained for audit purposes.

7.5. Grounds for Authorisation

An Authorising Officer has a number of obligations within the provisions of the Act, which must be met before carrying out any form of surveillance.

An Authorising Officer shall not grant a provisional authorisation for the carrying out of directed surveillance or for the use of a CHIS or for the obtaining or disclosing of communications data unless they have given **personal consideration** to the facts and believes:

- a) that a provisional authorisation is necessary, and
- b) the provisionally authorised investigation is proportionate to what is sought to be achieved by carrying it out

For local authority investigations, provisional authorisation is deemed "**necessary**" in the circumstances of the particular case if it is for the purpose of preventing and detecting crime or of preventing disorder.

Authorisation cannot be sought, and authority must not be given unless you are satisfied that the surveillance is "**proportionate**." You have to make sure that any interference with privacy is justified by the end being sought. Unless the benefit to be obtained from surveillance is significant, and unless the problem you are seeking to tackle is serious, the use of surveillance is unlikely to be proportionate.

The conduct must also be the least invasive method of achieving the end and the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation must be assessed and taken into account (see Collateral Intrusion below).

Consideration must be given to the seriousness of the offence under consideration. Authorisation for directed surveillance can only be

granted if the purpose of the surveillance is the prevention or detection of crime(s) punishable by 6 months imprisonment or more, or relates to the sale or alcohol or tobacco to underage persons. Covert surveillance relating to dog fouling and other minor offences will not be deemed a proportionate activity.

Careful consideration needs to be made by authorising officers of all of these points. Such consideration needs to be demonstrated on the authorisation form in the relevant parts. Authorising Officers must exercise their minds every time they are asked to sign a form. They must never sign or rubber stamp the form without thinking about their personal and the Council's responsibilities.

Any boxes not needed on the form/s must be clearly marked as being 'not applicable' or a line put through the same. Great care must also be taken to ensure accurate information is used and inserted in the correct boxes. Reasons for any refusal of an application must also be kept on the form and retained for future audits.

7.6. Collateral Intrusion

Before provisionally authorising an investigation, the Authorising Officer shall also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation; known as collateral intrusion. The investigating officer shall take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

An application for a provisional authorisation shall include an assessment of the risk of any collateral intrusion. The Authorising Officer shall take this into account, when considering the proportionality of the surveillance.

Where an operation unexpectedly interferes with the privacy of individuals who were not the subject of surveillance or covered by the authorisation in some other way, the investigating officer should inform the Authorising Officer.

7.7. Judicial Approval

The Council is only able to grant a provisional authorisation or renewal to conduct covert surveillance. No provisional authorisations, nor any surveillance granted under them, will take effect until judicial approval has been sought and granted by a Magistrates' Court.

Once the authorising officer has authorised the directed surveillance or CHIS, the investigating officer who completed the application form should contact the Magistrates' Court to arrange a hearing for the authorisation to be approved by a Justice of the Peace.

The investigating officer will provide the Justice of the Peace with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the Justice of the Peace and should contain all information that is relied upon.

In addition the investigating officer will provide the Justice of the Peace with a partially completed judicial application/order form.

The hearing will be in private and the investigating officer will be sworn in and present evidence as required by the Justice of the Peace. Any such evidence should be limited to the information in the authorisation.

The Justice of the Peace will consider whether he/she is satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate.

The Justice of the Peace will also consider whether there continues to be reasonable grounds.

The Justice of the Peace must also be satisfied that the person who granted the authorisation was an appropriate designated person and the authorisation was made in accordance with any applicable legal restrictions, for example, the crime threshold for directed surveillance has been met.

The Justice of the Peace will record his/her decision on the order section of the judicial application/order form.

A copy of the RIPA form and judicial application/order form will be retained by the Court.

If the authorisation is approved the council may commence the activity.

If the Justice of the Peace refuses to approve the authorisation the council may not commence the activity although, if the reason for refusal is a technical error, the council may address this and reapply without going through the internal authorisation process again.

The Justice of the Peace may refuse to approve the authorisation, and quash it. The exercise of this power should not take place until the applicant has at least two business days from the date of the refusal to make representations.

7.8. Provisional Authorisation for Communication Data

The Act provides two different ways of provisionally authorising access to communications data; through a provisional authorisation under Section 22(3) and by a provisional notice under Section 22(4).

A provisional authorisation would, following judicial approval, allow the authority to collect or retrieve the data itself. A provisional notice is given to a postal or telecommunications operator and requires that operator to collect or retrieve the data and provide it to the authority serving the notice. An Authorising Officer decides whether or not a provisional authorisation should be granted or a provisional notice given.

A provisional authorisation under Section 22(3) may be appropriate where:

- the postal or telecommunications operator is not capable of collecting or retrieving the communications data;
- it is believed the investigation may be prejudiced if the postal or telecommunications operator is asked to collect the data itself;
- there is a prior agreement in place between the authority and the postal or telecommunications operator as to the appropriate mechanisms for the disclosure of data.

Notices and, where appropriate, provisional authorisations for communications data must be channelled through SPoC's. The SPoC is able to advise authorising officers as to whether an authorisation or notice is appropriate.

The Council use the services of the National Anti-Fraud Network (NAFN) for all Communications Data enquiries and as such NAFN performs the

role of a SPoC through their qualified SPoC officers. All applicants must be registered with NAFN via the NAFN website at www.nafn.gov.uk

Applications to obtain communications data should be made on the NAFN standard form available on the NAFN website and submitted in the first instance to the SPoC. If appropriate the SPoC will forward the application to a Council Authorising Officer for either the provisional authorisation of conduct or the provisional issuing of a notice.

If satisfied that the proposed investigation is both necessary and proportionate, the Authorising Officer will return the provisional authorisation or notice to the SPoC who will then liaise with the applicant and the postal/telecommunications company, after the appropriate Judicial Approval has been obtained. The disclosure of data under a notice will only be made to the Authorising Officer.

Communications data, and all copies, extracts and summaries of it must be handled and stored securely. The requirements of the Data Protection Act 2018 and the principles of the Criminal Procedure and Investigations Act 1996 must be strictly followed.

8. Activities by other public authorities

The investigating officer shall make enquiries of other public authorities e.g. the police whether they are carrying out similar activities if he considers that there is such a possibility in order to ensure that there is no conflict between the activities of this Council and those other public authorities.

9. Joint Investigations

When some other agency has been instructed on behalf of the Council to undertake any action under RIPA, this document and the forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.

When some other agency (e.g. police, Customs & Excise, Inland Revenue etc.):

- a) wishes to use the Council's resources (e.g. CCTV), that agency must use its own RIPA procedures and, before any officer agrees to allow the Council's resources to be used for the other agency's purposes, they must obtain a copy of that agency's RIPA form for the record and/or

relevant extracts from the same which are sufficient for the purposes of protecting the Council and the use of its resources

- b) wishes to use the Council's premises for their own RIPA action, the officer should, normally, co-operate with the same, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. In such cases, the Council's own RIPA forms should not be used as the Council is only assisting and not being involved in the RIPA activity of the external agency being involved in the RIPA activity of the external agency.

In terms of (a), if the police or other agency wish to use the Council's resources for general surveillance, as opposed to specific RIPA authorisations, an appropriate letter requesting the proposed use, remit, duration, details of who will be undertaking the general surveillance and the purpose of it must be obtained from the police or other agency before any Council resources are made available for the proposed use.

10. Duration, reviews, renewals and cancellation of authorisations

10.1. Duration

Authorisations must be reviewed in the time stated and cancelled once no longer needed.

Authorisations last for:

- a) 12 months from the date of the judicial approval for the conduct or use of a source
- b) three months from the date of judicial approval for directed surveillance
- c) one month from the date of judicial approval for communications data, or earlier if cancelled under Section 23(8) of the Act.

However, whether the surveillance is carried out/conducted or not in the relevant period, does not mean that the authorisation is spent. Authorisations do not expire, they have to be reviewed, or cancelled if no longer required.

10.2. Reviews

The Authorising Officer shall undertake regular reviews of authorisations to assess the need for the surveillance to continue. The results of a review should be recorded on the central record of authorisations.

Where the surveillance provides access to confidential information or involves collateral intrusion the officer should conduct frequent reviews.

10.3. Renewals

If at any time before an authorisation ceases to have effect, it is necessary for the authorisation to continue for the purpose for which it was given, it may be renewed in writing for a further period of 3 calendar months, beginning with the day when the original authorisation would have expired. Magistrates Court approval is required before a renewal takes effect.

Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation and are approved by the Magistrates' Court. The renewal should be kept/recorded as part of the central record of authorisations.

The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.

Authorisations can be renewed in writing shortly before the maximum period has expired. The renewal will begin on the day when the authorisation would have expired, provided the necessary judicial approval has been obtained.

An authorisation cannot be renewed after it has expired.

A further requirement in relation to renewal of a CHIS is that judicial approval will only be granted if the Magistrates are satisfied that a review has been carried out, which considers:

- the use made of the source in the period since authorisation was granted (or the last renewal); and
- the tasks given to the source during that period, and the information obtained from the conduct or use of the source

For the purposes of making an Order, the Magistrates have considered the results of that review.

10.4. Cancellations

The Authorising Officer must cancel an authorisation if they become satisfied that the surveillance is no longer required or appropriate.

Authorisations should not be allowed simply to lapse. The duty to cancel a notice falls on the Authorising Officer who issued it.

The Authorising Officer must then cancel the Application without delay. When cancelling the authorisation the Authorising Officer is required to consider whether the surveillance was effective, necessary and met its objectives. Cancellations must be made using the cancellation form and should briefly detail what product(s) resulted from the surveillance.

When cancelling an authorisation, the Authorising Officer must ascertain what recorded material has been obtained by the use of directed surveillance. The Authorising Officer should comment on the recorded material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any recorded material has been securely destroyed.

In the case of a notice issued in respect of communications data, the relevant postal or telecommunications operator will be informed of the cancellation.

11. Record Management

11.1. Central record of all Authorisations

The Head of Legal and Democratic Services shall hold and monitor a centrally retrievable record of all provisional and judicially approved authorisations. The Authorising Officer must notify and forward a copy of any provisional notice or authorisation granted, renewed or cancelled and any judicial approval received or refused within 1 week of the event to the Head of Legal and Democratic Services to ensure that the records are regularly updated.

The record will be made available to the relevant Commissioner or an Inspector from the Investigatory Powers Commissioner's Office. These

records will be retained for a period of 5 years from the ending of the authorisation. A record will be kept of the dates on which the authorisation notice is started and cancelled.

The Head of Legal and Democratic Services will monitor the submission of provisional and judicially approved authorisations and notices and give appropriate guidance, from time to time, or amend any provisional or draft document as necessary. The records submitted to the Head of Legal and Democratic Services, shall contain the following information:

- a) the type of authorisation or notice
- b) the date the provisional authorisation or notice was given;
- c) name and rank/grade of the authorising officer;
- d) the date judicial approval was received or refused;
- e) the unique reference number (URN) of the investigation or operation;
- f) the title of the investigation or operation, including a brief description and names of subjects, if known;
- g) if the authorisation or notice is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the authorising officer and the date of judicial approval;
- h) whether the investigation or operation is likely to result in obtaining confidential information;
- i) the date the authorisation or notice was cancelled.

11.2. Records maintained in the Department

The Authorising Officer shall maintain the following documentation, which need not form part of the centrally retrievable record:

- a) a copy of the application and provisional authorisation or notice together with a copy of any order of judicial approval or refusal, as well as any supplementary documentation and notification of the approval given by the Authorising Officer;
- b) a record of the period over which the surveillance has taken place;
- c) the frequency of reviews prescribed by the Authorising Officer;
- d) a record of the result of each review of the authorisation or notice;
- e) a copy of any renewal of an authorisation or notice, together with judicial approval or refusal and the supporting documentation submitted when the renewal was requested;

- f) the date and time when any instruction was given by the Authorising Officer,
- g) the unique reference number for the authorisation (URN)

Each form must have a URN. The Authorising Officers will issue the relevant URN to applicants. The cross-referencing of each URN takes place within the form for audit purposes. Rejected forms will also have URN's.

11.3. Records relating to a CHIS

Proper records must be kept of the authorisation and use of a CHIS. An Authorising Officer must not grant a provisional authorisation for the use or conduct of a CHIS unless he believes that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the CHIS.

The records shall contain the following information:

- a) the identity of the source;
- b) the identity, where known, used by the source;
- c) any relevant investigating authority other than the Council;
- d) the means by which the source is referred to within each relevant investigating authority;
- e) any other significant information connected with the security and welfare of the source;
- f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- g) the date when, and the circumstances in which, the source was recruited;
- h) the identities of the persons who, in relation to the source;
 - i. hold day-to-day responsibility for dealing with the source and for the source's security and welfare
 - ii. have a general oversight of the use made of the source (not to be the person identified in h) i.
 - iii. have responsibility for maintaining a record of the use made of the source

- i) the periods during which those persons have discharged those responsibilities;
- j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- l) the information obtained by the conduct or use of the source;
- m) any dissemination of information obtained in that way; and
- n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

Records which reveal the name(s) of the CHIS should only be disclosed to persons to the extent that there is a need for access to them; if legally necessary; or if ordered by any Court.

12. Retention and destruction

Generally, all material (in whatever media) produced or obtained during the course of investigations subject to RIPA authorisation should be processed, stored and destroyed in accordance with the requirements of the Data Protection Act 2018, General Data Protection Regulation (GDPR) (EU) 2016/679, the Freedom of Information Act 2000 and any other legal requirements, including those of confidentiality and the Council's policies and procedures regarding document retention.

Material obtained from properly authorised surveillance or a CHIS may be used in other investigations. Arrangements shall be in place for the handling, storage and destruction of material obtained through the use of covert surveillance, a CHIS or the obtaining or disclosure of communications data.

Authorising Officers must ensure compliance with the appropriate data protection requirements and any relevant Corporate Procedures relating to the handling and storage of material.

13. Social Media Sites

Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be

deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example).

Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of ‘open source’ sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.

To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Council Officers should be mindful of any relevant guidance and the Council’s separate policy regarding the use of **Social Networking Sites and Conduct of Investigations**.

The Home Office Revised Code of Practice on Covert Surveillance and Property Interference, published in August 2018, provides the following guidance in relation to online covert activity:

The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and engaging with the public they serve. It is important that public authorities are able to make full and lawful use of this information for their statutory purposes. Much of it can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual’s online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.

The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a

person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).

In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.

As set out below, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.

Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.

Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be

considered. These considerations apply regardless of when the information was shared online.'

14. Scrutiny of investigatory bodies

The Investigatory Powers Commissioner's Office independently scrutinises the use of RIPA powers by the investigatory bodies that are subject to it.

The Commissioners will inspect Councils to ensure compliance with RIPA and can audit/review the Council's policies and procedures, and individual authorisations. Further detail can be found at <https://www.ipco.org.uk/>

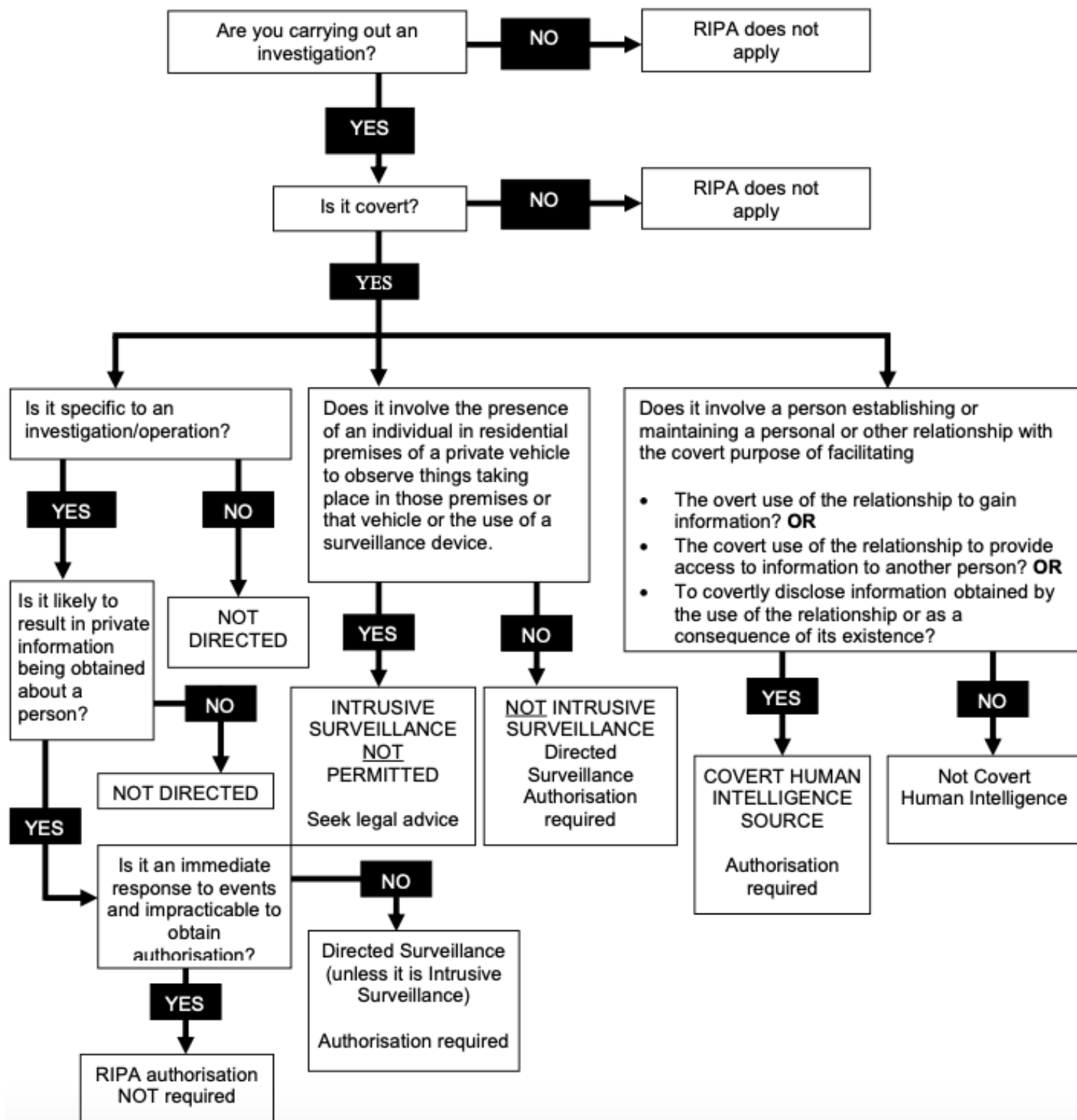
15. Elected Members

The elected members of the Council will review the council's use of RIPA and the authority's policy and guidance documents at least once a year. They will also be kept informed on a quarterly basis to ensure that it is being used consistently with the council's policy and that the policy remains fit for purpose. Members will not, however, be involved in making decisions on specific authorisations.

DIRECTED SURVEILLANCE

Regulation of Investigatory Powers Act 2000

Do you need Authorisation?



APPENDIX B

List of Authorised and Responsible Officers

RIPA Authorising Officers	Chief Executive, Deputy Chief Executive, Head of Operations, Head of Housing and Health Head of Planning
Authorising operations where confidential information may be obtained	Chief Executive only
CHIS Authorising Officer	Chief Executive only
CHIS Controller/Handler	Head of Operations Head of Housing and Health Head of Planning
Senior Responsible Officer	Head of Legal and Democratic Services

Please note:

- Where use of a CHIS is authorised, the head of the directorate carrying out the activity shall usually act as the CHIS Handler, with the CHIS Controller role being allocated by the Chief Executive.
- Authorising Officers must be “an assistant chief officer or investigations manager” or above.
- The Authorising Officers should not be directly involved in the investigation.

