



James Ellis
Head of Legal and Democratic Services

MEETING : OVERVIEW AND SCRUTINY COMMITTEE
VENUE : PLEASE NOTE THAT THIS MEETING WILL BE HELD
VIRTUALLY VIA ZOOM
DATE : TUESDAY 16 JUNE 2020
TIME : 7.00 PM

MEMBERS OF THE COMMITTEE

Councillor J Wyllie (Chairman)
Councillors S Bell, M Brady, K Crofton, I Devonshire, H Drake, J Frecknall,
M Goldspink (Vice-Chairman), D Hollebon, J Ranger, D Snowdon,
M Stevenson, N Symonds and A Ward-Booth

Substitutes

Conservative Group: Councillors D Andrews, S Bull and C Rowley
Green: Councillor B Crystall
Labour Group: Councillor C Redfern

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

CONTACT OFFICER:
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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. Minutes - 4 February 2020 (Pages 7 - 16)

To approve as a correct record the Minutes of the meeting held on 4 February 2020.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Street Cleansing and Verge Maintenance Update (Pages 17 - 46)

6. Hartham Leisure update by the Executive Member for Wellbeing

7. Development Management Pre-Application Advice Service
(Pages 47 - 54)

8. Proposed Revised Street Trading Consent Policy (Pages 55 - 90)

9. East Herts Health and Wellbeing Strategy 2019-2023 - Progress Report
(Pages 91 - 106)

10. Housing and Health Strategy 2016-21 – Action Plan Progress Report
(Pages 107 - 124)

11. Revised Regulation of Investigatory Powers Act (RIPA) Policy and Use of Social Media in Investigations Policy (Pages 125 - 184)
12. Overview and Scrutiny Committee – Draft Work Programme (Pages 185 - 200)
13. Urgent Items

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
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY 4
FEBRUARY 2020, AT 7.00 PM

PRESENT: Councillor J Wyllie (Chairman)
Councillors M Brady, K Crofton,
I Devonshire, H Drake, J Frecknall,
M Goldspink, D Hollebon, D Snowdon,
M Stevenson, N Symonds and
A Ward-Booth

ALSO PRESENT:

Councillors S Bull and G Cutting

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Scrutiny Officer
Leila Dewhurst	- Digital Content Officer
Peter Mannings	- Democratic Services Officer
Ben Wood	- Head of Communications, Strategy and Policy

332 APOLOGIES

Apologies for absence were received from Councillors
S Bell and J Ranger.

333 MINUTES - 10 DECEMBER 2019

It was moved by Councillor D Hollebon and seconded by Councillor M Goldspink that the Minutes of the meeting held on 10 December 2019 be confirmed as a correct record and signed by the Chairman.

RESOLVED – that the Minutes of the meeting held on 10 December 2019 be confirmed as a correct record and signed by the Chairman.

334 CHAIRMAN'S ANNOUNCEMENTS

Members were reminded that they had discussed the issue of public speaking and the issue of different venues for future meetings at a previous meeting of Overview and Scrutiny Committee.

In the context of public involvement, the Chairman said that the Constitution did allow Overview and Scrutiny Committee to receive evidence from the public in the form of public speaking. Councillor D Snowdon said that this was acceptable so long as requests to speak sent to Democratic Services were routed through the Chairman of the Committee. This was supported.

Councillor M Goldspink said time limited public speaking would ensure effective management of public speaking. Councillor K Crofton said that public speaking should only be by invitation where the person asking to speak could contribute to a topic being discussed by the Committee.

335 REVIEW OF WEBSITE SATISFACTION PERFORMANCE

The Executive Members for Corporate Services and Financial Sustainability submitted a report inviting Overview and Scrutiny Committee to review the performance of the East Herts website. Website satisfaction had been identified as an area of concern following the first meeting of the Committee in 2018/19 and this report had been requested from the Head of Service.

The Head of Communications, Strategy and Policy confirmed that this report had been requested some months ago. He said that satisfaction levels with the website had been in the red category for some time, as measured by the Gov.metric system. The Committee was advised that there had been 2.5 million webpage views within the last 12 months and it was worth noting that face to face feedback was always higher than website ratings.

The Head of Communications, Strategy and Policy said that wording could be uploaded to the website to explain that the online Planning Portal was not controlled by East Herts. The Digital Content Manager explained that updating the new website was an ongoing process.

The Head of Communications, Strategy and Policy said the website was a useful tool for customers and the most commonly visited pages were council tax, bin collection/missed bins, planning and elections. He said that the planning portal was often subject to downtime which reflected badly on the website even though the

portal was separate to East Herts.