APPENDIX C i

Application Forms

Directed Surveillance

Application

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/application-directed-surveillanc?view=Binary>

Review

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/review-directed-surveillance?view=Binary>

Renewal

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/renewal-directed-surveillance?view=Binary>

Cancellation

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/cancellation-directed-surveillan?view=Binary>

Judicial Approval

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/approval-order-form?view=Binary>

Application Forms

Covert Human Intelligence Sources (CHIS)

Application

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-application?view=Binary>

Review

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-review?view=Binary>

Renewal

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-renewal?view=Binary>

Cancellation

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-cancellation?view=Binary>

APPENDIX C iii

Application Form for Communications Data

See Home Office website:

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/communications-data1.doc?view=Binary>

APPENDIX D

Codes of Practice and Government Guidance

All current Government Codes of Practice are available on the Gov.uk website:

<https://www.gov.uk/government/collections/ripa-codes#current-codes-of-practice>

Protection of Freedom Act 2012 – Changes to provisions under the Regulation of Investigatory Powers Act 2000 (RIPA)

See Home Office website:

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/local-authority-england-wales?view=Binary>

Acquisition and Disclosure of Communications Data

See Home Office website:

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/code-of-practice-acquisition?view=Binary>

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East Herts District Council

Use of Social Media in Investigations

Policy

Document Control

Organisation	East Hertfordshire District Council
Title	Use of Social Media in Investigations
Author – name and title	James Ellis, Head of Legal & Democratic Services
Owner – name and title	James Ellis, Head of Legal & Democratic Services
Date	June 2020
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East Herts Council

Use of Social Media in Investigations Policy

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1. Introduction

1.1. Summary

This Policy sets the framework on which the Council may utilise Social Media when conducting investigations into alleged offences. Whilst the use of Social Media to investigate is not automatically considered covert surveillance, its misuse when conducting investigations can mean that it crosses over into the realms of covert and/or targeted surveillance, even when that misuse is inadvertent. It is therefore crucial that the provisions of The Regulation of Investigatory Powers Act 2000 (RIPA), as it relates to covert and directed surveillance, are followed at all times when using Social Media information in investigations.

This policy should be read in conjunction with the council's RIPA policies and procedures, as well as the statutory codes of practice issued by the Secretary of State and the Office of Surveillance Commissioners Guidance.

It is the aim of this Procedure to ensure that investigations involving the use of Social Media are done so lawfully and correctly so as not to interfere with an accused's human rights, nor to require authorisation under RIPA, whilst ensuring that evidence gathered from Social Media is captured and presented to court in the correct manner.

1.2. Background

Social Media has become a significant part of many people's lives, with millions of people regularly using and interacting with a plethora of different forms of what can be categorised as Social Media.

By its very nature, Social Media accumulates a sizable amount of information about a person's life, from daily routines to specific events. Their accessibility on mobile devices can also mean that a person's precise location at a given time may also be recorded whenever they interact with a form of Social Media on their devices. All of this means that incredibly detailed information can be obtained about a person and their activities like never before.

Social Media can therefore be a very useful tool when investigating alleged offences with a view to bringing a prosecution in the courts. The use of information gathered from the various different forms of Social

Media available can go some way to proving or disproving such things as whether a statement made by a defendant, or an allegation made by a complainant, is truthful or not. However, there is a danger that the use of Social Media can be abused, which would have an adverse effect, damaging potential prosecutions and possibly leaving the Council open to complaints or legal proceedings itself.

It is possible for the Council's use of Social Media in investigating potential offences to cross over into becoming unauthorised surveillance, and in so doing, breach a person's right to privacy under Article 8 of the Human Rights Act. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords and may mean it is rendered inadmissible.

Officers who are involved in investigations, into both individuals and business they suspect to have committed an offence, should consult Legal Services if they are unsure about any part of this Policy and how it affects their investigative practices.

2. Regulation of Investigatory Powers Act 2000 (RIPA)

Given the near ubiquitous use of smartphones and personal devices, there is often a significant amount of information contained on an individual's Social Media pages. This information might be relevant to an investigation being undertaken by the Council. Accessing this information could fall within the remit of RIPA and require authorisation from the outset. Officers should therefore seek advice from Legal Services prior to undertaking any investigation using Social Media sites.

Council officers embarking on any form of investigatory action should always do so with RIPA in mind. Whilst RIPA will not always be relevant to every investigation, it is vital that Council officers involved in investigative practices against individuals regularly review their conduct with respect to investigatory actions. Any investigation is capable of evolving from being one that does not require RIPA authorisation, to one that does at any point.

Accordingly, this Policy should be read in conjunction with the Council's RIPA Policy, as well as the statutory codes of practice issued by the Secretary of State.

Instances of repeated and/or regular monitoring of Social Media accounts, as opposed to one-off viewing, may require RIPA authorisation. Advice should be sought from Legal Services where it is envisaged that this level of monitoring will be required in relation to a particular investigation. See paragraph 6.2 below.

3. What is meant by “Social Media” in this policy

Social Media, sometimes also referred to as a Social Network, can take many forms, with different examples of Social Media ranging from being very similar to each other to very different. This makes defining Social Media, for the purposes of this policy, difficult, however there are some facets which will be common to all forms of Social Media.

Social Media will always be a web-based service that allows individuals and/or businesses to construct a public or semi-public profile. Beyond this, Social Media can be very diverse, but will often have some, or all, of the following characteristics;

- The ability to show a list of other users with whom they share a connection; often termed “friends” or “followers”,
- The ability to view and browse their list of connections and those made by others within the system
- Hosting capabilities allowing users to post audio, photographs and/or video content that is viewable by others

Social Media can include community based web sites, online discussions forums, chatrooms and other social spaces online as well.

3.1. Examples

Examples of the most popular forms of Social Media at the time of writing, and therefore the most likely to be of use when conducting investigations into alleged offences, include;

- | | |
|-------------|-------------|
| • Facebook | • Snapchat |
| • Twitter | • Pinterest |
| • Instagram | • Tumblr |
| • LinkedIn | • Reddit |
| • YouTube | • Flickr |

The number and types of Social Media available to the public is fluid. In a given year, many new sites can open whilst some of the more established

names can wane in popularity, the classic example being that of Myspace; from 2005 to 2008, Myspace was the largest social networking site in the world, whereas today it is mostly ignored and is therefore largely irrelevant. This Policy will concentrate on Social Media generally and will not make reference to specific sites or services.

4. Privacy Settings

The majority of Social Media services will allow its users to dictate who can view their activity, and to what degree, through the use of privacy settings. Whilst some users are happy, or otherwise indifferent about who is able to view their information, others prefer to maintain a level of privacy.

4.1. Public Profiles

Depending on their intentions, many users will purposely use Social Media with no privacy setting applied whatsoever. This could be due to the fact that they are actively promoting something, such as a business or event, and therefore require as many people as possible to be able to view their Social Media profile at all times; others may do so for reasons of self-promotion or even vanity. The information publicly available is known as an individual's public profile.

Those individuals with public profiles who operate on Social Media without any, or only limited, forms of privacy settings being activated do so at their own risk. Often, Social Media sites will advise its users through its terms and conditions of the implications of not activating privacy controls, namely that all content they publish or share will be viewable by everyone, including sometimes people who, themselves, do not have an account with that provider.

Whilst the content or information shared by individuals on Social Media remains the property of that individual, it is nonetheless considered to be in the public domain. Uploading content or information using a public, rather than a private setting, means that the individual uploading it is allowing everyone to access and use that information, and to associate it with them.

4.2. Private Profiles

The opposite of a public profile is a private profile. Some users of Social Media will not wish for their content, information or interactions to be

viewable to anyone outside of a select number of people, if any. In these instances users will normally set a level of privacy on their Social Media profiles that reflects what they are comfortable with being made available, meaning that, for example, only friends, family and other pre-approved users are able to view their content or make contact with them through that site.

By setting their profile to private, a user does not allow everyone to access and use their content, and respect should be shown to that person's right to privacy under Article 8 of the Human Rights Act. This does not, however, extend to instances where a third party takes it upon themselves to share information which originated on a private profile on their own Social Media profile.

For example, Person A publicises on their *private* Social Media page that they intend to throw a party, at which they will be selling alcohol and providing other forms of licensable activities despite not having a licence from the Council to do so. Person B, who "follows" Person A's Social Media page, re-publishes this information on their *public* Social Media page. The information on Person A's profile cannot be used, however the same information on Person B's profile, can.

5. What is permitted under this Policy

Whether or not Social Media can be used in the course of investigating an offence, or potential offence, will depend on a number of things, not least of which is whether the suspect has a Social Media presence at all. Investigating offences will always be a multi-layered exercise utilising all manner of techniques, and it is important not to place too high an emphasis on the use of Social Media in place of more traditional investigative approaches.

Further to this, a lack of information on an individual's Social Media profile should not be taken as evidence that something is or isn't true. For example, a lack of evidence corroborating an individual's assertions that they were at a particular location on a specific day does not prove that they are being misleading and it is important to consider it only as part of a well-rounded investigation.

For those individuals who do have a presence on Social Media, a lot of what is permitted under this policy for use in investigations will depend on whether they have a public or private profile. As outlined above, where a person publishes content on a public profile, they allow everyone, including those not

on that particular Social Media platform, to access and use that information whilst also allowing it to be associated with them.

In practice, this means that things such as photographs, video content or any other relevant information posted by individuals and businesses to a public profile on any given Social Media platform can be viewed, recorded and ultimately used as evidence against them should the matter end in legal proceedings, subject to the usual rules of evidence.

When considering what is available on an individual's public Social Media profile, those investigating an offence, or potential offence, should always keep in mind what relevance it has to that investigation. Only information that is relevant to the investigation should be gathered.

6. What isn't permitted under this policy

When it is discovered that an individual under investigation has set their Social Media account to private, Council officers should not attempt to circumvent those settings under any circumstances. Such attempts would include, but are not limited to;

- sending "friend" or "follow" requests to the individual,
- setting up or using fake Social Media accounts/profiles in an attempt to gain access to the individual's private profile,
- contacting the individual through any form of instant messaging or chat
- asking family, friends, colleagues or any other third party to gain access on their behalf, or otherwise using the Social Media accounts of such people to gain access, or
- any other method which relies on the use of subterfuge or deception.

6.1. Repeated visits

A distinction is made between one-off and repeated visits to an individual's Social Media profile. Whilst one-off visits, or otherwise infrequent visits spread out over time, cannot be considered "directed surveillance" for the purposes of RIPA, repeated or frequent visits may cross over into becoming "directed surveillance" requiring RIPA authorisation.

A person's Social Media profile should not be routinely monitored e.g. on an hourly, daily or weekly basis, in search of updates, as this will require

RIPA authorisation, the absence of which is an offence. For further guidance on this point, officers should contact Legal Services.

6.2. Contact with suspects

Regardless of whether the Social Media profile belonging to a suspected offender is set to public or private, interaction or conversation of any kind should be avoided at all costs, and at no stage should a Council officer seek to make contact with the individual through the medium of Social Media. Any contact that is made may lead to accusations of harassment or, where a level of deception is employed by the officer, entrapment, either of which would be detrimental and potentially fatal to any future prosecution that may be considered.

7. Capturing Evidence

Once content available from an individual's Social Media profile has been identified as being relevant to the investigation being undertaken, it needs to be recorded and captured for the purposes of producing as evidence at any potential prosecution. Depending on the nature of the evidence, there are a number of ways in which this may be done.

Where evidence takes the form of a readable or otherwise observable content, such as text, status updates or photographs, it is acceptable for this to be copied directly from the site, or captured via a screenshot onto a hard drive or some other form of storage device, and subsequently printed to a hard copy. The hard copy evidence should then be exhibited to a suitably prepared witness statement in the normal way.

Where evidence takes the form of audio or video content, then efforts should be made to download that content onto a hard drive or some other form of storage device such as a Memory Card, CD or DVD. Those Memory Cards, CD's and/or DVD's should then be exhibited to a suitably prepared witness statement in the normal way. Any difficulties in downloading this kind of evidence should be brought to the attention of the IT Section who will be able to assist in capturing it.

When capturing evidence from an individual's public Social Media profile, steps should be taken to ensure that all relevant aspects of that evidence are recorded effectively. For example, when taking a screenshot of a person's Social Media profile, the Council officer doing so should make sure that the time and date are visible on the screenshot in order to prove when the

evidence was captured. Likewise, if the evidence being captured is a specific status update or post published on the suspected offender's profile, steps should be taken to make sure that the date and time of that status update or post is visible within the screenshot. Without this information, the effectiveness of the evidence is potentially lost as it may not be admissible in court.

Due to the nature of Social Media, there is a significant risk of collateral damage in the form of other, innocent parties' information being inadvertently captured alongside that of the suspected offender's. When capturing evidence from a Social Media profile, steps should be taken to minimise this collateral damage either before capturing the evidence, or subsequently through redaction. This might be particularly prevalent on Social Media profiles promoting certain events, where users are encouraged to interact with each other by posting messages or on photographs where other users may be making comments.

8. Other Information Technology tools

Whilst Social Media can be a useful and fruitful means of investigating offences and potential offences, it is by no means the only tool available within the realm of Information Technology. An array of other tools are also at the disposal of those conducting investigations. For example, where there is a website advertising the services of a local business, and there is evidence that this business is engaging in illegal activity, there are IT tools available that can track who is responsible for setting up that website, and so can be a good starting point when trying to link potential offenders to the offending business.

For assistance in identifying which tools may be appropriate, and how best to utilise them, advice should be sought from the Shared Anti-Fraud Service (SAFS), who are best placed to advise on this point.

9. Retention and destruction of information

Where recorded material, in any form or media, is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should not be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018, the Freedom of Information Act 2000, the General Data Protection Regulations (GDPR) and any other legal

requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention.

Personal data gathered by the Council is subject to the Data Protection Act 2018. When considering whether to retain the data, the Council should:

- review the length of time it keeps personal data;
- consider the purpose or purposes it holds the information for in deciding whether (and for how long) to retain it;
- securely delete information that is no longer needed for this purpose or these purposes; and
- update, archive or securely delete information if it goes out of date

Due to the nature of Social Media, it is important to remember that when information produced as a hard copy is destroyed in line with this paragraph, that all digital copies of that evidence is likewise destroyed.

10. Review

This Policy will be reviewed periodically and in line with the RIPA Policy document to ensure that both Policies remain current and compliant with relevant legal requirements and best practice guidance.

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East Herts Council Report

Executive

Audit & Governance Committee

Dates of Meetings:

7 July 2020

28 July 2020

Report by: Cllr Geoffrey Williamson, Deputy Leader & Executive Member for Financial Sustainability

Report title: General Fund Revenue & Capital Outturn 2019/20

Ward(s) affected: All

Summary

RECOMMENDATIONS FOR EXECUTIVE: to approve

(a) The transfer of the General Fund revenue outturn of £16k underspend to the General Reserve

(b) That capital budgets of £30.898m be carried forward to 2020/21 to fund ongoing capital schemes

1.0 Proposal(s)

- 1.1 To advise members on the General Fund Revenue Outturn for 2019/20 and provide explanations for significant variances against approved budget.
- 1.2 To advise members of the financing arrangements for the 2019/20 Capital Outturn.

2.0 Background

- 2.1 The 2019/20 budget was approved by Council on 5 March 2019.

- 2.2 In year budget monitoring and management actions have sought to deliver spending plans approved by the Council. Members have been kept updated throughout the year through quarterly budget monitoring reports where any significant variances have been reported.

3.0 Reason(s)

- 3.1 The final outturn for the year, detailed in this report is still subject to external audit. The final audited accounts will be presented to the Audit and Governance Committee on 22 September 2020.
- 3.2 An underspend of £16k is reported against the 2019/20 revenue budget. This is summarised in Table 1. It is recommended that this underspend is transferred to the Councils General Reserve.

Table 1: Summarised 2019/20 Outturn position

	2019/20 Original Budget	2019/20 Outturn	Variance
	£'000	£'000	£'000
Total Net Cost of Services	14,201	14,168	(33)
Corporate Budgets Total	972	773	(199)
Net Use of Reserves	558	3,289	2,731
Funding	(5,463)	(7,978)	(2,515)
Council Tax	(10,268)	(10,268)	-
Underspend	0	(16)	(16)
Contribution to general reserve	0	16	16

Net Cost of Services

- 3.3 An underspend of £33k against original budget is reported for the Net Cost of Services. This is in line with the forecast outturn reported as at the end of Quarter 3 2019/20.
- 3.4 Included in the net cost of services outturn is a net use of reserves of £754k. Appendix A contains a breakdown of the reserves affected.
- 3.5 All contributions from reserves have been approved in line with the Councils Constitution.

Corporate Budgets

- 3.6 Corporate budgets achieved additional income to that budgeted of £199k, as detailed in the table below.

Table 2: Corporate Budgets 2019/20

	2019/20 Budget	2019/20 Outturn	Variance
	£'000	£'000	£'000
NHB Grants to Town & Parish Councils	697	654	(43)
Interest Payments	669	662	(7)
Interest & Investment income	(1,090)	(1,239)	(149)
Pension Fund Deficit contribution	696	696	0
Corporate Budgets Total:	972	773	(199)

- 3.7 An underspend of £43k is shown against the New Homes Bonus grants to town and parish councils budget. This is due to East Herts not receiving as much grant funding from Central Government as initially expected, which impacts on the amounts distributed.

- 3.8 The 2019/20 investment outturn is £149k above budget, this is due to property fund investments exceeding anticipated performance. This surplus will be transferred to reserves and used to manage any future investment budget deficits.

Reserves

- 3.9 There has been a significant contribution to reserves in 2019/20, as shown in the table below and Appendix A:

Table 3: Contributions to and from Reserves 2019/20

	2019/20 Budget	2019/20 Outturn	Variance
	£'000	£'000	£'000
Contributions to Earmarked reserves	739	3,385	2,646
Contributions from Earmarked reserves	(85)	0	85
Use of General reserve	(96)	(96)	0
Use of Reserves:	558	3,289	2,731
2019/20 underspend to general reserve	0	16	16
Net Use of reserves	558	3,305	2,747

- 3.10 In 2019/20 £2.555m relating to business rates, as detailed in paragraphs 3.12 & 3.13, will be transferred to the collection fund reserve this will enable smoothing of potential future deficits

Funding

- 3.11 A breakdown of the Councils funding sources is shown in the table below; this shows a £2.5m surplus above budget.

Table 4: 2019/20 Funding

	2019/20 Budget	2019/20 Outturn	Variance
	£'000	£'000	£'000
NDR & S31	(2,675)	(4,499)	(1,824)
75% BRR pilot	0	(731)	(731)
(Surplus)/Deficit on Collection fund	0	(114)	(114)
Other General Grants	0	(17)	(17)
New Homes Bonus	(2,788)	(2,617)	171
Funding:	(5,463)	(7,978)	(2,515)

- 3.12 A major contributor to additional funding in 2019/20 is Non Domestic Rating (NDR) Section 31 income. This is due to timing differences between when the council sets its budget and statutory returns submitted to Central Government which determine the funding for the year. Section 31 grant is received from central government to compensate local government for mandatory business rate reliefs granted. There has also been growth in business rates income above amounts budgeted.
- 3.13 In 2019/20 East Herts was part of a 75% Business Rate Retention pilot with Hertfordshire County Council and the other Hertfordshire district and borough councils. The outcome from the pool was reliant on the performance of all the other members and as this could not be predicted with any confidence, it was prudent not to budget for any gain. This has resulted in a gain for East Herts of £731k, although this is a one-off as we

are not in the pool for 2020/21.

Capital Outturn

3.14 The progress of the capital programme has been reported to Executive throughout the year as part of the budget monitoring process.

3.15 Capital expenditure in 2019/20 was £10.76m, as detailed in table 5:

Table 5: 2019/20 capital outturn

	2019/20 Budget	2019/20 Outturn	Variance	Carry forward to 2020/21
	£'000	£'000	£'000	£'000
Strategic Finance & Property	31,213	4,578	(26,635)	26,417
Business & Technology Shared Service	798	546	(252)	362
Operations	6,806	3,391	(3,415)	3,416
Housing & Health	571	581	10	113
Planning	193	163	(30)	2
Communications, Strategy & Policy	253	52	(201)	201
Millstream Loans	1,838	1,451	(387)	387
Total:	41,672	10,762	(30,910)	30,898

3.16 An underspend of £30.91m is reported in 2019/20. This is largely due to schemes not commencing or progressing in line with initial expectations. The majority of this, £19.03m relates to the construction of the new Northgate End Car Park, which has commenced in 2020/21.

3.17 It is recommended that £30.898m of budgets be carried forward from 2019/20 to the 2020/21 capital programme. This relates to schemes that have either been re-timetabled to take place during 2020/21 or schemes which were started during 2019/20 but not complete as at 31st March 2020. Further details can be found in Appendix B.

3.18 The 2019/20 capital programme expenditure has been financed from the following sources:

Table 6: Capital Financing

	£'000
Capital Receipts & Reserves	3,481
Government Grants	58
Third Party Contributions	2,692
Internal Borrowing	4,531
TOTAL:	10,762

4.0 Options

4.1

5.0 Risks

5.1

6.0 Implications/Consultations

6.1

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

Contained within the body of the report

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – Use of Reserves 2019/20

7.2 Appendix B – 2019/20 Capital Outturn

Contact Member

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2019/20	Funding NCS			Funding MTFP			2019/20
Opening balance	Cont. to reserve	Cont. From Reserve	Net	Cont. to reserve	Cont. From Reserve	Net	Closing balance
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000

General Reserve	852	-	-	-	16	(96)	(80)	772
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Earmarked Reserves

Interest Equalisation Reserve	1,636	-	-	-	149	-	149	1,785
Insurance Fund	943	-	(9)	(9)	-	-	-	934
Provision for future whole Council elections	73	-	(100)	(100)	27	-	27	-
New Homes Bonus Priority Spend	4,692	-	(753)	(753)	654	-	654	4,593
Collection Fund Reserve	-	-	-	-	2,555	-	2,555	2,555
Neighbourhood Planning Grant	14	50	-	50	-	-	-	64
IER Grant	55	51	-	51	-	-	-	106
MTFP Transition Funding Reserve	730	-	(57)	(57)	-	-	-	673
Flexible Homelessness Grant	230	124	-	124	-	-	-	354
HB Subsidy Volatility Reserve	60	-	(60)	(60)	-	-	-	0
Emergency Planning Reserve	36	-	-	-	-	-	-	36
LDF - Public Exam / Green Belt Review	62	-	-	-	-	-	-	62
Housing Condition Survey	90	-	-	-	-	-	-	90
Sinking Fund - Leisure utilities / pension	228	-	-	-	-	-	-	228
Performance reward grant	10	-	-	-	-	-	-	10
Waste recycling income volatility reserve	103	-	-	-	-	-	-	103
Footbridge over the River Stort	150	-	-	-	-	-	-	150
DCLG Preventing Repossessions	18	-	-	-	-	-	-	18
DEFRA Flood Support for Local Businesses Grant Reserve	4	-	-	-	-	-	-	4
Preventing Homelessness New Burdens Reserve	31	-	-	-	-	-	-	31
Healthy Lifestyle Promotions Reserve	33	-	-	-	-	-	-	33
Land Charges New Burdens	30	-	-	-	-	-	-	30
Total Earmarked Reserves	9,228	225	(979)	(754)	3,385	-	3,385	11,859

Total Reserves	10,080	225	(979)	(754)	3,401	(96)	3,305	12,631
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CAPITAL EXPENDITURE OUTTURN 2019/20

	2019/20 Revised Budget	2019/20 Outturn	Variance	Carry Forward to 2020/21
	£	£	£	£
Strategic Finance & Property				
Investment in operational assets	99,316	0	(99,316)	0
Ward Freman - Pool Circulation Pipework	25,000	550	(24,450)	24,450
Ware Arts Centre	60,000	59,598	(402)	0
Street Lighting LED conversion	80,000	0	(80,000)	80,000
Charringtons Investment	66,917	0	(66,917)	0
Accommodation update Wallfields	205,014	208,653	3,639	0
Improve & renew structures along rivers and	80,500	46,847	(33,653)	33,653
Land Management Asset Register & Associated	50,000	0	(50,000)	0
Riverbank Retaining Wall - St Andrews Street Car	68,650	63,497	(5,153)	0
Solar Panels - Wallfields	45,000	0	(45,000)	45,000
ORL - LEP	6,548,580	467,711	(6,080,869)	6,080,869
ORL - The Meeting Hall, Water Lane, BS - LEP Funded	1,013,520	1,013,520	0	0
HCC Land Purchase (Northgate End)- LEP Funded	837,900	837,900	0	0
Northgate End	19,033,000	0	(19,033,000)	19,033,000
Financial Sustainability	3,000,000	1,879,616	(1,120,384)	1,120,384
Total Strategic Finance & Property	31,213,397	4,577,892	(26,635,506)	26,417,356

Shared Business & Technology Services				
Storage Servers	134,400	175,397	40,997	0
Microwave Link	32,490	43,833	11,343	0
Members Laptops	17,563	17,563	0	0
HOS Laptops	9,824	0	(9,824)	9,824
HR & Payroll System	1,850	1,850	0	0
Council Chamber Upgrade	12,113	12,113	0	0
VMWare ESX and Horizon Upgrade	250,000	195,978	(54,022)	54,022
Hosted Desktop Refresh	40,000	0	(40,000)	40,000
Intune Implementation	20,000	29,025	9,025	0
OS/Database Upgrades (Windows 2008 and 2008 SQL)	75,000	0	(75,000)	75,000
Web and email filtering software	6,000	1,688	(4,313)	4,313
Microsoft Office 365 On-boarding	51,875	9,661	(42,214)	42,214
Microsoft Office 365 Productivity Governance and Compliance	63,000	0	(63,000)	63,000
Microsoft Office 365 Modern Work Place Security Essentials	65,000	0	(65,000)	65,000
Next Generation Telephony	8,215	0	(8,215)	8,215
Civica Icon Upgrade	0	19,000	19,000	0
Ongoing hardware devices - for staff and Members and organisation	10,176	10,176	0	0
Azure AD	0	29,956	29,956	0
Total Shared Business & Technology Services	797,506	546,241	(251,265)	361,587

2019/20 Revised Budget	2019/20 Outturn	Variance	Carry Forward to 2020/21
£	£	£	£

Operations				
Grange Paddocks Leisure Centre	2,719,041	1,710,542	(1,008,499)	1,008,499
Hartham Leisure Centre	2,040,627	709,785	(1,330,842)	1,330,842
Hertford Theatre - Consultants	733,700	668,152	(65,548)	65,548
Hertford & Beyond	11,000	2,567	(8,433)	8,433
Bell Street, Sawbridgeworth - Public convenience	67,400	67,417	17	0
Parsonage Lane play area	69,500	69,500	0	0
Play Area and other projects, Hartham Common, Hertford	325,000	45,008	(279,992)	279,992
Castle Park - HLF - Development Phase	119,470	65,206	(54,264)	54,264
Castle Park - HLF - Delivery Phase	60,000	4,725	(55,275)	55,275
Phisiobury Park - HLF	25,000	25,945	945	0
Trinity Close - Open Space Project	100,000	0	(100,000)	100,000
Buntingford Depot site works for Residual Waste	225,000	17,300	(207,700)	207,700
Heat Detection Unit at Buntingford Depot	310,360	5,040	(305,320)	305,320
Total Head of Operations	6,806,098	3,391,187	(3,414,911)	3,415,873

Housing & Health				
Disabled Facilities - Discretionary	60,000	0	(60,000)	0
Decent Home Grants	120,000	0	(120,000)	0
Future Housing Schemes (6 Water Lane, Hertford)	129,650	124,283	(5,367)	5,367
Future Housing Schemes (Disabled Access Works to Hillcrest Hostel)	34,255	34,255	0	0
Colebrook Court (Network Housing)	65,000	32,500	(32,500)	32,500
Energy Grants	20,000	1,584	(18,416)	0
DEFRA Air Quality Scheme	13,955	17,448	3,493	0
Community Capital Grants	120,000	108,028	(11,972)	74,922
Castle Weir Micro Hydro Scheme	7,922	7,922	0	0
160 South Street, BS (CPO)	0	255,000	255,000	0
Total Housing & Health	570,782	581,020	10,238	112,788

Planning				
Historic Building Grants	55,000	26,080	(28,920)	0
Improvements to The Wash, Maidenhead Street & Bull Plain, Hertford	138,325	136,633	(1,692)	1,692
Total Planning	193,325	162,713	(30,612)	1,692

Communications, Strategy & Policy				
Website Build / Upgrade	51,200	51,741	541	0
Launch Pad 2	201,500	0	(201,500)	201,500
Total Communications, Strategy & pollicy	252,700	51,741	(200,959)	201,500

	2019/20 Revised Budget	2019/20 Outturn	Variance	Carry Forward to 2020/21
	£	£	£	£
Millstream Loans				
Millstream - Loans	1,838,000	1,450,563	(387,437)	387,437
Total Millstream Loans	1,838,000	1,450,563	(387,437)	387,437
TOTAL	41,671,808	10,761,357	(30,910,452)	30,898,234

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East Herts Council Report

Executive

Date of Meeting: 7 July 2020

Report by: Cllr Geoff Williamson, Deputy Leader & Executive Member for Financial Sustainability

Report title: Capital Contingency

Ward(s) affected: All

Summary

The Council has a substantial capital programme of more than £122 million. Some of the schemes have already been subject to problems that could not reasonably have been anticipated and that were beyond the control of the Council. A contingency is included in the budget for most capital schemes. However, based on recent experience, and anticipated Covid 19 related problems, it is prudent to establish an additional general capital contingency. Having a general capital contingency will assist with the most efficient and economic completion of capital schemes which could otherwise be delayed waiting for reports on additional funding to clear the Executive and Council.

RECOMMENDATIONS FOR EXECUTIVE:

- (a) That a capital supplementary estimate of £2.5 million is recommended to Council to establish a general capital contingency.**
- (b) That use of the capital contingency be delegated to the Chief Executive in consultation with the Executive Member for Financial Sustainability and that use of the contingency be reported to the next meeting of the Executive.**

1.0 Proposal(s)

- 1.1 This report proposes the creation of a general capital contingency of £2.5 million.

2.0 Background

- 2.1 The four-year capital programme approved by Council in January included spending in excess of £122 million. Several of the Council's capital schemes have encountered difficulties that could not have been reasonably predicted, ranging from Roman remains to judicial reviews. Given the scale and significance of some of the projects it seems likely that further difficulties will be encountered as the schemes progress.
- 2.2 The likelihood of problems has been made worse by the ongoing pandemic and its impact on construction activities and practices. A recent example being the need to put in place an Advanced Payment Bond to secure the supply of the concrete frame for the Northgate End multi-storey car park from the Irish manufacturer.
- 2.3 Another risk that could cause construction costs to increase is Brexit. If the United Kingdom is trading under World Trade Organisation terms from January 2021 we could see average tariffs of 2.8% imposed on materials. The consultants supporting the Grange Paddocks development have highlighted that this would create additional costs of approximately £200,000.
- 2.4 A contingency is included in the budget for most capital schemes. However, these amounts have been based on historical experience and may prove inadequate. If a scheme needed to incur significant expenditure above its budget, it is likely that there would be a delay while approval was sought from the Executive and Council. Any such delays could lead to the builders vacating the site and may prove very costly.

- 2.5 The individual schemes could all have the size of their contingencies increased. However, it is unlikely that all of the schemes will run into problems and so this could over commit resources. A general capital contingency that could be used to support any scheme should mitigate the risk of complications on schemes without over-committing resources.
- 2.6 The Constitution provides some ability for the Chief Finance Officer and the Chief Executive to approve additional capital estimates in year, £100,000 and £250,000 respectively. However, with several schemes having budgets either approaching or above £20 million these amounts could be too small.
- 2.7 Use of the capital contingency would only be considered after other options, such as value engineering or virements have been exhausted. The use of the contingency would then require the approval of the Chief Executive, in consultation with the Executive Member for Financial Sustainability. To ensure transparency, a report explaining the circumstances would then be made to the next meeting of the Executive.

3.0 Reason(s)

- 3.1 To reduce the risk of costly delays to major capital schemes.

4.0 Options

- 4.1 The first option is to do nothing and rely on existing contingencies and the in-year approvals allowed by the Constitution. Given current circumstances, and the size and complexity of some schemes, this would be a high risk strategy.
- 4.2 There is an option to substantially increase the

contingencies on each individual scheme. This would leave the smallest residual risk but would be likely to over-commit resources and may inhibit the consideration of other schemes.

- 4.3 The recommended option of the creation of a general capital contingency should provide adequate mitigation of the risk without setting aside an excessive amount of funds.

5.0 Risks

- 5.1 The risk is that one of the capital schemes will require additional funding that exceeds the available contingency. Using the Council's 3 x 3 matrix, a score of possible for likelihood and significant for impact seems appropriate and that puts the risk in the red or high risk area.

6.0 Implications/Consultations

- 6.1 No formal consultation has been undertaken on the content of this report.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

As set out in the body of the report.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

If the Council fails to discharge a legally binding commitment, in accordance with a construction contract, it could be liable for damages.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 None

Contact Member

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Report Author

Bob Palmer, Interim Head of Strategic Finance
and Property

East Herts Council Report

Executive

Date of Meeting: 7th July 2020

Report by: Ben Wood, Head of Communications, Strategy and Partnerships

Report title: Annual Report 2019/20

Ward(s) affected: ALL

Summary

RECOMMENDATIONS FOR EXECUTIVE:

- (a) That the Executive notes the content of the Annual Report 2019-20.**

1.0 Proposal(s)

- 1.1 This report provides to Executive members the content of the Council's Annual Report 2019/20. The information falls under two categories:
- 1.2 A summary of key achievements for the year (see Appendix A).
- 1.3 A more detailed update on the key actions and performance indicators which support the Council's Corporate Strategic Plan (see Appendices B and C).

2.0 Background

- 2.1 At the end of each financial year East Herts Council produces an Annual Report, providing an update on the key achievements across the year, which have supported the Council's key priorities under the Corporate Strategic Plan.
- 2.2 This report provides the Executive with a copy of the

Annual Report 2019/20 for noting.

2.3 In addition to the summary of achievements (see Appendix A) the Executive receives a progress update on the performance indicators in the departmental Service Plans which support the priorities of the Corporate Strategic Plan (see Appendices B and C).

2.4 These priorities are:

- **People (Improve the health and wellbeing of our communities)**
- **Place (Enhance the quality of people's lives)**
- **Business (Enable a flourishing economy)**
- **Supporting All (Corporate Health)**

2.5 Next year, the Annual Report will report on the priorities of the Council's new Corporate Plan, which runs from 2020/21 – 2023/24.

3.0 Reason(s)

3.1 Progress towards the Corporate Plan priorities is reported quarterly. The Annual Report provides members with an opportunity to consider the progress that the Council has made to meet its priorities across the year.

4.0 Options

4.1 N/A

5.0 Risks

5.1 N/A

6.0 Implications/Consultations

- 6.1 The Annual Report provides a summary of the Council's key achievements and progress on the Council's key actions and performance indicators aligned to Corporate Strategic Plan priorities. Any implications and consultations are considered separately through the Council's usual project planning and reporting processes.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – Summary of achievements 2019/20
- 7.2 Appendix B – Performance Indicators contributing to Corporate Strategic Plan priorities
- 7.3 Appendix C - Departmental Service Plan actions contributing to Corporate Strategic Plan priorities
- 7.4 Appendix D – Communications Report

Contact Member

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Report Author

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264
households prevented
from becoming homeless



over
520
participants in
Social Prescribing scheme



Top 5 pages:
1. Home page - 92,292 views
2. Object, Comment or View a planning application or decision - 58,047 views
3. Planning and Building landing page - 26,094 views
4. Council Tax landing page - 25,646 views
5. Contact us - 22,097 views

767,179
page views



292
new affordable homes
delivered



13.08kg
less waste produced per
household than last year



12,787
customer visits
to our reception



55,841
telephone calls
handled by
Customer Services

Online forms submitted via website	
13,249*	
General Enquiry form	5,380
Request a replacement bin	2,275
Single Person Discount	627
Bulky Waste form	626
Report flytipping	366
SUBMIT	



2,435
planning applications
submitted



774
enforcement
cases raised



LAUNCHPAD
57
businesses using
Launchpad



Message from the Leader of the Council
Cllr Linda Haysey

2019/20 was an extremely busy and productive year for East Herts. The examples here are a small selection of the work we have undertaken over the past year to make sure our services are vibrant and designed to enable and support our communities. While the impact of the Coronavirus currently dominates our thoughts, our commitment to our communities remains stronger than ever. We will continue to work with our partners so that that everyone in East Herts can receive support when they need it. We will also continue to move forward with our commitments to providing much needed housing and infrastructure for the district whilst doing all we can to support businesses and town centres to succeed



Cllr Linda Haysey
Leader

Some quotes from our customers:

"Great response in tricky times thank you"
Waste and recycling

"The staff are friendly and understanding and worked with me to resolve my problems"
Council Tax

"Very quick and helpful!"
Parks and Open Spaces

"Very helpful staff"
Change of circumstances

"Very helpful lady in reception"
Penalty charges

"The responses to my questions were all answered by return. I could not wish for a better service. Thank you."
Other services

* Between 1 October 2019 – 31 March 2020



Improving and sustaining our environment

Climate Change declaration: In July 2019, members voted in a motion that set out the council's commitment to tackling climate change. This focuses on reducing greenhouse gas emissions and planning for the unavoidable local impacts of climate change in East Herts.

Charging points for e-vehicles: the council is committed to improving air quality and tackling air pollution, particularly at Hockerill Junction in Bishop's Stortford. The council has declared this an Air Quality Management Area to co-ordinate everyone's efforts on tackling the issue. In June 2019, four new charging points for electric vehicles were installed in East Herts Council's car park on The Causeway, Bishop's Stortford. Following a DEFRA grant, the council invested in faster chargers which can reduce the time it takes to recharge electric vehicles. Residents of Bishop's Stortford are now able to charge their electric vehicles, free of charge - we hope this encourages more people to consider switching to electric vehicles in the future.

E-Car Club: in June 2019 the council launched an electric car club, offering a convenient alternative to running a car while helping to reduce carbon emissions and improve air quality. This provides an excellent opportunity for people to trial electric vehicles before making their own move to one. The council, in conjunction with E Car Club, deployed three new vehicles at the council's Wallfields offices in Hertford and two at The Causeway Car Park in Bishop's Stortford. Many people don't need a car every day but would like to have access to a vehicle at weekends or evenings. E-car club allows our residents to enjoy the benefits of having a car, without the running and repair expense.

Environment and Climate Forum: In January 2020 more than 120 people took part in the council's climate change event, exploring the challenge of becoming a carbon-neutral district. Residents, local groups, businesses and councillors came together to take the next steps in achieving our carbon-neutral goal. The topics explored at the workshops at the forum included transport, waste and recycling, planning and development, energy, and biodiversity and agriculture. The forum demonstrates our commitment to ensuring our residents, people working in academia, business and retailers to join us on our eco-journey.

Supporting and enabling our communities:

Chatter Tables: Organised by East Herts Council in partnership with Hertfordshire County Council, our Chatter Tables, which launched in June, have provided many residents with a friendly opportunity to spend some time with other people while enjoying a drink and a cake.