The Committee was also advised that the Council Tax pages had technical limitations in terms of what customers could do beyond making basic payments. The Head of Communications, Strategy and Policy advised that the Housing, Waste and Licensing pages were more popular. He said that the quality of the service customers received was passed on via the Gov.metric tool.

The Digital Content Manager said the new website had been redesigned with new 2019 European Union (EU) regulations in mind as all the pages on the website had to achieve the AA accessibility rating and the new website had this accessibility built into it at source. All of the content on the website also had to meet the same accessibility standards in terms of making the website more accessible.

The Committee was advised that the new legislation covered all documents on the website as well as all videos. The AAA rating could not be achieved if maps and videos were included on the website.

The Digital Content Manager said the Gov.metric tool or widget would be added to online forms and modernised as part of a better reporting system. She commented on the modular layout of the website and a data driven approach to making the website more appealing so that users had better journey when navigating the website.

The Head of Communications, Strategy and Policy

confirmed to Councillor M Goldspink the definition of SOCITM (Society for Innovation, Technology and Modernisation). Councillor A Ward-Booth said that the block style layout of the website was an improvement.

The Digital Content Manager said that the old website had a bounce rate of 50%, with visitors spending 2 minutes on the site. The new site has a bounce rate of 30% with visitors spending 3 minutes on the site. She stated that the aim was to achieve 3 “clicks” to get customers to the page they sought.

Councillor D Snowdon asked whether the time and financial savings could be quantified. He was advised that Officers would investigate and let Members know. He queried who to contact regarding the website and was advised that the Digital Content Manager was the relevant Officer.

Councillor J Frecknall said the East Herts new website was significantly better than other websites. Councillor M Goldspink said it was challenging to locate phone numbers for Officers on the website. The Head of Communications, Strategy and Policy said most forms on the website did have a “contact us” section and that the website steered the public towards “self service”.

The Head of Communications, Strategy and Policy said the new structured website format would avoid Officers having to go back to the customer as all the necessary information was secured at the first point of contact.

Councillor D Hollebon referred to those who did not

use technology and in particular the proportion of over 65s who preferred to talk to someone. She was advised that there was no intention to do away with telephony or face to face customer contact at both receptions.

The Chairman commented that a report regarding the performance of the website would come back to the Committee in future. Members received the report.

RESOLVED – that the review of website satisfaction performance be received.

336 TASK AND FINISH GROUP UPDATE AND WORK PROGRAMME

The Scrutiny Officer submitted a report that reviewed the actions included in the existing work programme and proposed amendments to the ongoing work programme. She drew Members' attention to the scoping document within the agenda and referred to the work of Task and Finish Groups.

The Scrutiny Officer referred in particular to the Parking Task and Finish Group and advised Members that the Head of Operations would be reporting on these recommendations and other related matters to Executive on 11 February 2020 with the recommendation that the findings be submitted to the next ordinary Council meeting for a decision.

The Scrutiny Officer said that following discussions with the Chairman and Vice Chairman a decision had been taken not to scrutinise the matter of Hertford

Town Centre and Bircheley Green, as the owners of the site needed time to bring forward their development proposals for the site.

The Scrutiny Officer explained that the first meeting of the East Herts Climate Change Forum had taken place on 15 January 2020 and further meetings would be held in 2020/21 across the District at three monthly intervals. Members agreed that an update in relation to the Environmental Climate Forum be included as a standing item on each OS Committee

The Scrutiny Officer updated the Committee in respect of the matter of cycle storage provision in Bishop's Stortford which had been raised by a Member. She explained that the issue had been raised with Greater Anglia and partner organisations and the Executive Member for Environmental Sustainability had been involved in research. The Scrutiny Officer explained that as a result of the information already available in terms of cycle provision and future proposals for the District and following discussions with the Chairman and Vice-Chairman that a Task and Finish Group was not needed.

The Committee was reminded that a Task and Finish Group had explored the relationship between the Council and registered social housing providers. A Task and Finish Group had met on 19 December 2019 which had established what probing questions could be asked to both tenants' representatives and to senior Officers of two housing associations. The Scrutiny Officer explained that she was still trying to arrange meeting with relevant parties.

Councillor N Symonds said that smaller meetings with tenants and the housing associations was the best way forward. She confirmed that the Head of Housing at Network Homes could also be invited. The Chairman reminded Members that Overview and Scrutiny Committee had tasked the Task and Finish Group to speak to the Housing Associations on behalf of the Committee. Councillor D Snowdon said that the Task and Finish Group Members should be allowed to carry out what had been asked of them.