Hartham Play Area: Hertford Playground Alliance (HPA) raised an impressive £28,505 through their crowdfunding mission to improve Hartham Common play area. In addition, McMullen's put £5,000 towards the crowdfunded project. Further funds from East Herts Council enabled HPA to purchase a double bird's nest tower, including climbing tunnels, climbing bridges, a net chimney, climbing wall, multiple rope ladders, a bird's nest seat and stainless steel slide, which will allow children to get a bird's eye view across the wider Common. This crowdfunder project for a bespoke piece of equipment is running alongside East Herts Council's wider project to redevelop the rest of the play area at Hartham.

Community grants: for the first time this year, individuals, as well as fledgling groups without a constitution, were eligible for a small grant from East Herts Council, to help turn their dream community project into reality. Another first was a pot of £10,000 to support organisations who are proposing to fund-raise online via a new Hertfordshire Crowdfunding platform. The projects were designed to create stronger, more connected communities, leading to improved health and wellbeing. This provided an exciting opportunity for start-up groups and individuals to apply for small amounts towards new community projects.

Support for victims of domestic abuse: a ground-breaking domestic abuse service launched in East Herts in February 2020 based on the Stevenage Against Domestic Abuse (SADA) model, this initiative is now available in East Herts to help domestic abuse victims across the district. The service offers one-to-one support for victims, survivors and their families by working co-operatively with partners, including East Herts Council, police, various housing associations and children's services.

Supporting healthy lifestyles:

Investment in our leisure facilities: In January 2020 the council awarded a new leisure contract for its pools and gyms to Everyone Active. The council is also planning to invest £33 million to improve the facilities at Grange Paddocks, Hartham and Ward Freman. These projects aim to support the Council's vision for leisure across East Herts by providing attractive facilities available to the whole community and contributing fully to the health and wellbeing objectives of the Council. Grange Paddocks construction work has begun and we anticipate will be completed in Summer 2021.

Award-winning Public Health projects: a ground-breaking project to help people in East Herts out of loneliness, anxiety and isolation scooped Hertfordshire County Council's Dr Joan Crawley Award 2019 for Public Health Excellence. The highly respected recognition was presented to Kathrine Foy for the Social Prescribing Service (SPS). Both the SPS and Forever Active East Herts – two East Herts Council projects – won a Public Health Excellence Award. The primary aim of the SPS is to help vulnerable, lonely, isolated, anxious residents to connect with others and support them to improve their wellbeing, self-confidence and happiness. Forever Active East Herts (FAEH) improved the health and wellbeing of residents aged 50+ through subsidised classes of gentle activity, with a focus on getting fitter while socialising and making friends.

Healthy Hubs: in March 2020, the council launched its new Healthy Hubs, which offer information and group sessions on a wide range of topics, including stopping smoking, nutrition advice and opportunities to be more physically active; mental health; specific wellbeing support; referrals to training and skills opportunities with local providers.

Creating vibrant places and supporting the local economy


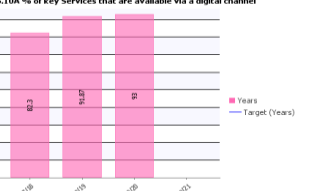
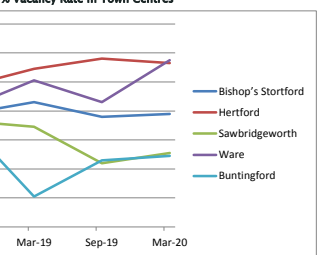

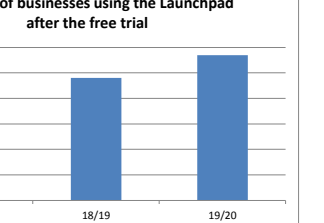

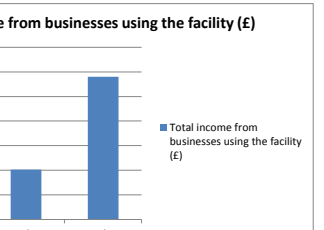
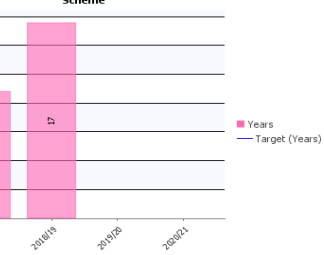
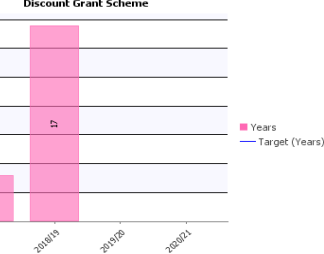

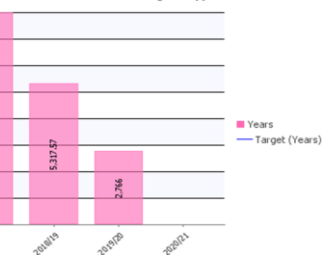
Ware Launchpad: following the success of East Herts' Launchpad business centre in Bishop's Stortford, July 2019 saw the opening of our second facility based on the Stevenage Against Domestic Abuse (SADA) model, this initiative is now available in East Herts to help domestic abuse victims across the district. The new centre is designed specifically to offer start-ups and small businesses in Ware, and the surrounding areas, a place to work, collaborate and network from.

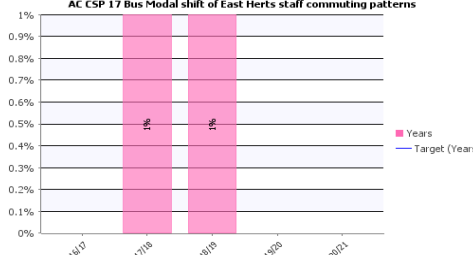
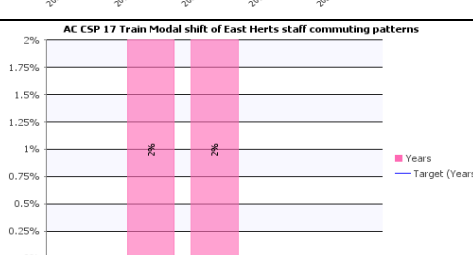
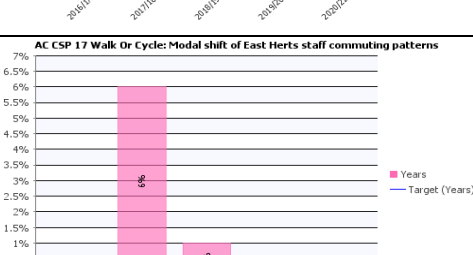
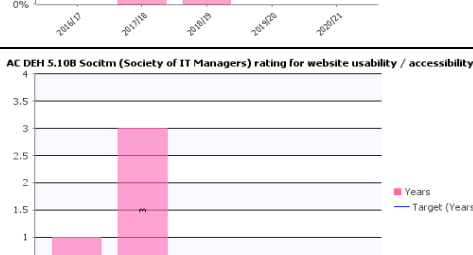
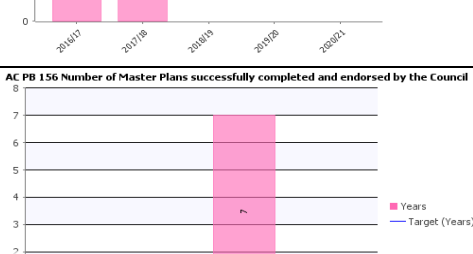
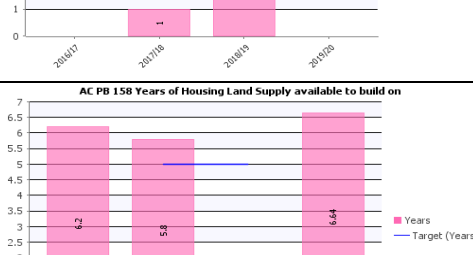
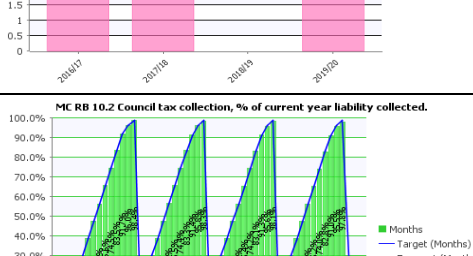
Hertford Theatre development funding: an additional £6.4m for the Hertford Theatre expansion was agreed at Full Council in October 2019. This extra money forms part of the overall budget to deliver the exciting plans for redevelopment, which include three new cinema screens, more seating in the main auditorium and a new 150-seat studio, riverside café-bar and additional space for community hire.


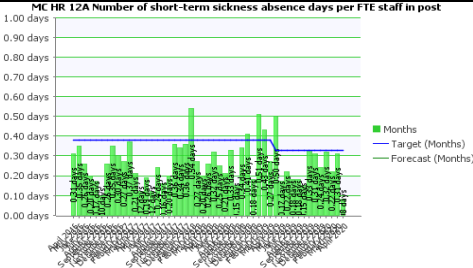

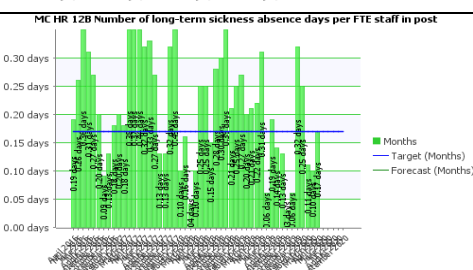

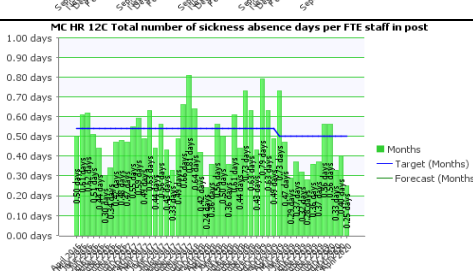

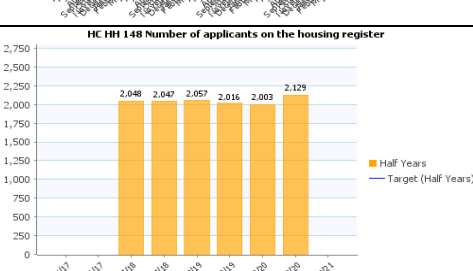

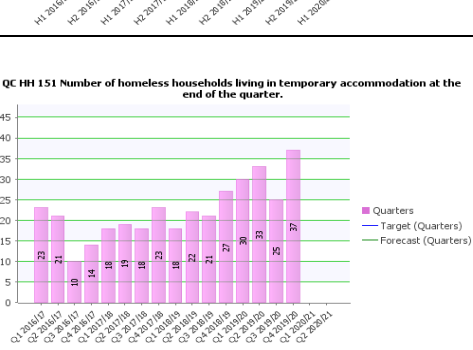
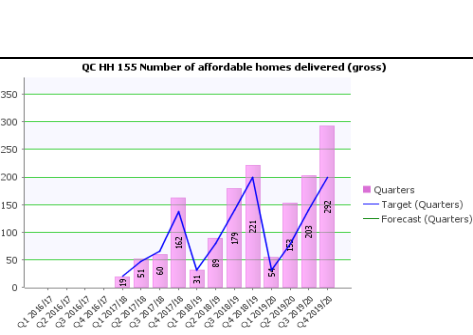
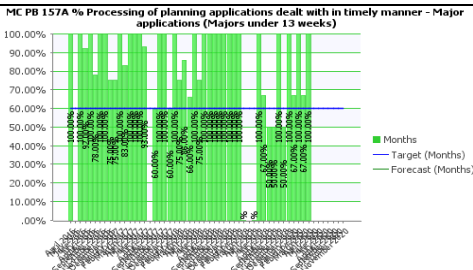

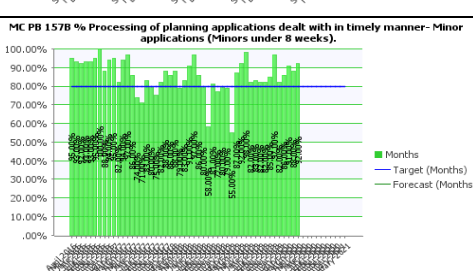

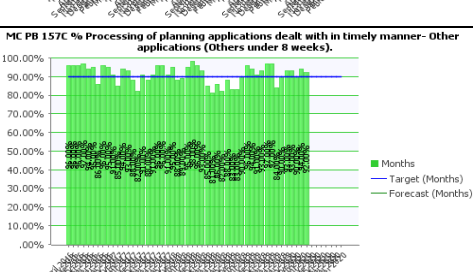
Old River Lane development: a vibrant arts centre with cinema and performance space, alongside a multi-storey car park and an attractive public square are set to transform part of Bishop's Stortford as the Old River Lane (ORL) scheme moves forward. The site will also see a mixed development of around 150 new homes alongside retail and commercial space. The scheme is supported by a £9.6m injection Local Growth Fund investment from Hertfordshire Local Enterprise Partnership (LEP), made up of a £6m grant and £3.6m interest-free loan. Among the many exciting features in the arts centre will be a 544-seater theatre with state of the art staging system, a four-screen cinema and visual art displays. There will also be an extensive space that can be hired for community and private events, and a small new woodland area.

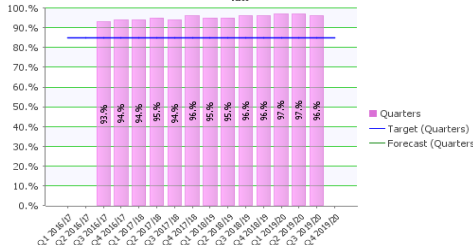
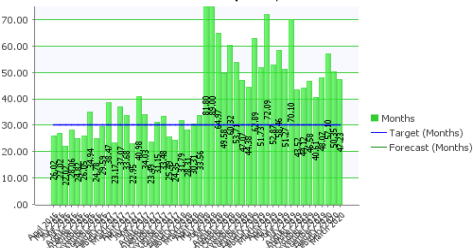
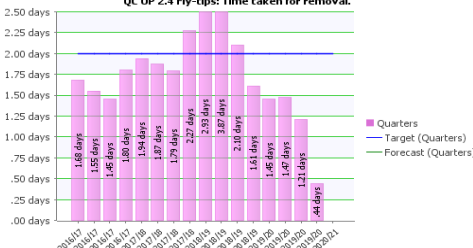
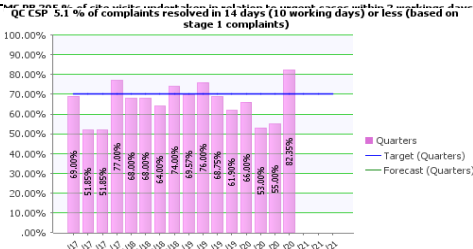
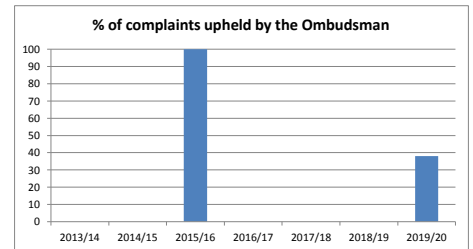
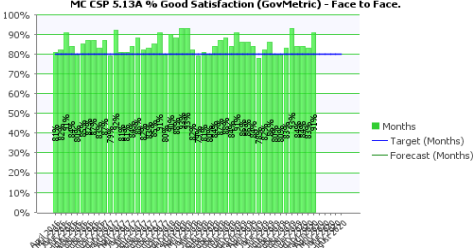
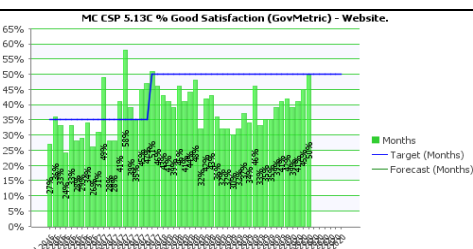
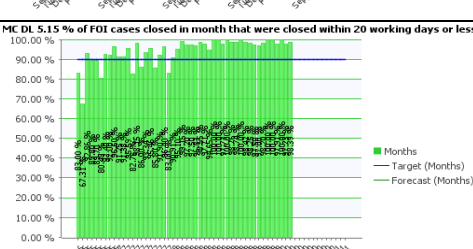
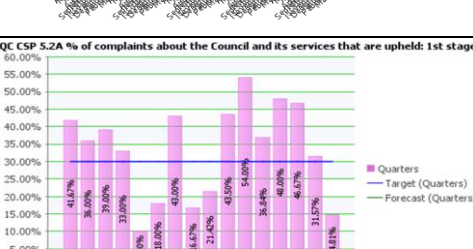
Charter for the Gilston area: in February 2020 the council published a draft Charter for the Gilston Area – part of Harlow and Gilston Garden Town – setting out guidance on how masterplans for the villages and the important network of green spaces that will surround them should be approached when they come forward as planning applications. It also provides guidance on how the council will involve developers, landowners, parish councils, community groups and others in the planning process, which establishes a consistent approach to the production of masterplans in the Gilston Area.


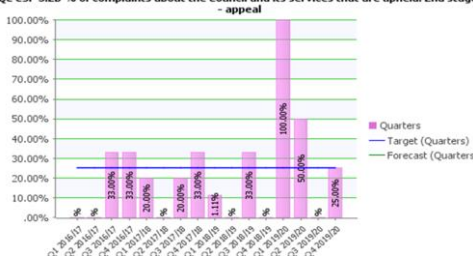

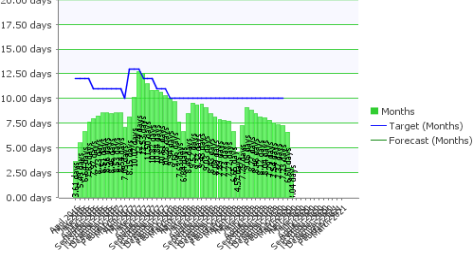

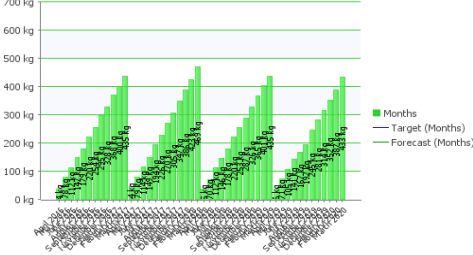

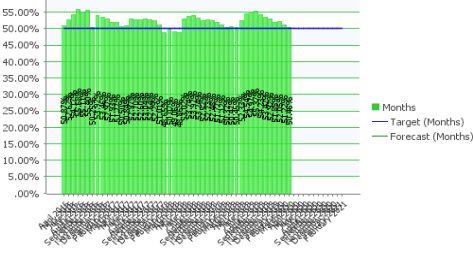

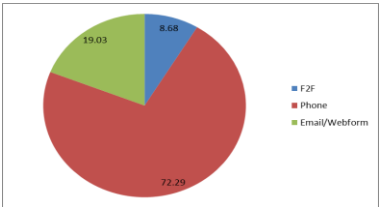
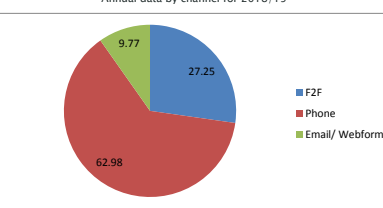
In January 2019, **Harlow and Gilston Garden Town** was allocated £580,000 from the Government ahead of its official launch later this year. Designated a Garden Town in 2017, the investment will help deliver Harlow and Gilston's vision to create a joyful place to live with sociable streets, green spaces, high quality homes, new jobs and fast, high quality, affordable public transport. The project will see regeneration of the Town Centre, a network of attractive walking and cycling routes, a new high-spec rapid bus system and a series of new communities between now and 2033. The investment was granted by the Ministry of Housing, Communities and Local Government, The Harlow and Gilston development is one of 21 Garden Town projects across the country to benefit from the £8m funding pot.

Performance Indicator	Annual Value	Target (annual Target)	Increase/Decrease from last year	Performance Data Trend Chart	Notes & History Latest Note																				
AC DEH 5.10A % of key Services that are available via a digital channel	93	100			This is a proxy for looking at how many services can be delivered over the website or similar self-service platforms. We now have over 70 web forms in place for different service requests. There are a small number of services that cannot be requested and resolved digitally and these are where we have third party IT systems (e.g., booking bulky goods collections and paperless business rate direct debits).																				
AC CSP 11.1 Vacancy Rates in Town Centres	N/A	Trend only	TBC		This measure looks at all rateable properties in town centres including commercial/ office units as well as retail which is why it is higher than most measures. Hertford's vacancy rate has traditionally been very low however due to Bircherley Green being shut it has increased. The vast majority of shops were shut on the w/c 23 March and we are not yet sure of the full impact of Covid-19 restrictions on our town centres.																				
AC CSP 13.2 Number of businesses using the Launchpad facility after expiry of free trial	57	30			As of 24th March (when the facility had to close) we had 57 paying Members. 6 of these were at the Ware Launchpad and 51 at Bishop's Stortford. The target is very low and will be revised for 20/21																				
AC CSP 13.3 Total income from businesses using the Launchpad facility	£56,000.00	£25,000.00			Prior to closure income had started to stabilise at around £4-5k per month																				
AC CSP 14.1 Number of successful applications to the Business Rate Discount Grant Scheme	0	Trend only	N/A		Scheme for allocating more grants was agreed by Executive in October 2019. However in the Autumn budget the chancellor announced 1/3rd business rates discount for certain types of business with a rateable value of up to 51k. At that point we had 6 applications in progress and had agreed to allocate the grant to cover 20/21 payments. Subsequent announcements from the Chancellor then granted full relief for these businesses for one year to cope with Covid-19 restrictions. As a consequence this grant scheme currently has no applicants.																				
AC CSP 14.2 Number of additional jobs created as a result of awarding the Business Rate Discount Grant Scheme	0	Trend only	N/A		As above																				
AC CSP 14.3 Total value of visitor economy to East Herts	N/A	Trend only	N/A	<table><tr><th>Measure</th><th>2014/15</th><th>2015/16</th><th>2016/17</th></tr><tr><td>No. of day trips</td><td>3,698,000</td><td>3,573,000</td><td>4,280,000</td></tr><tr><td>No. of overnight trips</td><td>224,000</td><td>236,000</td><td>250,000</td></tr><tr><td>Total number of nights</td><td>1,298,000</td><td>1,371,000</td><td>1,369,000</td></tr><tr><td>Total value of visits (£)</td><td>252,560,000</td><td>262,007,000</td><td>275,354,000</td></tr></table>	Measure	2014/15	2015/16	2016/17	No. of day trips	3,698,000	3,573,000	4,280,000	No. of overnight trips	224,000	236,000	250,000	Total number of nights	1,298,000	1,371,000	1,369,000	Total value of visits (£)	252,560,000	262,007,000	275,354,000	This is a study that happens biannually and there is also a significant lag in publishing due to the time taken for analysis. The work is undertaken by Visit Herts and data is broken down by each of the 5 towns. Analysis has been undertaken for the 2018/19 year and expect the results to be published in late 2020. The visitor economy is an important and often overlooked part of the East Herts economy. East Herts benefits the most in terms of spend and number of visitors out of all the districts in the county. In addition to above Visit Herts produces a monthly Business Barometer which provides more regular, qualitative feedback from businesses on the visitor economy to supplement the Value and Volume data (albeit on a countywide as oppose to a district basis). Reports can be accessed here: https://www.visitherts.co.uk/business-barometer/
Measure	2014/15	2015/16	2016/17																						
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Total value of visits (£)	252,560,000	262,007,000	275,354,000																						
AC CSP 14.4 Total number of day trips and overnight trips to district	N/A	Trend only	N/A																						
AC CSP 14.5 Total number of jobs in district attributed to visitor economy	N/A	Trend only	N/A																						
AC CSP 14.6 Number of Business awarded £ through the RDP programme	8	Trend only	N/A	<table><tr><th colspan="2">RDP Measures</th></tr><tr><td>Number of successful grant applications</td><td>25</td></tr><tr><td>Total value of grants awarded (£)</td><td>2,236,000</td></tr><tr><td>Number of East Herts businesses that have successfully applied</td><td>8</td></tr><tr><td>Total amount invested in East Herts including match funding from the private sector (£)</td><td>801,000</td></tr></table>	RDP Measures		Number of successful grant applications	25	Total value of grants awarded (£)	2,236,000	Number of East Herts businesses that have successfully applied	8	Total amount invested in East Herts including match funding from the private sector (£)	801,000	Over the last 3 years we have successfully managed the European Funded Rural Development Programme with a total Programme value of £2.236m. East Herts have acted as the accountable body and worked across the "Eastern Plateau" (covering all the rural areas of East Herts, North Herts, Uttlesford and Epping Forest). The scheme closed in summer 2019 and the focus since then has been on ensuring funds are spent and accounted for. 25 grants were given out in total and within that 8 businesses in East Herts benefitted from a total £572,672 grant funding. "matched" private investment totalled around £800,000 with a total rural investment in East Herts of £1.3m.										
RDP Measures																									
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Total amount invested in East Herts including match funding from the private sector (£)	801,000																								
AC CSP 14.7 Amount of £ invested in East Herts through the RDP	572,672	Trend only	N/A																						
AC CSP 16 Amount (£) raised for local charities in Dragon's Apprentice Scheme	2,766	Trend only			Amount raised is less than previous years due to fewer senior schools taking part. This year schools included Chauncy, St. Mary's Catholic School and Herts and Essex High School																				

AC CSP 17 Bus – Modal shift of East Herts staff commuting patterns	1%	TBC	TBC	 <p>AC CSP 17 Bus Modal shift of East Herts staff commuting patterns</p> <table><tr><th>Year</th><th>Value (%)</th></tr><tr><td>2017/18</td><td>0.5%</td></tr><tr><td>2018/19</td><td>0.5%</td></tr></table>	Year	Value (%)	2017/18	0.5%	2018/19	0.5%	The last survey prior to 17/18 was done in 2009 and the figure for bus use was 2% so there has been a marginal decrease in the last 10 years. Another survey was due in early 2020 to assess any progress however this was suspended due to the offices being closed which would have distorted results. There are opportunities once restrictions are lifted to maximise modal shift for staff commuting																																						
Year	Value (%)																																																
2017/18	0.5%																																																
2018/19	0.5%																																																
AC CSP 17 Car – Modal shift of East Herts staff commuting patterns	80	Trend only	TBC	 <p>AC CSP 17 Car Modal shift of East Herts staff commuting patterns</p> <table><tr><th>Year</th><th>Value</th></tr><tr><td>2017/18</td><td>40</td></tr><tr><td>2018/19</td><td>40</td></tr></table>	Year	Value	2017/18	40	2018/19	40	The last survey prior to 17/18 was done in 2009 and the figure for car use (single occupancy) was also 80% so no change overall. However single occupancy car use was 1% in 2009 and had increased to 8% in 2018. As above we were unable to run a survey in early 2020.																																						
Year	Value																																																
2017/18	40																																																
2018/19	40																																																
AC CSP 17 Train – Modal shift of East Herts staff commuting patterns	2%	Trend only	TBC	 <p>AC CSP 17 Train Modal shift of East Herts staff commuting patterns</p> <table><tr><th>Year</th><th>Value (%)</th></tr><tr><td>2017/18</td><td>1%</td></tr><tr><td>2018/19</td><td>1%</td></tr></table>	Year	Value (%)	2017/18	1%	2018/19	1%	The last survey prior to 17/18 was done in 2009 and the figure for train use was 3%.																																						
Year	Value (%)																																																
2017/18	1%																																																
2018/19	1%																																																
AC CSP 17 Walk – Or Cycle: Modal shift of East Herts staff commuting patterns	1%	TBC	TBC	 <p>AC CSP 17 Walk Or Cycle: Modal shift of East Herts staff commuting patterns</p> <table><tr><th>Year</th><th>Value (%)</th></tr><tr><td>2017/18</td><td>6%</td></tr><tr><td>2018/19</td><td>1%</td></tr></table>	Year	Value (%)	2017/18	6%	2018/19	1%	Walking figures were 10% in 2009 and have dropped since then. As above we were unable to run another survey in early 2022																																						
Year	Value (%)																																																
2017/18	6%																																																
2018/19	1%																																																
AC DEH 5.108 Socitm (Society of IT Managers) rating for website usability / accessibility	N/A	N/A	N/A	 <p>AC DEH 5.108 Socitm (Society of IT Managers) rating for website usability / accessibility</p> <table><tr><th>Year</th><th>Value</th></tr><tr><td>2017/18</td><td>3</td></tr><tr><td>2018/19</td><td>1</td></tr></table>	Year	Value	2017/18	3	2018/19	1	Socitm now focus on accessibility and have done away with star ratings. There are no results for 2018/2019 nor 2019/2020 and therefore no comparable data. This indicator will be closed. The Shaw Trust will be providing us with accessibility scores in future																																						
Year	Value																																																
2017/18	3																																																
2018/19	1																																																
AC PB 156 Number of Master Plans successfully completed and endorsed by the Council	N/A	N/A	N/A	 <p>AC PB 156 Number of Master Plans successfully completed and endorsed by the Council</p> <table><tr><th>Year</th><th>Value</th></tr><tr><td>2017/18</td><td>1</td></tr><tr><td>2018/19</td><td>7</td></tr></table>	Year	Value	2017/18	1	2018/19	7	This will continue to be monitored under the action: E PBC – Agree masterplans on: the Gilston Area Villages 1–7; NE of Ware; East of Welwyn Garden City; significant windfall development sites through collaborative process with developers and Members'																																						
Year	Value																																																
2017/18	1																																																
2018/19	7																																																
AC PB 158 Years of Housing Land Supply available to build on	6.64	5		 <p>AC PB 158 Years of Housing Land Supply available to build on</p> <table><tr><th>Year</th><th>Value</th></tr><tr><td>2017/18</td><td>6.2</td></tr><tr><td>2018/19</td><td>6.4</td></tr></table>	Year	Value	2017/18	6.2	2018/19	6.4	This will continue to be monitored under: EPBC – development meets the needs of the district population																																						
Year	Value																																																
2017/18	6.2																																																
2018/19	6.4																																																
MC RB 10.2 Council tax collection, % of current year liability collected.	97.80%	98.60%	N/A	 <p>MC RB 10.2 Council tax collection, % of current year liability collected.</p> <table><tr><th>Month</th><th>Months</th><th>Target (Months)</th><th>Forecast (Months)</th></tr><tr><td>Apr</td><td>10.0%</td><td>10.0%</td><td>10.0%</td></tr><tr><td>May</td><td>20.0%</td><td>20.0%</td><td>20.0%</td></tr><tr><td>Jun</td><td>30.0%</td><td>30.0%</td><td>30.0%</td></tr><tr><td>Jul</td><td>40.0%</td><td>40.0%</td><td>40.0%</td></tr><tr><td>Aug</td><td>50.0%</td><td>50.0%</td><td>50.0%</td></tr><tr><td>Sep</td><td>60.0%</td><td>60.0%</td><td>60.0%</td></tr><tr><td>Oct</td><td>70.0%</td><td>70.0%</td><td>70.0%</td></tr><tr><td>Nov</td><td>80.0%</td><td>80.0%</td><td>80.0%</td></tr><tr><td>Dec</td><td>90.0%</td><td>90.0%</td><td>90.0%</td></tr><tr><td>Jan</td><td>100.0%</td><td>100.0%</td><td>100.0%</td></tr></table>	Month	Months	Target (Months)	Forecast (Months)	Apr	10.0%	10.0%	10.0%	May	20.0%	20.0%	20.0%	Jun	30.0%	30.0%	30.0%	Jul	40.0%	40.0%	40.0%	Aug	50.0%	50.0%	50.0%	Sep	60.0%	60.0%	60.0%	Oct	70.0%	70.0%	70.0%	Nov	80.0%	80.0%	80.0%	Dec	90.0%	90.0%	90.0%	Jan	100.0%	100.0%	100.0%	
Month	Months	Target (Months)	Forecast (Months)																																														
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Dec	90.0%	90.0%	90.0%																																														
Jan	100.0%	100.0%	100.0%																																														
MC RB 10.4 NNDR (Business rates) collection, % of current year liability collected.	98.60%	97.50%	N/A	 <p>MC RB 10.4 NNDR (Business rates) collection, % of current year liability collected.</p> <table><tr><th>Month</th><th>Months</th><th>Target (Months)</th><th>Forecast (Months)</th></tr><tr><td>Apr</td><td>10.0%</td><td>10.0%</td><td>10.0%</td></tr><tr><td>May</td><td>20.0%</td><td>20.0%</td><td>20.0%</td></tr><tr><td>Jun</td><td>30.0%</td><td>30.0%</td><td>30.0%</td></tr><tr><td>Jul</td><td>40.0%</td><td>40.0%</td><td>40.0%</td></tr><tr><td>Aug</td><td>50.0%</td><td>50.0%</td><td>50.0%</td></tr><tr><td>Sep</td><td>60.0%</td><td>60.0%</td><td>60.0%</td></tr><tr><td>Oct</td><td>70.0%</td><td>70.0%</td><td>70.0%</td></tr><tr><td>Nov</td><td>80.0%</td><td>80.0%</td><td>80.0%</td></tr><tr><td>Dec</td><td>90.0%</td><td>90.0%</td><td>90.0%</td></tr><tr><td>Jan</td><td>100.0%</td><td>100.0%</td><td>100.0%</td></tr></table>	Month	Months	Target (Months)	Forecast (Months)	Apr	10.0%	10.0%	10.0%	May	20.0%	20.0%	20.0%	Jun	30.0%	30.0%	30.0%	Jul	40.0%	40.0%	40.0%	Aug	50.0%	50.0%	50.0%	Sep	60.0%	60.0%	60.0%	Oct	70.0%	70.0%	70.0%	Nov	80.0%	80.0%	80.0%	Dec	90.0%	90.0%	90.0%	Jan	100.0%	100.0%	100.0%	
Month	Months	Target (Months)	Forecast (Months)																																														
Apr	10.0%	10.0%	10.0%																																														
May	20.0%	20.0%	20.0%																																														
Jun	30.0%	30.0%	30.0%																																														
Jul	40.0%	40.0%	40.0%																																														
Aug	50.0%	50.0%	50.0%																																														
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Dec	90.0%	90.0%	90.0%																																														
Jan	100.0%	100.0%	100.0%																																														

MC HR 12A Number of short-term sickness absence days per FTE staff in post	0.31 days	0.33 days		MC HR 12A Number of short-term sickness absence days per FTE staff in post 	Within target
MC HR 12B Number of long-term sickness absence days per FTE staff in post	0.10 days	0.17 days		MC HR 12B Number of long-term sickness absence days per FTE staff in post 	Within target
MC HR 12C Total number of sickness absence days per FTE staff in post	0.40 days	0.50 days		MC HR 12C Total number of sickness absence days per FTE staff in post 	Within target
HC HH 148 Number of applicants on the housing register	2,129	Trend only		HC HH 148 Number of applicants on the housing register 	At the end of March 2020 there were 2,129 households on the Housing Register. This is broken down by property size required as follows: 1 bed need – 1,031; 2 bed need – 714; 3 bed need – 312; 4+ bed need – 72. The number of households on the Housing Register is slightly higher than that at beginning of October 2019. The net change of households being the difference between households being housed, applications not being renewed and new applications being accepted onto the Housing Register. The profile of the size of the properties required is broadly the same with one bedroom homes being the greatest need.
QC HH 151 Number of homeless households living in temporary accommodation at the end of the quarter.	37	Trend only		QC HH 151 Number of homeless households living in temporary accommodation at the end of the quarter. 	At the end of March 2020 the council had 37 households in temporary accommodation . The council's temporary accommodation hostel had all 12 flats occupied plus 3 additional units of self accommodation procured through a lease arrangement with Network Homes. 19 households were in B&B accommodation under homeless duties. One person was in temporary supported accommodation for people with mental health conditions and one household was in longer term private leased self contained accommodation. In the last 2 months the council has experienced significant delays on new build accommodation where households in our temporary accommodation have been nominated to new build properties and then there has been subsequent delays on handing the properties over to the housing associations which has impacted on residents being able moving out of our temporary accommodation.
QC HH 155 Number of affordable homes delivered (gross)	292	200	N/A	QC HH 155 Number of affordable homes delivered (gross) 	A total of 292 new affordable homes (217 affordable rented homes and 75 shared ownership) were completed and advertised through the council's Choice Based Lettings Service or Home Buy Agent up to the end of the fourth quarter 2019/20. This is the highest number of new affordable homes achieved.
MC PB 157A % Processing of planning applications dealt with in timely manner – Major applications (Majors under 13 weeks)	67.00%	60.00%	N/A	MC PB 157A % Processing of planning applications dealt with in timely manner – Major applications (Majors under 13 weeks) 	2 out of 3
MC PB 157B % Processing of planning applications dealt with in timely manner– Minor applications (Minors under 8 weeks).	88.00%	80.00%		MC PB 157B % Processing of planning applications dealt with in timely manner– Minor applications (Minors under 8 weeks). 	23 out of 26
MC PB 157C % Processing of planning applications dealt with in timely manner– Other applications (Others under 8 weeks).	94.00%	90.00%		MC PB 157C % Processing of planning applications dealt with in timely manner– Other applications (Others under 8 weeks). 	70 out of 74