The Scrutiny Officer said that the Performance, Audit and Governance Oversight Committee had received a report on Section 106 allocations on 24 September 2019 and Members had agreed to take no further action. Members were asked to agree that this subject be removed and from the current work programme. This was supported.

Councillor H Drake said that where an item had been added to the work programme by Members, the Committee expected a report to be submitted by Officers. The Scrutiny Officer explained that the Centre for Public Scrutiny (CfPS) best practice advice was that two in depth reports on a scrutiny agenda was sufficient to allow effective scrutiny to take place.

The Committee debated at length the matter of public speaking as well as the venue for future meetings of the Committee. Councillor A Ward-Booth said that premises that were satisfactory for holding Town Council meetings were acceptable for Overview and Scrutiny Committee. At Members' request, the

Scrutiny Officer undertook to book the next meeting of Overview and Scrutiny Committee at Bishop's Stortford Town Council on 31 March 2020.

Councillor A Ward-Booth proposed and Councillor M Goldspink seconded, a motion that the proposed Work Programme be approved, as detailed in Appendix A and scrutiny of Section 106 allocations be removed from the Work Programme as it was considered in detail at a meeting of Performance, Audit and Governance Oversight Committee.

Members expressed their concern that a report on Pre-Planning Advice had not been included on the agenda for this meeting. The Chairman reminded Members that when a report had been asked by Scrutiny at a specific meeting then this request should be adhered to. The Scrutiny Officer explained that the Head of Planning and Building Control had explained that the process needed time to embed and that this was why a report had not been forthcoming to Members at this time. While Members acknowledged the position, they insisted that the Head of Planning and Building Control report back to the next meeting on 31 March 2020.

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

RESOLVED – that (A) the proposed Work Programme be approved, as detailed in Appendix A, which had been amended in line with progress on:

- the Task and Finish Group (Parking);
- consideration of issues relation to Hertford Town Centre and Bircheley Green, Hertford;
- to include on each OS Committee an update on the Environmental and Climate Forum as a standing item;
- consideration of cycle storage provision in Bishop’s Stortford
- the Task and Finish Group (social housing)

(B) Scrutiny of Section 106 allocations be removed from the Work Programme

(C) a report in respect of pre-planning advice be added to the work programme for the 31 March 2020 meeting of the Committee.

The meeting closed at 8.22 pm

Chairman Date

East Herts Council Report

Overview and Scrutiny Committee

Date of Meeting: 16 June 2020

Report by: Head of Operations

Report title: Street Cleansing and Verge Maintenance Update

Ward(s) affected: ALL

Summary

At the request of the chairman of the overview and scrutiny committee this report provides an overview of the street cleansing service and verge maintenance service delivered by East Herts District Council

RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY:

(a) To receive and note the update report.

1.0 Proposal(s)

1.1 Not applicable.

2.0 Background

2.1 At the request of the Overview and Scrutiny committee the following matters were requested to be reported on for review by the Committee:

- a) Road cleaning (sweeping) grass verges and weeds. How are we doing, what are the issues, who is responsible for what, verge maintenance?

This was further expanded to:

- b) Litter picking on the highway.
- c) Road cleaning and sweeping on roads and pavements.
- d) What is EHC responsibility for cutting of grass verges.
- e) Weed spraying/ clearing on kerb edges and pavements
- f) What is the reporting structure and who are the contacts at EHC
- g) Is it adequately resourced and what is the staff structure.

2.2 In the absence of a formal detailed brief and in order to add structure to the report it has been interpreted that the following approach will be taken to report on these items.

- 1) Brief description of service function
- 2) Overview of performance
- 3) Key challenges and areas for improvement
- 4) Resourcing levels and key contacts

2.3 A full report can be found in Appendix A

3.0 Reason(s)

3.1 To provide an overview of performance for services highlighted in 2.1

4.0 Options

4.1 Not applicable

5.0 Risks

5.1 Insufficient resources could have an impact on performance levels, complaints and financial implications.

6.0 Implications/Consultations

6.1 Report developed by service managers within the Waste Shared Service and Leisure and Parks team.

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 – Street Cleansing and Verge Maintenance Update Report

Contact Member

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Street Cleansing and Verge Maintenance Update


Authors:

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Street Cleansing and Verge Maintenance Update

Overview and Scrutiny Committee: 16 June 2020

Summary:

This report provides an overview of the performance of street cleansing, verge maintenance and weed spraying activities delivered by East Herts Council.

1. Background

1.1 At the request of the Overview and Scrutiny committee the following matters were requested to be reported on for review by the Committee:

- a) Road cleaning (sweeping) grass verges and weeds. How are we doing, what are the issues, who is responsible for what, verge maintenance?