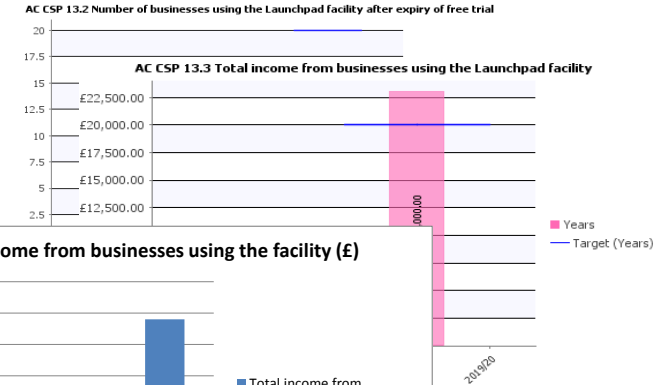
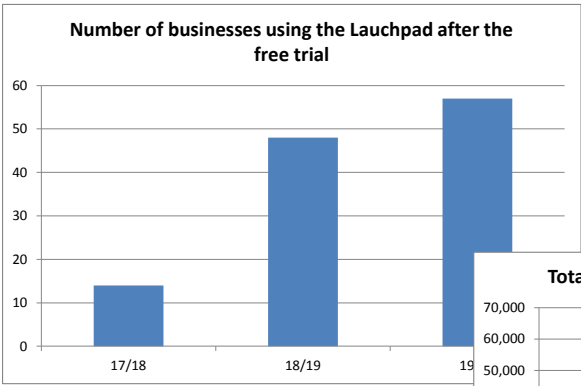
<div>QC HH 184</div> <div>% of food premises in the area which are broadly compliant with food hygiene law</div>	96.00%	85.00%	<div></div>	<div>QC HH 184 % of food premises in the area which are broadly compliant with food hygiene law</div> 	2019/2020 Qtr. 4 – Data unavailable due to resources being diverted to deal with Coronavirus epidemic
<div>MC OP 2.2</div> <div>Waste: missed collections per 100,000 collections of household.</div>	51.00	30.00	<div></div>	<div>MC OP 2.2 Waste: missed collections per 100,000 collections of household.</div> 	Report to O&S report in November 2019 outlined reasons behind performance levels. Going forward the target has changed to a percentage instead of number per 100,000 collections in order to be more representative of the service performance.
<div>QC OP 2.4</div> <div>Fly-tips: Time taken for removal.</div>	0.44 days	2.00 days	<div></div>	<div>QC OP 2.4 Fly-tips: Time taken for removal.</div> 	Fly-tip removal remains within in target, and performance has improved since last year with most flytips being cleared on the day they are reported.
<div>QC CSP 5.1</div> <div>% of complaints resolved in 14 days (10 working days) or less (based on stage 1 complaints)</div>	60.66%	70.00%	<div></div>	<div>QC CSP 5.1 % of complaints resolved in 14 days (10 working days) or less (based on stage 1 complaints)</div> 	Over the 19/20 year we had 61 Stage 1 complaints. Of these, 37 were resolved within 10 days and 24 took longer than 10 days. 12 complaints were escalated to stage 2. Operations tends to be the service area in which most complaints are received (usually related to waste) followed by planning. 24 of the 61 complaints were related to Operations and 13 related to planning. Complaints is a priority for 20/21 in terms of improving our service. Typically we received around 100 - 130 complaints per year however a reduction to just 61 does not indicate that less complaints are being made. It is likely that complaints are not being recorded and monitored properly. Training on the complaints process is being rolled out across the organisation to ensure this does happen (this started in March and has had a positive impact on the last quarter figures).
<div>CSP 5.4</div> <div>% of complaints to the Local Government Ombudsman that are upheld</div>	38.00%	0.00%	<div></div>	<div>% of complaints upheld by the Ombudsman</div> 	Over 2019/20 8 complaints were referred to the Ombudsman. Of these, 2 were partially upheld (1 in Planning and 1 in Operations) and one was fully upheld (Housing). Of the remaining 5, 3 were not investigated (i.e. initial investigation by the ombudsman indicated there were no grounds to do so), 1 was not upheld and 1 is still being investigated. A % count for this measure is misleading – as numbers are small changes result in large swings. The key issue is whether we recognise the ombudsman's decision, take remedial action and change our processes / approach going forward. In the 3 cases where the ombudsman upheld / partially upheld the complaint, the findings have been shared with staff.
<div>MC CSP 5.13A</div> <div>% Good Satisfaction (GovMetric) – Face to Face.</div>	84.75	80%	<div></div>	<div>MC CSP 5.13A % Good Satisfaction (GovMetric) – Face to Face.</div> 	Face to face interactions remain the most popular in terms of customer experience. East Herts is regularly in the top 10 list of authorities that use govmetric for customer feedback with regards to face to face
<div>MC CSP 5.13C</div> <div>% Good Satisfaction (GovMetric) – Website.</div>	44%	50%	<div></div>	<div>MC CSP 5.13C % Good Satisfaction (GovMetric) – Website.</div> 	Our new website launched in November 2019 and there has been a steady increase in positive feedback since then. In the last month we hit target for the first time in over 2 years. However ratings have not increased as much as we had expected. Work was undertaken on the govmetric tool in March to adjust its placement when visiting the website (it is now a widget on the side of the screen rather than a click option at the bottom) and users are asked to clarify whether the rating they give us is in relation to a service/ outcome they are not happy with or specific web content/ pages. In March this led to a better score and we hope to maintain this.
<div>MC DL 5.15</div> <div>% of FOI cases closed in month that were closed within 20 working days or less</div>	98.39%	90.00%	<div></div>	<div>MC DL 5.15 % of FOI cases closed in month that were closed within 20 working days or less</div> 	There were 62 requests responded to in march with a response rate of 98.39% response rate on time
<div>QC CSP 5.2A</div> <div>% of complaints about the Council and its services that are upheld: 1st stage</div>	34.00%	30.00%	<div></div>	<div>QC CSP 5.2A % of complaints about the Council and its services that are upheld: 1st stage</div> 	% of the complaints upheld or partially upheld was just off target. In the case of Operations, 41% of the complaints were upheld or partially upheld. In the case of Planning 31% of complaints were upheld or partially upheld

<p>QC CSP 5.2B % of complaints about the Council and its services that are upheld: 2nd stage appeal</p>	25.00%	25.00%		<p>QC CSP 5.2B % of complaints about the Council and its services that are upheld: 2nd stage - appeal</p> 	<p>Given the numbers are small this can skew the % figure. Of the 12 stage 2 complaints over the year, 3 were upheld or partially upheld</p>
<p>MC RB 181 Time taken to process Housing Benefit new claims and change events.</p>	6.60 days	10 days		<p>MC RB 181 Time taken to process Housing Benefit new claims and change events.</p> 	
<p>MC OP 191 Residual household waste per household.</p>	433 kg	450 kg		<p>MC OP 191 Residual household waste per household.</p> 	<p>The trend of reduce waste is continuing. The expected year end figure is anticipated to be well under the target. Therefore the target for 2020/21 has been reduced from 475kg to 450kg per household.</p>
<p>MC OP 192 % of household waste sent for reuse, recycling and composting.</p>	50.46%	50.00%		<p>MC OP 192 % of household waste sent for reuse, recycling and composting.</p> 	<p>Performance throughout the year is on target to achieve the 50% target, however the seasonal impacts of garden waste in Q4 can significantly impact on end of year figures.</p>
<p>QC 1A – D Volume + Proportion of Contacts by Channel</p>	<p>F2F: 8.68% Email / Web form: 19.03% Phone: 72.29</p>	Trend only		<p>Annual data by channel for 2019/20</p>  <p>Annual data by channel for 2018/19</p> 	<p>This measure is designed to be a proxy for assessing how well channel shift is taking place in terms of how customers interact with us. There has been a trend in term of increasing use of web forms and emails when compared to the previous year. Similarly, F2F contact (i.e. visits to reception) have decreased as a proportion. This is positive in terms of channel shift as face to face is the most expensive / costly type of transaction. Telephony remains the contact channel of choice in the district. Proportion of contacts doesn't provide the whole story as total numbers of customer contacts are still relevant. Even though the proportion of F2F contacts has decreased we are still getting roughly the same number of visitors to our receptions as in previous years. In 20/21 we will be focusing more on providing self-service facilities in our reception areas and trialling new schemes like webchat</p>

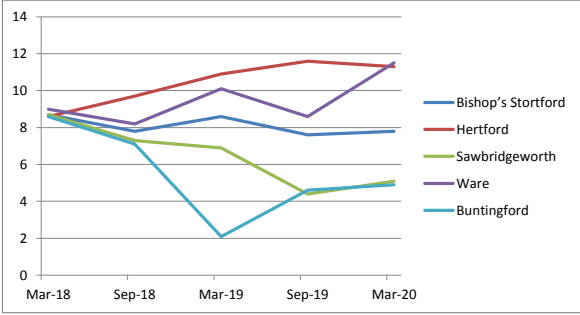
KEY	
PI Status	
Performance is 6% or more off target	
Performance is less than 6% or more off target	
Performance is on target or exceeding target	
No target to set performance against	Trend Only
Monthly/Q4/Annual data unavailable	

Movement since last period	
Value is higher than previous period & this is positive movement	
Value is higher than previous period but this is negative movement	
Value is lower than previous period but this is positive movement	
Value is lower than previous period & this is negative movement	
Value is the same as previous period	
N/A- Cumulative so will always be above previous period	n/a

	17/18	18/19	19/20
Number of businesses using	14	48	57
	17/18	18/19	19/20
Total income from	3,155	20,243	58,000

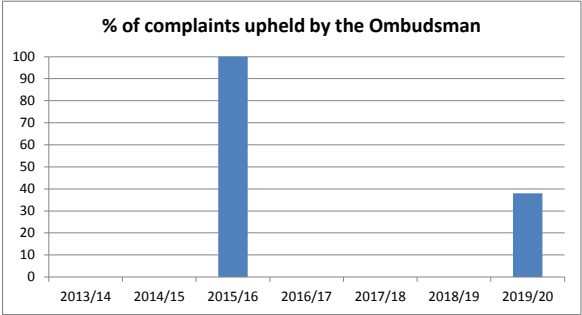


	Sep-17	Mar-18	Sep-18	Mar-19	Sep-19	Mar-20
Bishop's Stortford	11	8.7	7.8	8.6	7.6	7.8
Hertford	8.5	8.6	9.7	10.9	11.6	11.3
Sawbridgeworth	8.6	8.7	7.3	6.9	4.4	5.1
Ware	10.6	9	8.2	10.1	8.6	11.5
Buntingford	7.4	8.6	7.1	2.1	4.6	4.9



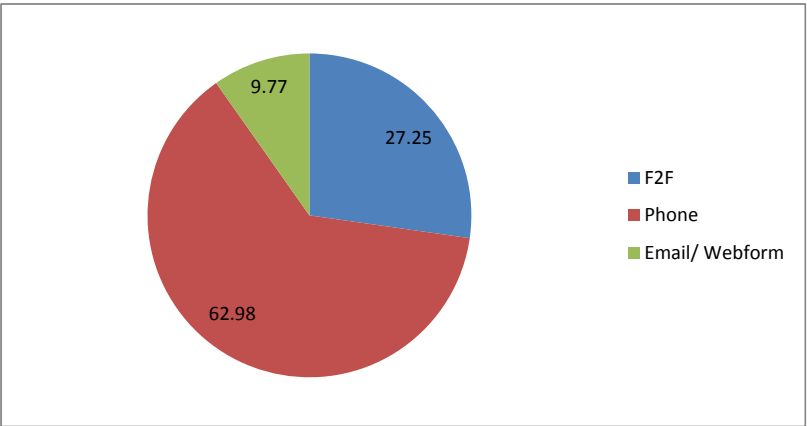
Bishops Str Buntingfori Hertford Sawbridge Ware
7.847534 4.819277 11.32075 5.147059 11.47541

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
% of compl	0	0	100	0	0	0	38



Measure	2014/15	2015/16	2016/17
No. of day trips	3,698,000	3,573,000	4,280,000
No. of overnight trips	224,000	236,000	250,000
Total number of nights	1,298,000	1,371,000	1,369,000
Total value of visits (£)	252,560,000	262,007,000	275,354,000

RDP Measures	
Number of successful grant applications	25
Total value of grants awarded (£)	2,236,000
Number of East Herts businesses that have successfully applied	8
Total amount invested in East Herts including match funding from the private sector (£)	801,000



3.75

0.31147541

14 28 65.55

31 30 64.35

46 27 60.67

48 24 61.36

34.75 27.25 62.9825

Phone 62.98

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Email/web 9.77

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Phone 62.98

Email/ Web 9.77

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SERVICE PLANS 2019/ 2020 – PROGRESS UPDATES FOR ANNUAL REPORT

Corporate Priority: People
Outcome: Communities engaged in local issues

Action:	Performance measures or project milestones:	Deadline:	Lead Officer:	Progress as at 31 March 2020
Implement East Herts Community Lottery	<ul style="list-style-type: none"> £19,000 raised for good causes operating in East Herts 	31 March 2020	Head of Strategic Finance and Property	The lottery was very successful in its first year and raised over £27,700 for good causes.
Implement crowd funding initiatives	<ul style="list-style-type: none"> £30,000 raised in supplementary budget for expanded works at Hartham common £50,000 raised in supplementary budget for expanded works at Hartham common (stretch goal if first target achieved) 	31 March 2020	Head of Strategic Finance and Property	This initiative required a lot of effort from colleagues across the council, particularly the Communications Team. However, the target proved too ambitious and the funds raised fell just short of £11,000.
Continue to grow social media channels and increase digital footprint	<ul style="list-style-type: none"> No. of Twitter followers No. of Facebook likes No. of Instagram followers No. of LinkedIn connections No. of subscribers to email marketing 	31 March 2020	Communications and Digital Media Manager	<p>General trend is an increase in social media followings. Our email bulletin (network) has been steadily growing to the point where we now need a paid for service. We previously used GovDelivery which is the market leader but was costly at over £12k per annum. Our new provider only costs a few hundred pounds a year.</p> <p>There was a spike in facebook and twitter usage in late March following Covid-19 restrictions.</p> <ul style="list-style-type: none"> Twitter – 10,305followers Facebook – 2714 followers, 2390 likes Instagram – 1572 followers LinkedIn – 797 followers Network – 1991 subscribers

Corporate Priority: People
Outcome: Support for our vulnerable families and individuals

Action:	Performance measures or project milestones:	Deadline:	Lead Officer:	Progress as at 31 March 2020
Ensure the council fulfils its Safeguarding responsibilities	<ul style="list-style-type: none"> Deliver the actions arising from the Safeguarding Adults Self-Assessment Deliver the annual programme of safeguarding training 	31 March 2020 31 December 2020	Service Manager – Community Wellbeing and Partnerships	<p>Attended HSAB self-assessment day and amended the action plan following on from feedback. Policy Group has been formed to have oversight of the action plan and ensure highlighted actions are delivered by stated deadlines throughout the year.</p> <p>Safeguarding Policy review took place March 2020. Amendments to policy are in the process of being made.</p>

				<p>The safeguarding training programme will be updated in line with any changes.</p> <p>Skills Build module currently available and extended to members. Face to face training is due to take place later in the year where necessary.</p>
Minimise time elapsed to process new claims and changes in circumstances.	<ul style="list-style-type: none"> Time taken to process Housing Benefit new claims and change events achieved (target 10 days) 	31 March 2020	Head of Revenues and Benefits	6.6 days for the year (see performance data)
Work with partners to provide support to customers in difficulty.	<ul style="list-style-type: none"> Utilise discretionary Housing Payments to alleviate transitional difficulties Proactively work to avoid fraud and to ensure suspected cases are investigated 	31 March 2020	Head of Revenues and Benefits	<p>DHP grant fully spent in 2019/20 supporting vulnerable customers.</p> <p>Close working with SAFS to avoid fraud and investigate suspected cases.</p>
Work with partners to assist customers through the transition into universal credit	<ul style="list-style-type: none"> Customers assisted and signposted appropriately when transitioned into universal credit. 	31 March 2020	Head of Revenues and Benefits	This continues with the DWP, and local agencies, including the use of Discretionary Housing payments.

Corporate Priority: People
Outcome: residents living active and healthy lives

Action:	Performance measures or project milestones:	Deadline:	Lead Officer:	Progress as at 31 March 2020
To review the promotion of E-taxis within the district following the pilot	<ul style="list-style-type: none"> Measure to be developed 	31 March 2020	<p>Service Manager – Licensing and Enforcement</p> <p>Environmental Sustainability Co-ordinator</p>	<p>Delays from the provider linked to funding and other issues. All relevant support provided but little progress. Still ongoing.</p> <p>East Herts fully signed up to the three year Herts 2025 E-taxi project as a project partner on time, but was ultimately the only District out of three who originally expressed interest to do so. Separately East Herts undertook a black box telematics survey of interested drivers which demonstrated that the move to EV taxis had good potential. As the Scheme is funded through an ERDF grant, a requirement of which required multi district engagement, MHCLG reviewed the scheme and asked Electric Blue (who are the Project leads) to revise its operation and seek simple statements from each authority in Hertfordshire. East Herts duly confirmed its support. It is understood that MHCLG has received the revised proposals for the scheme and statements of support and their confirmation to Electric Blue is awaited. In the meantime Electric Blue commissioned consultants to undertake a cross Herts taxi survey to determine current levels of support from the taxi trade across Hertfordshire as a whole, given that the project is now countywide. It is understood that this is scheduled to be undertaken during</p>

				May/June. East Herts taxi licensing team has provided the required information to assist the survey and a report form Electric Blue is anticipated in the next couple of months.
O2.1 Invest in our parks and open spaces to encourage health and fitness including improvements to parks.	<ul style="list-style-type: none"> Subject to funding deliver agreed actions identified in management plan for Hertford Castle Grounds in partnership with the Town Council. (draft plan completed, public consultation in 2018/19). Deliver a new destination play area at Hartham Common. Play area improvements to Trinity Close, Bishops Stortford funded through Redrow Homes Section 106 contributions Further access improvements at Buryfields, Ware (following on from County cycle path funded from Asda development) funded through McCarthy and Stone Baldock Street section 106) Introduce revised programme to continue investment in the Council's play areas ensuring they are fit for use, providing good levels of play value with equipment in an acceptable condition. 	<p>March 2020</p> <p>March 2020</p> <p>March 2020</p> <p>March 2020</p> <p>March 2020</p>	Leisure and Parks Development Manager	<p>Public consultation for Hertford Castle Grounds management plan completed with encouraging feedback, this has been assessed and publishing the document in partnership with the Town Council is under way. The process was delayed to consider overall management of the park; now resolved. Delivery of the plan will therefore proceed this year focussing on the exploration of a bid to the National Lottery Heritage Fund.</p> <p>The new play area at Hartham is fully designed and specified, with planning approval. Due to commence installation in April, however delayed due to uncertainty in equipment supply streams during the Covid-19 crisis. The contractor awarded the work has agreed to this postponement.</p> <p>Trinity Close Project extended to July 2020 due to resource issues with GM contract tender and mobilisation. Well received consultation, design and procurement documents all now in place. Installation works were due to be issued April, now assessing the impact of Covid 19 with potential contractors and suppliers, it may still be possible to proceed.</p> <p>Access improvements at Buryfields were delayed to fit in with budget alterations and a preference to deliver this project later in 2020. Completion date shifted to end July 2020 but may still need to delay further depending on whether contractors and supplies are available Covid 19 situation. If supplies are available, it is hoped that a contractor will be able to take on the work under current exemption for construction work but this will be assessed further before tendering.</p> <p>The play audit has been completed and a programme of works identified to be costed into capital and revenue budgets through 2020 to 2023.</p>
£30m investment into leisure services in the district (Hartham and Grange Paddocks' Leisure Centres)	<ul style="list-style-type: none"> Procure a leisure operator contract for East Herts leisure facilities by October 2019. 	Oct 2019	Leisure and Parks Development Manager	<p>The leisure operator procurement has been completed, and Sports and Leisure Management Ltd have been confirmed as the operator for the 15 year contract that commenced on the 1 Jan 2020.</p> <p>Work on the new Grange Paddocks leisure centre started on site in March and re-design work will shortly commence regarding the Hartham extension and refurbishment.</p>

Corporate Priority: Places				
Outcome: Attractive Places				
Action:	Performance measures or project milestones:	Deadline:	Lead Officer:	Progress as at 31 March 2020
Implementation of Master Planning process for all significant development sites	<ul style="list-style-type: none"> Number and % of Master Plans successfully completed and endorsed by the Council Achievement of policy objectives identified in District Plan 	31 March 2020	Service Manager (DM) Quality Places	<p>Policy DES1 of the District Plan requires all 'significant' development to prepare a Master Plan. In accordance with DES1, the following Master Plans have now been completed and endorsed by the Council:</p> <ul style="list-style-type: none"> BISH7 - The Goods Yard, Bishop's Stortford - endorsed by Council on 13 December 2017 SAWB2 - North of West Road, Sawbridgeworth - endorsed by Council on 25 July 2018 SAWB3 - South of West Road, Sawbridgeworth - endorsed by Council on 25 July 2018 BISH5 - Bishop's Stortford South - endorsed by Council on 25 July 2018 EOS1 - East of Stevenage - endorsed by Council on 17 October 2018 HERT2 - Mead Lane Area, Hertford - endorsed by Council on 19 December 2018 HERT3 - North of Welwyn Road, Hertford - endorsed by Council on 5 March 2019 HERT3 - South of Welwyn Road, Hertford - endorsed by Council on 5 March 2019 HERT4 - North of Hertford (Sacombe Road, Bengoe) - endorsed by Council on 23 October 2019 SAWB4 - Land to the North of Sawbridgeworth - endorsed by Council on 23 October 2019 WARE2 - Land North & East of Ware - endorsed by Council on 23 October 2019 BISH6 - Bishop's Stortford High School Site - endorsed by Council on 29 January 2020 BISH9 - East of Manor Links, Bishop's Stortford - endorsed by Council on 29 January 2020 HERT5 - South of Hertford - endorsed by Council on 29 January 2020
Harlow and Gilston Garden Town Development	<ul style="list-style-type: none"> Successful engagement with Garden Town Successful outcome of Gilston Concept Framework and Master Planning processes Continuing community engagement Commencement and implementation of development 	31 March 2020	Service Manager (DM) Quality Places	<p>The Council continues to be an active partner in the Harlow and Gilston Garden Town (HGGT). The HGGT has been formed to bring forward development identified in the Councils District Plan, and the emerging Local Plans of partners in Harlow and Epping Forest. HGGT partners also include Hertfordshire and Essex County Councils.</p> <p>Over the last year the partner Councils have formulated and published an Infrastructure Delivery Plan (IDP) identifying</p>

				<p>the extent of infrastructure required to support the delivery of development. Consultation has also been undertaken in relation to the HGGT Transport Strategy, in which ambitious future sustainable transport objectives are set out.</p> <p>Supporting transport objectives, design work has commenced to shape the key element of the new transport infrastructure, the Sustainable Transport Corridors (STC). The partners (led by Hertfordshire County Council) have been successful in a Housing Investment Fund bid to the government, securing funding of £172m, to support this delivery.</p> <p>Following the completion of the Gilston Concept Framework, the Council has embarked on the preparation of the Gilston Charter. Consultation has now been completed on the draft Charter. The Charter sets out the approach to be undertaken in relation to the forthcoming strategic and development specific master planning work.</p> <p>Planning applications for the development of the whole of the Gilston District Plan allocation of 10,000 new homes have been submitted and are under consideration by the Council. Two further applications are also under consideration, proposing, respectively, increased capacity at the existing River Stort crossing between the Gilston area and Harlow and the provision of an additional crossing.</p> <p>Community engagement has continued through the year both through consultation on the planning applications, the Charter, preparation of the Neighbourhood Plan and the dedicated Gilston Area Steering Group on which representatives of the local community are included.</p>
Effective planning enforcement	<ul style="list-style-type: none"> • % visits undertaken in relation to urgent cases within 2 workings days of 'start date' • Quantitative and qualitative customer feedback 	31 March 2020	Planning Enforcement Manager	<p>100% of visits relating to urgent cases undertaken within 2 working days of the start date.</p> <p>Proactive approach to seeking injunctions and responding to urgent cases especially in relation to unauthorised activity on gypsy and traveller sites. Enforcement appeals have been successfully defended and upheld.</p> <p>Good progress continues to be made on the backlog of cases balancing with available resources and new cases.</p> <p>The council was also successful in being awarded funding for two years for Green Belt enforcement project initiatives to tackle unauthorised advertising in the GB and be</p>

				<p>proactive in ensuring compliance with restrictive agricultural worker and holiday let conditions on GB accommodation.</p> <p>Initial work relating to the review of the planning enforcement policy and approach has started with it to progress further in 2020/2021.</p>
Proactive Conservation and Urban Design service	<ul style="list-style-type: none"> Completion of remaining Conservation Area Assessment work 	31 March 2020	Head of Planning and Building Control	<p>There are currently 42 conservation areas in East Herts. The Council is carrying out a review of these and is producing a Conservation Area Character Appraisal for each one. The programme of work is now nearly complete.</p> <p>The following appraisals have been completed in the last year:</p> <ul style="list-style-type: none"> The Anstey Conservation Area Appraisal was agreed by Council on the 23 October 2019. The Benington Conservation Area Appraisal was agreed by Council on the 18 December 2019. The Patmore Heath Conservation Area Appraisal was due to be considered by Council on 13 May 2020; however this has been deferred to July 2020. This is the last of the existing reviews being undertaken. <p>Work is now underway to potentially designate some new conservations areas.</p>
Reduce fly tipping	<ul style="list-style-type: none"> Fly tipping action plan in place Removal fly tips within 2 days 	31 March 2020 and ongoing	Service Manager – Licensing and Enforcement	See performance data
Explore the implementation of tackling littering from vehicles	<ul style="list-style-type: none"> NI 195 local environment quality inspections of litter by roads undertaken by joint waste client team. Consideration of adoption of new enforcement activities in line with the new legislation. Council officers trained in new legalisation 	March 2020	Service Manager – Licensing and Enforcement	<p>Legislation changes in 2018 mean that council no longer have to prove who committed an offence and car owners are responsible for anything thrown from their vehicle.</p> <p>Local environment quality inspections of litter by roads are undertaken by joint waste client team.</p>
Review of Public Space Protection Orders	<ul style="list-style-type: none"> Council agreement on orders which are to : <ul style="list-style-type: none"> Continue Amend Cease 	May 2019	Service Manager – Licensing and Enforcement	Complete, next scheduled review is May 2022.
Co-ordination and promotion of the arts and cultural offer in East Herts.	<ul style="list-style-type: none"> Engage with developments for the Year of Culture 2020 	Sept 2019 – Dec 2020	Theatre Director with Marketing Manager	On-going engagement with HYOC where possible via digital platforms. Live events cancelled/postponed due to enforced COVID-19 closure.
Hertford Theatre – Develop business models for expansion	<ul style="list-style-type: none"> Commission works for pre-construction stage of the expansion of Hertford Theatre 	31 March 2020	Theatre Director with Project Team	On-going. Programme extended due to Covid-19.

Deliver successful Heritage Lottery Fund (HLF) Stage 2 bid for Castle Park, Bishop's Stortford.	<ul style="list-style-type: none"> Deliver works of £1.2m+ (subject to successful application), as agreed with HLF to develop the site to a 'destination' status. Provide improved facilities for the community of Bishop's Stortford in partnership with the Town Council. Improve the attractiveness of the town as a place to visit. Install new tennis courts in Castle Park in partnership with the Town Council to offset loss of old courts and improve the quality of provision (subject to HLF stage 2 approval and planning approval) 	<p>Apr 2019 – Sept 2020</p> <p>March 2020</p>	Leisure and Parks Development Manager	All consultation work completed leading to well received designs to refurbish community centre, install new bridge, conserve ancient monument, install new teenage place space and improve the park landscape. A wide range of successful events and community archaeology has been completed. However, all events now either postponed or shifted to video conferencing due to Covid 19 restrictions. Project Management consultant putting together tender documents aiming to go out to tender for all contracts. This was originally planned for May but has been slightly delayed by the Covid 19 restrictions. As a standalone project funded largely through grant and lower value than other major projects, this may proceed if able to without adverse effect, current programme is for construction to commence Sept/Oct 2020.
Re-tendering of Grounds Maintenance Contract	<ul style="list-style-type: none"> Contract Start 	1 Jan 2020	Leisure and Parks Development Manager	Contract successfully awarded to Glendale, a leading grounds maintenance provider. Tendering process resulted in high quality scores within the projected budget. The contract commenced Jan 2020. Mobilisation has been progressing well and the contractor performing to standard despite difficult circumstances due to Covid-19 crisis.
Fitness and Play Audit (Deliver 10 year re-audit of play areas across district with addition of open space fitness provision to measure success of improvements and to determine future projects.	<ul style="list-style-type: none"> Audit complete and options identified 	31 March 2019	Leisure and Parks Development Manager	Audit completed successfully as previously reported.
Deliver effective waste collection services	<ul style="list-style-type: none"> Less than 30 missed bins per 100,000 	31 March 2020	Joint Waste service Manager	The target was reviewed O&S and agreed a new target to be implemented for 2020/21 as the target is now not considered an effective performance indicator.
Maintain recycling rates above 50%	<ul style="list-style-type: none"> Residual household waste per household Recycling rates at end of year above 50% 	31 March 2020	Joint Waste service Manager	The 18/19 recycling rate was 49.4%. Maintenance above 50% is dependent on a prolonged growing season and the levels of garden and food waste sent for composting. The year end figure is not yet confirmed but a recycling rate close to 50% is expected.
Promote trade waste recycling	<ul style="list-style-type: none"> Trade waste recycling introduction reviewed and expanded into other towns/Business areas 	31 March 2020	Joint Waste service Manager	Postponed until 20/21 due to staff shortages.
Review of waste collection and cleansing services at events	<ul style="list-style-type: none"> Potential saving to Council as a result of not subsidising private events. 	October 2019	Joint Waste service Manager	Postponed until 20/21 due to staff shortages to be combined with trade waste review.
Review requests for new bins at developments and replacement bins	<ul style="list-style-type: none"> Potential saving to Council 	October 2019	Joint Waste service Manager	Postponed until 20/21 due to staff shortages.
Review of management of excess waste and	<ul style="list-style-type: none"> Potential saving to Council, through greater engagement 	October 2019	Joint Waste service	Processes have been developed to ensure greater liaison

contamination at flats	from residents and managing agents		Manager	with managing agents.
Review of provision of public conveniences	<ul style="list-style-type: none"> Potential saving to the Council by the introduction of the community toilet scheme or transfer of service in Buntingford and Sawbridgeworth 	October 2019	Joint Waste service Manager	Completed for Sawbridgeworth, Buntingford still in operation.
Parks and Open Parks Strategy	<ul style="list-style-type: none"> Updated Parks and Open Spaces Strategy 	March 2020	Leisure and Parks Development Manager	This work is being slipped forward to 2020/21

Corporate Priority: Places
Outcome: Future places

Action:	Performance measures or project milestones:	Deadline:	Lead Officer:	Progress as at 31 March 2020
Support and develop future input into strategic planning role	<ul style="list-style-type: none"> Strategy to consider development post 2031 across Hertfordshire through HIPP Continued engagement through Co-op for Sustainable Development Board (with Harlow, Uttlesford and Epping Forest). 	31 March 2020	Head of Planning and Building Control	<p>The Hertfordshire Growth Board MOU (October 2019) established agreement to collaborate on place-based working across Hertfordshire to address sustainable growth beyond 2031, including the development of Joint Strategic Plans (JSPs) for south-west and north-east-central Hertfordshire. The Head of Planning has been actively engaged in these ongoing discussions.</p> <p>The Council has continued to engage throughout the year with the Co-op for Sustainable Development Board. Cllr Haysey will take on the chair of the Board at the end of May 2020.</p>
Programme of Planning Policy work	<ul style="list-style-type: none"> Formulation of work programme Delivery of agreed work programme 	31 March 2020	Service Manager, Planning Policy	<p>The Council updated its Local Development Scheme (the timetable for production of planning policy documents) on the 5 March 2019.</p> <p>The following planning policy documents have been/are being delivered:</p> <ul style="list-style-type: none"> Statement of Community Involvement (SCI) – adopted October 2019 Retail Frontages: Design and Signage Supplementary Planning Document – adopted October 2019 Affordable Housing Supplementary Planning Document – due to be adopted May 2020 Open Space, Sport and Recreation Supplementary Planning Document – due to be adopted May 2020 Gilston Area Charter Supplementary Planning Document – due to be adopted July 2020

				<p>The Council's Housing Delivery Test (HDT) Action Plan was published July 2019.</p> <p>The Council's Authority Monitoring Report (AMR) 2018-19 and Five Year Land Supply Position Statement were published in October 2019.</p> <p>A 2020 LDS Update is currently being prepared and will be presented to the Executive in July 2020.</p>
Effective Development Management service	<ul style="list-style-type: none"> • % Processing of planning applications dealt with in timely manner- Other applications (target under 8 weeks). • % Processing of planning applications dealt with in timely manner - Minor applications (target under 13 weeks) • % Processing of planning applications dealt with in timely manner - Major applications (target under 13 weeks) • Engagement through pre-application and PPA processes in accordance with Pls 	31 March 2020	Service Manager (DM) Quality and performance	<p>Other – 93%</p> <p>Minor – 88%</p> <p>Major – 70%</p> <p>See performance data</p>
Adopt and deliver the Millstream business plan	<ul style="list-style-type: none"> • Properties purchased/developed • Income received 	31 March 2020	Head of Housing and Health	<p>Five individual properties were purchased in line with the Business Plan approved by full Council in December 2018.</p> <p>Millstream recommendation to the council that the redevelopment of the Kingsmead site should not proceed as it was no longer financially viable. The existing site will now be upgraded by the council.</p> <p>The council's revenue target of £60k from Millstream's activities was achieved.</p>
Provide affordable housing (review options for maximising affordable housing and community-led housing delivery, revise the Affordable Housing Supplementary Planning Document in line with the District Plan timetable)	<ul style="list-style-type: none"> • % of Affordable homes delivered on section 106 developments in Towns against a 40% cumulative Planning Policy target • % of Affordable homes delivered on section 106 developments in Villages 	31 March 2020	Housing Development and Strategy Manager	A total of 292 new affordable homes (217 affordable rented homes and 75 shared ownership) were completed and advertised through the council's Choice Based Lettings Service or Home Buy Agent up to the end of the fourth quarter 2019/20. This is the highest number of new affordable homes achieved.
Neighbourhood Planning	<ul style="list-style-type: none"> • Continuing support and advice to Neighbourhood Plan Groups • Successful examination and referendum of 	Throughout year to April 2020	Service Manager, Planning Policy	Ongoing support and advice has been provided to Neighbourhood Plans groups during the year. A new East Herts Neighbourhood Planning Guidance Note was agreed

	Neighbourhood Plans <ul style="list-style-type: none"> Neighbourhood Plans 'made' and policy objectives achieved 			<p>for publication by Council in March 2019.</p> <p>The Council now has six adopted ('made') Neighbourhood Plans:</p> <ul style="list-style-type: none"> Bishop's Stortford - Silverleys and Meads Bishop's Stortford - All Saints, Central, South and Part of Thorley Braughing Buntingford Community Area Standon Walkern <p>These Plans now form part of the development plan and are taken into account in the decision-making process.</p> <p>The Thundridge Neighbourhood Plan is currently at Examination.</p>
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Corporate Priority: Businesses
Outcome: Support for our businesses and the local economy

Action:	Performance measures or project milestones:	Deadline	Lead Officer	Progress as at 31 March 2020
Continue to run the Launchpad facility in Bishop's Stortford and expand into Hertford/Ware	<ul style="list-style-type: none"> Number of businesses using the facility for more than 3 months (target: 30) Total income generated from Launchpad users (target: £25,000) 	31 March 2020	Business Engagement Manager	<p>Bishop's Stortford Launchpad continues to grow in terms of number of users and income. By end March 2020 we had a 57 paying clients (Stortford 51 & Ware 6) and income for February alone was £10,000. Financial year turnover was £56,000.</p> <p>The Ware Launchpad was opened in July 2019 in conjunction with Ware Town Council. This operates on a partnership basis with a 50/50 split in income. Turnover for Ware clients was £2650 in 19/20 which means Ware Town Council will receive £1325. Experience from the BS Launchpad shows that it takes time to build up a client base. In the first 6 months the BS Launchpad was open, income was just £3k (and this is a much larger venue – 36 desks and 3 meeting rooms as oppose to 12 desks and 1 meeting room in Ware).</p> <p>Both facilities were closed on 24 March following government guidance.</p>
Manage SLA with Visit Herts to promote East Herts as a visitor destination	<ul style="list-style-type: none"> Total value of visitor economy to East Herts (annual) Total number of day trips and overnight trips to district (annual) 	31 March 2020	Business Engagement Manager	Visit Herts continue to promote destinations in the district as part of its wider destination management service for the county and through the SLA we have with them. Highlights

	<ul style="list-style-type: none"> • Total number of jobs in district attributed to visitor economy (annual) • Vacancy rates in town centres 			<p>include:</p> <ul style="list-style-type: none"> • The Big weekend: discounted visits to major attractions every Spring which is preceded by large amounts of marketing nationally and internally. Businesses taking part in East Herts in 2019 included Foxholes Farm, Hanbury Manor Marriott Hotel and Country Club, Henry Moore Studios and Gardens, Historic Hertford- Guided Walks, Tewin Bury Farm Hotel, Ventura Wildlife Park and Yew Tree Alpaca • Gourmet Gardens Trail which is aimed at visitors from Netherlands and Germany. This focuses on combining high quality food and garden experiences. Focusing on food and open spaces. East Herts participants include Hanbury Manor, Tewin Bury Farm, and The Falcon (Buntingford) • US Connections aimed at US travel trade. US Connections is a Discover England Fund project led by Destination Plymouth alongside 13 partners including Visit Herts. The project aims to develop and test a series of new, immersive, bookable itineraries for the US market to tempt tourists to visit regions of England outside of London. • The Explorers Road initiative was also launched. This Discover England funded project has created a 300- mile touring route between London and Northumberland that combines well-known visitor destinations with those that are off-the beaten track. Hertford is featured along with some key venues such as the Bull pub, Foxholes Farm shop, Scott's Grotto, Tewin Bury Farm, Lussmans and Benington Lordship Gardens. Visit Herts have been targeting tour operators who specialise in tours in Britain and Ireland whose key audiences are the Dutch and German market <p>More information on their activities can be found at: https://www.visitherts.co.uk/</p>
<p>Deliver grants:</p> <ul style="list-style-type: none"> • Ensure residual EU Rural Development Programme monies are allocated • Undertake evaluation of the business rates discretionary grants programme • Investigate opportunities in the UK Prosperity Fund 	<ul style="list-style-type: none"> • No. of East Herts businesses successful in applying to RDP (annual) • Amount of £ invested in East Herts through the RDP (annual) • No. of new jobs in East Herts created through the RDP (annual) 	31 March 2020	Business Engagement Manager	<p>The scheme closed in mid 2019 as all funds had been allocated. See performance data for full details.</p> <p>After Brexit no further EU funding will be received (unless it is already approved) however a "shared prosperity fund" will be set up to replace this. EU structural funding has largely been directed towards the less affluent parts of the EU and therefore the UK has traditionally been a net contributor as oppose to benefactor from funding. Within that Hertfordshire (or the East of England region as EU funding tends to operate on a regional basis) has been a relatively</p>

				low priority when compared to othe, statistically more deprived areas (eg. Cornwall is estimated to be the largest beneficiary of EU funding). It is anticipated that the shared prosperity fund will also prioritise areas according to need however no details of the scheme have been released.
Sponsor the CVS "dragons apprentice" event for entrepreneurs in schools	<ul style="list-style-type: none"> Amount (£) raised for local charities 	31 March 2020	Head of Communications, Strategy and Policy	<p>The total amount raised this year is £2,766 for local causes. This includes the Southern Maltings, Guideposts, Citizens Advice Service, HomeStart Herts and CHEXS. The senior schools taking part included Chauncy, St Mary's Catholic School and the Herts and Essex School. Primary Schools included Thundridge and Hertford St. Andrews. Dragon Mentor's included Councillors Graham McAndrew and Terence Beckett.</p> <p>Unfortunately the number of senior schools taking part has declined in recent years. This is due to staff turnover in schools and the difficulty in building new relationships. For the 20/21 year we will not be running the senior scheme but may consider continuing with the junior scheme. Prior to schools closing Hertford St. Andrews and Thundridge had signed up, along with St. John the Baptist, Larkspur Primary Academy and Hillmead Primary. This will of course be reviewed following government guidance on schools.</p>
Cross-boundary working taxi enforcement	<ul style="list-style-type: none"> Carry out cross-boundary taxi enforcement work Promote more consistent taxi licensing convictions policies across the region through the Herts and Beds Licensing Group Promote higher taxi standards from companies operating out of Stansted airport through joint work with Uttlesford District Council the Stansted Airport Consultative Group 	31 March 2020	Service Manager – Licensing and Enforcement	<p>Working group set up with other Hertfordshire Authorities to work on combined policy, still ongoing. Vehicle age and Emission policy adopted by neighbouring authorities.</p> <p>New Suitability policy adopted, drafted in consultation with neighbouring authorities in the hope that they will adopt the same policy.</p> <p>Working on combined Covid-19 guidance.</p> <p>Uttlesford work complete with new team and improved policies and procedures in place. Requested additional support with IT utilisation, agreed by JG.</p>
Review of Residential Parking Zones policy	<ul style="list-style-type: none"> review completed, funding opportunities investigated, outcomes reported 	31 March 2020	Acting Parking Services Manager	A Task and Finish group was convened in 2019/20 and the review of the RPZ was considered as part of their work. This work is now being built in to a parking strategy for 2020/21
Maintenance and consolidation of on-street Traffic Regulation Order	<ul style="list-style-type: none"> Biennial consolidation of Traffic Regulation Orders undertaken by the County Council 	April 2019	Acting Parking Services Manager	Completed.
Assist and support with the procurement of car park management system for new	<ul style="list-style-type: none"> Installation of an appropriate car park management system to meet all requirements of ORL delivery board 	June 2019	Acting Parking Services Manager	This work has slipped forward to 2020/21 and forms part of the parking strategy.