This was further expanded to:

- b) Litter picking on the highway.
- c) Road cleaning and sweeping on roads and pavements.
- d) What is EHC responsibility for cutting of grass verges.
- e) Weed spraying/ clearing on kerb edges and pavements
- f) What is the reporting structure and who are the contacts at EHC
- g) Is it adequately resourced and what is the staff structure.

1.2 In the absence of a formal detailed brief and in order to add structure to the report it has been interpreted that the following approach will be taken to report on these items.

- 1) Brief description of service function
- 2) Overview of performance

- 3) Key challenges and areas for improvement
- 4) Resourcing levels and key contacts

1.3 It is important to note that the services being reported on are delivered through two different teams and contractors as described in table 1 below:

Table 1: Roles and Responsibilities

Litter Picking	Road Sweeping/ Street Cleansing	Grass Verge Cutting	Weed Spraying
Managed by the EHC/NHDC Waste Shared Service		Managed by EHC leisure and parks development team	
Delivered via Urbaser Ltd		Delivered by Glendale Environmental Service Limited	

2. Overview of Service: Street Cleansing and Litter Picking

- 2.1 In May 2018 East Herts Council implemented a Joint Waste contract with North Herts. The contract was awarded to Urbaser and managed by a newly formed joint client team across the two authorities (North Herts and East Herts).
- 2.2 A partnership board was also developed to oversee the monitoring and performance of the contract above and beyond the role of the contract monitoring team. The partnership board consists of key officers and members from both Councils including the Chief Executive, the Executive/Cabinet member for Waste and Recycling, Director/Head of Service responsible for Waste, finance and legal officers and the Joint Waste Service Manager.
- 2.3 The day to day performance of the contract is closely monitored by the shared waste, recycling and street cleansing service (the client team). This includes daily checks and inspections, weekly and monthly meetings with key members of staff at varying levels from both Urbaser and client team.

- 2.4 Street cleansing/litter picking forms part this contract. It consists of a range of mechanical sweeping, manual litter picking and pavement washing across the District. This contract does not cover litter picking within our parks and open spaces.
- 2.5 A number of key performance indicators (KPIs) underpin the monitoring and contract compliance of the service delivered by Urbaser.
- 2.6 The contract is predominantly “output based”, which means for normal street cleansing operations these are to be carried out at a frequency to ensure that cleansing does not drop below a required level specified within the contract. The contract does not require a set number of cleansing operations in the majority of the district.
- 2.7 To manage this type of output based cleansing, regular monitoring is performed by the East and North Herts Shared Waste Service (the client team) across the whole district to determine if the standards are being maintained sufficiently. If it is deemed that an area has fallen below standard the client team require rectification, continued rectifications will lead to a location being classed as a ‘Hotspot’. If problems recur a default may be issued which incurs financial deductions. The client team aims to visit every street at least once over the course of a year, however this is impacted by staff shortages and complaint levels related to other disruptions to services, such as waste collections. The Council’s street cleansing and litter picking function covers the following areas:
1. All public highways (excluding motorways), including adjacent footways and ancillary features (e.g. roundabouts and traffic islands).
 2. Separate public footways and alleyways.
 3. Small defined private forecourts and private shop entrances abutting the Highway (usually demarcated with studs in the path).

4. Verges, open spaces (such as market squares) forming part of the public Highway (with the exception of those footpaths crossing parks maintained under the Grounds Maintenance Contracts)
5. Public car parks.
6. Cleansing around 'Recycling Bring Bank Sites' located on public Highways and in public car parks.
7. The removal of fly tipped waste, abandoned shopping trolleys and discarded hypodermic needles.
8. Cleansing following special events (e.g. carnivals, Remembrance Sunday, charity runs etc.).

2.8 The general cleansing requirements of the contract are:

- The sweeping of all metalled hard surfaces including kerbside road channels and around traffic islands.
- The removal of Litter, debris, dead weeds and other Detritus from all areas (the chemical weed treatment of weeds is not included within this contract).
- The emptying and cleansing of litter bins.
- The removal of leaf and blossom fall.
- Emergency cleansing of roads following accidents including the removal of animal carcasses.

3. Performance: Street Cleansing and Litter Picking

3.1 As mentioned the contract is output based, in order to manage the cleansing programme the areas of work have been divided up into zones based on the Code of Practice for Litter and Refuse (COPLAR) each zone is then considered by intensity of use in order to determine the response/recovery times for restoring land to acceptable cleanliness levels if it falls below the required standard. Table 2a below shows the indicative zoning of the district with table

2b providing examples of roads within the district and the zones they are categorised as, generally speaking the “busier” an area the more frequently it is cleansed.