Northgate End MSCP				
Review of parking enforcement policy	<ul style="list-style-type: none"> • Embed new enforcement contract • Launch ANPR vehicle in East Herts for school zig zag enforcement • Advertise and offer out of hours telephone parking enforcement request service 	<p>April 2019</p> <p>September 2019</p> <p>April 2019</p>	Acting Parking Services Manager	<p>The enforcement contract through APCOA has now embedded with regular reviews of deployment levels.</p> <p>The ANPR work is currently on hold as this will need to be reviewed as part of the parking strategy.</p> <p>Out of hours telephone service is now live.</p>
Play an active role in emerging Hertfordshire Growth Board	<ul style="list-style-type: none"> • Growth projects supported in the district 	31 March 2020	Head of Communications, Strategy and Policy	<p>Large event as held in the Fielder Centre in October to launch the Growth Board and emerging thinking around place branding and identity (with a view to leveraging more investment for infrastructure).</p> <p>Herts Growth Board has progressed since then with a focus on defining branding, identify and actions for the growth board itself. The next phase (likely to be 2021) will be a campaign to get support from residents and key stakeholders in terms of securing infrastructure investment from central government.</p>

Corporate Priority: Businesses				
Outcome: Vibrant town centres				
Action:	Performance measures or project milestones:	Deadline:	Lead Officer:	Progress as at 31 March 2020
Develop Old River Lane site: Old River Lane mixed use development scheme (masterplanning, viability assessment, consultations, design, planning, procurement, construction) and Multi-Storey Car Park (land negotiations, design, planning, procurement, construction) Work in partnership with Rhodes Trust and Town Council to develop detailed business case and operating model for ` new Art Centre	<ul style="list-style-type: none"> Development Agreement signed with preferred developer for ORL site Contractor appointed for Northgate End and on site delivering scheme 	31 March 2020	Chief Executive	Progress has been made with this project in the past 12 months. Despite the project manager leaving to take up a new role in March 2020 a contractor was appointed for Northgate End and works are due to commence in May/ June of this year. The MSCP is a key part of the project in terms of unlocking the viability of the rest of the site. The contractor (Rydons) are confident this will go ahead despite Covid-19 restrictions. Stakeholder engagement regarding the site and arts centre is on-going.
Undertake feasibility study for a Hertford and Ware Business Improvement District	<ul style="list-style-type: none"> Completion of feasibility study and proposed next steps (if any) 	30 September 2019	Business Engagement Manager	Engagement with local businesses indicated a low appetite to set up a business improvement district however traders in Hertford have formed the Hertford Hub. This is a group, chaired by local businesses, to represent and lobby on their behalf. With some funding from the district council they have now registered as a community interest community. In Ware the Town Council are in the process of employing a part time town centre manager. The economic development team will work closely with this person when in post.
Support the proposed Markets service change to ensure the seamless continuation of the offer in Hertford & Ware	<ul style="list-style-type: none"> Existing traders supported in applying for street trading consents at Hertford and Ware. Service change achieved smoothly and on target. 	30 September 2019	Service Manager – Licensing and Enforcement	Complete.
Implement business rates' relief scheme for retailers (as outlined in Chancellor's Autumn Budget Statement)	<ul style="list-style-type: none"> Number of businesses supported 	31 March 2020	Head of Revenues and Benefits	Retail relief granted to 878 businesses, totalling £18.966,000.
Shaping Stortford to promote and facilitate the delivery of projects and developments in the Town Centre Planning Framework.	<ul style="list-style-type: none"> Bishop's Stortford Parking Strategy adopted Bishop's Stortford Transport Strategy adopted 	31 March 2020	Deputy Chief Executive	Significant progress has been made with three workstreams established – South Street/Sustainable Travel/Schools and 20mph. A bid was submitted for Bishop's Stortford to become a Sustainable Travel Town in February. The first virtual meeting was held in April and was successfully attended by members.

Corporate Priority: Businesses
Outcome: Working with others, to have achieved the right infrastructure for our businesses and communities

Action:	Performance measures or project milestones:	Deadline:	Lead Officer:	Progress as at 31 March 2020
Implement Green Travel Plan	<ul style="list-style-type: none"> Modal shift of East Herts staff commuting patterns (% of journeys by car, bike, train, foot) 	31 March 2020	Head of Communications, Strategy and Policy	Significant work was done around this over 2018/19 by the Sustainable Transport Officer (seconded to East Herts by HCC until May 2019). Proposals focused forcing behaviour change for modal shift by levying a charge to use the staff car park. These proposals were not progressing however since then various initiatives have been implemented to encourage green travel including a new shower block and changing facilities for staff and electric pool cars. A survey was due to run in March 2020 to see if there had been any modal shift however this was postponed due to Covid-19 restrictions
Work with key partners such as the Local Enterprise Partnership, County Council and London Stansted Cambridge Consortium on identifying infrastructure requirements and bring them to fruition	<ul style="list-style-type: none"> Number of transport and infrastructure schemes delivered in the district 	31 March 2019	Head of Communications, Strategy and Policy	<p>Update on key issues as follows:</p> <p>HCC has carried out consultation on its revised Rail Strategy and a final document is expected to be published shortly. The Council is continuing to collaborate with HCC on its A414 Strategy and progression of Mass Rapid Transit (MRT) proposals. Work on the Eastern Area and South East Herts Growth and Transport Plans is due to continue, with consultation taking place in due course.</p> <p>Despite Covid-19 working restrictions, work on the construction of the A120 Little Hadham Bypass and Flood Alleviation Scheme continues. The scheme is currently anticipated to open in 2021'.</p> <p>A602 – 'Following the grant of planning permission in 2018, HCC is progressing with the final phase of the A602 Improvements Scheme, Section B, between Watton-at-Stone to Tonwell, with construction work expected to start on site in summer 2020 and, subject to Covid-19 restrictions, to be completed by 2022'.</p>
Support economic planning objectives of the Innovation Corridor, Digital Innovation Zone, Better Business for All, Harlow and Gilston Garden Town	<ul style="list-style-type: none"> N/A 	31 March 2020	Head of Communications, Strategy and Policy	<p>East Herts continues to be active members of the LSCC and Digital Innovation Zone (Leader is a Board Member for the LSCC and Exec Member for Planning and Growth is a Board Member of the DIZ).</p> <p>The LSCC continues to lobby for infrastructure investment in the innovation corridor. Recently the central alliance area (EH, Broxbourne, Harlow, Epping Forest and Uttlesford) have</p>

Action:	Performance measures or project milestones:	Deadline:	Lead Officer:	Progress as at 31 March 2020
				<p>employed an economic development advisor to raise the profile of the area to potential investors.</p> <p>The Digital Innovation Zone is an informal grouping of 11 different public (including local authorities, NHS trusts, education providers), private and voluntary sector partners across the areas of East Herts, Epping Forest, Harlow, Broxbourne and Uttlesford. It's chaired by Epping Forest District Council who also act as the lead agency in driving forward its agenda and loosely fits under the LSCC umbrella. The DIZ exists in response to the 'smart cities' agenda which focuses on ensuring large urban areas are digitally enabled to take advantage of new and emerging technologies around logistics, healthcare, transport, social trends and working patterns. There is currently no equivalent for smaller towns and rural areas. There is a risk that these communities will miss out on digital infrastructure investment. The DIZ provides a platform for these areas across West Essex and Eastern Hertfordshire to stronger case to government for investment in digital infrastructure. Current areas of work include the creation of a digital strategy outlining a vision for the future area, LFFN investment in healthcare (GP surgeries) and a Funding bid to MHCLG for additional broadband investment</p>

Corporate Priority: All

Action	Performance measures or project milestones:	Deadline	Lead Officer	Progress as at 31 March 2020
Deliver Single Customer Services Team Project: <ul style="list-style-type: none"> Planning Housing and Health Revenues and Benefits 	<ul style="list-style-type: none"> Reduction in cost 	31 March 2020	Head of Communications, Strategy and Policy	Transfer of Revenues and Benefits into customer services has been successful. Priorities for 20/21 year will be to remodel reception services and introduce different working arrangements for the team in order to maximise productivity
Ensure consistent quality of response at first points of contact across all channels	<ul style="list-style-type: none"> Satisfaction with council services (web target: 50%, face to face target: 80%) measured via govmetric (monthly) % complaints responded to within 10 working days (target: 70%) % complaints upheld at stage 1 (target: 25%) 	31 March 2020	Customer Services Manager	<p>Satisfaction scores for F2F remains the most popular channel with scores consistently above 80%. Website satisfaction has increased since the new website was launched but not to the extent we were hoping. Further changes have been made in March which has resulted in better scores and hopefully this trend will continue.</p> <p>In January we started tracking govmetric scores on emails to see what feedback is like from this channel. The Q4 data indicates satisfaction scores of close to 80%. Will continue to monitor this in order to gather further trend data and insight.</p>













Action	Performance measures or project milestones:	Deadline	Lead Officer	Progress as at 31 March 2020
				<p>Complaint performance is a concern. We have missed target for timings and moreover we seem to have had a 50% drop in the number of complaints received. This is more likely the result of them not being recorded properly and a training programme is in the process of being rolled out across the organisation.</p> <p>See performance data for details.</p>
Implement Digital East Herts Programme	Volume and proportion of customer contacts by: <ul style="list-style-type: none"> Email & web forms Face to face Calls 	31 March 2020	Head of Communications, Strategy and Policy	<p>Recent trend data indicates use of webforms/ emails have increased as a proportion of overall contacts whilst F2F and telephony have reduced. See performance data for full details</p> <p>This is positive in terms of growing our ability to nudge customers towards cheaper channels. Work in 2021/21 will focus on developing new channels such as webchat under the "digital by design" strand of the new corporate plan</p>
Implement new council website	<ul style="list-style-type: none"> SOCITM rating 	30 September 2019	Communication and Digital Media Manager	Completed on time and in budget (website launched in November 2019)
Provide policy support and analysis for the Council's Executive and Leadership Team	<ul style="list-style-type: none"> Qualitative feedback 	31 March 2020	Head of Communications Strategy and Policy	Policy officer has been in post for over a year and is providing good support. However a disproportionate amount of time is being spent on processing Assets of Community Value and resourcing requirements for this will be considered in 2020/21
Ensure all impact of all council decisions on protected characteristics are fully understood	<ul style="list-style-type: none"> No. of EIAs undertaken 	31 March 2020	Head of Communications Strategy and Policy	East Herts is firmly committed to providing inclusive services to everyone living and working in the district, and to everyone working for the council. We are currently reviewing our approach to EIAs. All equality and inclusion issues are considered through the council's decision-making processes.
Sustaining a skilled, flexible and motivated workforce –to deliver quality services which meet current and anticipated service needs	<ul style="list-style-type: none"> Implement reward and benefit packages that give choice to our workforce and support work life balance. Delivery of additional HR modules within new system 	31 March 2020	Head of Human Resources and Organisational Development	<p>The council has continued to offer the MyRewards platform which is a paid for discount platform on a range of goods and services which gives all staff the discounts. HR through the staff forum has explored if it is valued and had positive feedback from those who use it. Effective use has been shared via comms to ensure more staff benefit including using the App as a easier way accessing compared to the main website. In addition the Wellbeing programme continues to support staff with work life balance i.e. lunchtime walks, wellbeing development, discounted wellbeing experiences.</p> <p>Also see box below re improved terms in terms of salary and annual leave.</p> <p>In terms of additional HR modules the focus has been shifted to fully utilise the core HR and Payroll system. A pilot for members using expenses has been undertaken which will be</p>

Action	Performance measures or project milestones:	Deadline	Lead Officer	Progress as at 31 March 2020
				<p>followed in due course by a full rollout. Member payslips and P60's will be through the system from May 2020. Casuals have also been set up for expenses and payslips, this will be implemented post lock down as staff need to set up system passwords from the office with IT. System reports have also been improved to replace manual spreadsheets.</p> <p>HR will be looking at an online overtime claim form and a potential timesheet claim form for casuals as further development in 20-21.</p> <p>The recruitment module has been investigated and is not fit for purpose and the Head of HR has got the provider Zellis to provide a refund to both EHC and SBC.</p> <p>Exploration is taking place over the H&S and Training Modules which may lead to a 50% refund if they prove unsuitable. A meeting has been postponed with the provider to explore these modules which has been postponed due to lockdown.</p>
Review current terms and conditions.	<ul style="list-style-type: none"> Implementation of new terms 	31 March 2020	Head of Human Resources and Organisational Development	<p>The new pay proposals were negotiated with the Union Unison and this incorporated the 2% local award which was previously something staff got after 3 years of EHC service into all salaries meaning that staff got this straight away. Grading overlaps which did not help with progression have been reduced and the grades now work better which led to reduction in increments and some grades having an increased starting point and an extra point of headroom as appropriate.</p> <p>The minimum annual leave was also increased from 22 days to 25 days, it still goes to 28 days for higher grades but has again improved the offer for the majority of staff. The 5 additional days are still awarded after 5 years of service (EHC or Local Gov).</p> <p>The pay proposals were agreed and implemented from 1/4/19.</p> <p>At the same time as improving pay, grading and annual leave which added more 200k to the salary budget in the first year, disturbance allowances and pay protection periods were reduced from 3 years to 1.5 years and the redundancy multiplier which EHC used on top of actual pay and the statutory multiplier was reduced from 2.6 to 2.</p>
Planning for the workforce – develop and implement workforce planning; addressing recruitment and	<ul style="list-style-type: none"> Deliver workforce planning (focusing on hard to fill, retention, career paths, skills, learning and development) Develop innovative recruitment and retention initiatives 	31 March 2020	Head of Human Resources and Organisational Development	Career graded posts and trainee posts to allow more progression as well as attract staff with potential to develop. A number of continuing apprenticeship posts especially in hard to recruit areas such as planning where frameworks are

Action	Performance measures or project milestones:	Deadline	Lead Officer	Progress as at 31 March 2020
retention issues				<p>available.</p> <p>Improved pay structure from 1/4/19 which is both more competitive and allows greater progression with significant overlaps removed (see above).</p> <p>More effective staff development.</p> <p>Improved recruitment presence online with improved branding and a more developed offer i.e. making candidates aware of all our benefits including the wellbeing programme. We are also working on more staff case studies to share progression and increase attraction especially for men into admin roles.</p> <p>Implementing temporary labour supply arrangement through a vendor neutral supplier framework for agency staff which will achieve cost savings and allow temps to be converted to permanent without further fees after 12 weeks where applicable.</p> <p>A full workforce plan to identify future gaps and a plan to address will be worked up with LT and managers in 20-21 and will also make use of input from the East Herts Together group which is looking to improve our organisation for staff and customers. Clearly developments here will also be shared in our branding and recruitment literature.</p>
Maximisation of in-year council tax collection.	<ul style="list-style-type: none"> Council tax collection, % of current year liability collected achieved. 	31 March 2020	Head of Revenues and Benefits	97.8% of in year liability collected in year.
Maximisation of in-year Business rates collection.	<ul style="list-style-type: none"> Business rates collection% of current year liability collected achieved. 	31 March 2020	Head of Revenues and Benefits	98.64% of in year liability collected in year.
Maximisation of collection of prior year arrears.	<ul style="list-style-type: none"> Level of outstanding arrears reduced. 	31 March 2020	Head of Revenues and Benefits	Level of arrears at 31.3.19, has significantly reduced during 2019/20.
Provision of support and advice to customers experiencing difficulty in paying their liability.	<ul style="list-style-type: none"> Customers sustain repayment arrangements thus avoiding enforcement action. 	31 March 2020	Head of Revenues and Benefits	Ongoing – payment arrangements, revised terms etc, advice for debt relief and financial support advice being provided
Proactive anti-fraud and avoidance activity to minimise loss of liability.	<ul style="list-style-type: none"> Reliefs and discounts are reviewed and monitored using data matching etc. where appropriate. 	31 March 2020	Head of Revenues and Benefits	Working with SAFS to minimise risks and actively investigate suspected frauds.
Maximisation of new liability.	<ul style="list-style-type: none"> Regular monitoring of all localities to identify and verify the timely inclusion of new builds and other developments into the rating list is carried out throughout the year. 	31 March 2020	Head of Revenues and Benefits	Ongoing, with use of outside officers and external company to track developments and changes to existing properties.
Provision of a professional and appropriate service to all customers needing to engage with the service.	<ul style="list-style-type: none"> Customer satisfaction levels. 	31 March 2020	Head of Revenues and Benefits	Staff undergo training regularly with professional training courses being provided off site. Some staff are progressing through professional qualifications.

Action	Performance measures or project milestones:	Deadline	Lead Officer	Progress as at 31 March 2020
Develop the role of legal services to deliver advice and guidance in a timely and cost effective manner and reducing the council spend on external legal advice	<ul style="list-style-type: none"> Increase in staff and decrease in external reliance for legal support 	31 March 2020	Head of Legal and Democratic Services	New Head of Legal and Democratic Services assumed post on 3 rd February 2020. Review of past and present service delivery completed, report on future proposals to be forthcoming soon, including proposal for mini restructure and recruitment.
Publication of Register of Electors	<ul style="list-style-type: none"> Successful publication 	01 December 2019	Head of Democratic and Legal Services	This was successfully published ahead of time due to the snap Parliamentary election.
Support the Digital East Herts programme by increasing the range of online services available in ModGov	<ul style="list-style-type: none"> Number of forms properly web enabled 	31 May 2019	Head of Democratic and Legal Services	Full set up of DPI e-forms available on ModGov, completed in full for all District Councillors and a number of Parish Councillors also.
Respond to FOIs in a timely manner	<ul style="list-style-type: none"> % FOIs dealt with within 20 days (target 90%) 	31 March 2020	Head of Democratic and Legal Services	Not able to provide information at present.

Annual comms reporting 2019-2020

		Q1 - Apr/Jun 19	Q2 - Jul/Sept 19	Q3 - Oct/Dec 19	Q4 - Jan/Mar 20	2019-20 TOTAL
	Tweets	353	320	217	233	1,123
	Followers	9,681	9,883	10,079	10,305	UP 624
	Impressions	390k	399k	300.1k	347k	1,436.1k
	mentions	1,405	1,384	884	910	4,583
	Customer enquiries	N/A	97	105	89	291
	Posts	154	179	122	133	588
	Followers	1,694	2,032	2,121	2,714	UP 1,020
	Customer enquiries	N/A	109	73	212	394
	Followers	1,272	1,333	1,423	1,572	UP 300
	Posts	24	15	15	12	66
	Likes	643	371	414	395	1,823
	Connections	610	669	722	797	UP 187
	Clicks 	274	154	126	387	941
	Intranet page views 	44,517	56,638	55,189	66,516	222,860
	Team Update views	1,224	1,705	677	1,544	5,150
	Team Update top story	427	362	218	494	1,501
	Staff briefing	180	203	N/A	236	619
	Subscribers	1,625	1,657	1,748	1,991	UP 366
	Open rate	59.60%	50.90%	51.50%	55.60%	54.40%
	Page views 	737,838	572,421	469,869	297,310	2,077,438
	PRESS RELEASES SENT	12	12	10	13	47
	Press articles	89	112	73	91	365
	Press score	3	24	15	3	45
	online articles	82	68	42	98	290
	Press score	27	27	15	13	82
Total Press Score		30	51	30	16	127

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