Table 2a: Performance Zones

Zone	Intensity	Indicative total length (m)
Housing/Residential	High	4410
Retail, Office, Commercial		9790
Road - Up to 40mph		2110
High Speed Road - 50mph or greater		48,000
Housing/Residential	Medium	200,730
Retail, Office, Commercial		1290
Road - Up to 40mph		54,290
High Speed Road - 50mph or greater		47,350
Industrial Areas		2480
Other Areas		1210
Housing/Residential	Low	75,930
Road - Up to 40mph		407,330
High Speed Road - 50mph or greater		460
Other Areas		910
Total		856,290

Table 2b: Examples of roads in East Herts

Example of Roads In East Herts		
High Roads	Hertford	South St
		Market Street
	Bishop Stortford	North Street
		Potter Street
	Ware	High Street
		East Street
	Sawbridgeworth	Station Road
		West Road
Medium	Hertford	Church Road
		Glovers Close
	Bishop Stortford	Grange Park
		Matching Lane

	Ware	Little Acres
		Jubilee Avenue
	Sawbridgeworth	Cedar Close
		Elmwood
low	Hertford	Mangrove Lane
		Birch Green
	Bishop Stortford	Appleton Field
		Gypsy Lane
	Ware	Ash Road
		Poles Lane
	Sawbridgeworth	Mill Lane
		High Wych Road

3.2 The contract does not wholly follow COPLAR and response times have been set to meet the needs of the district whilst balancing the costs of the contract. During monitoring by the client team, streets are graded according to the information in Table 3. Photos are also provided for reference from COPLAR (copywrite ENCAMS).

Table 3: Monitoring Grades

	Litter and Waste in roads, footways, car parks and on other hard paved areas.	Litter and Waste on verges, un-surfaced footways, flower beds and other soft landscaped features.	Detritus in kerb channels in roads, around traffic islands car parks and other areas with kerbing.	Litter Bins in all Areas of Works.
Grade A	No Litter or Waste	No Litter or Waste	No Detritus	Litter Bins up to 25% full of Litter and Waste
Grade B	Predominantly free from Litter and Waste apart from some small items	Predominantly free from Litter and Waste apart from some small items	Predominantly free of Detritus except for some light scatterings	Litter Bins between 25% and 90% full of Litter and Waste
Grade C	Widespread distribution of Litter and/or Waste with minor accumulations	Widespread distribution of Litter and/or Waste with minor accumulations	Widespread distribution of Detritus with minor accumulations	Litter Bins between 90% and 100% full of Litter and Waste
Grade D	Heavily affected by Litter and/or Waste with significant accumulations.	Heavily affected by Litter and/or Waste with significant accumulations.	Heavily affected by Detritus with significant accumulations.	Litter Bins 100% full of Litter and Waste or overfull

Grade A - Litter & Detritus



Grade B - Litter & Detritus



Grade C - Litter & Detritus



Grade D - Litter & Detritus



3.3 The performance levels for this service are illustrated from a sample of pie charts below. This demonstrates that overall the monitoring from the client team has determined that the vast majority of streets are kept at Grade B or above, which is the stipulated level required contractually.

Chart 1: Quality of cleansing in Housing/Residential areas

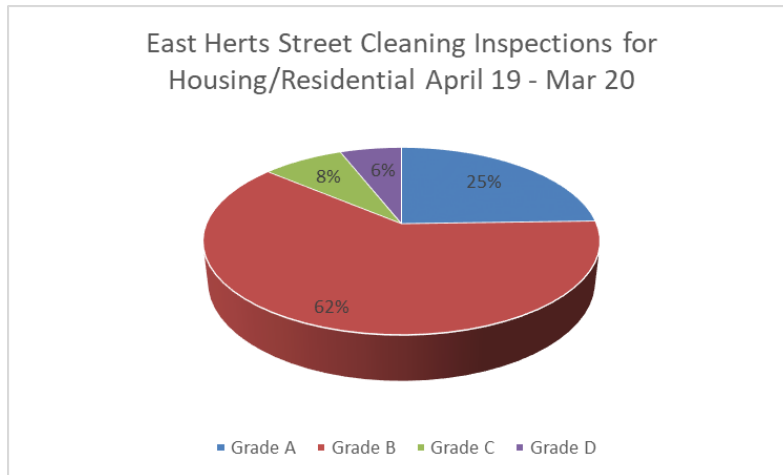


Chart 2: Quality of cleansing in Retail, Office and Commercial areas

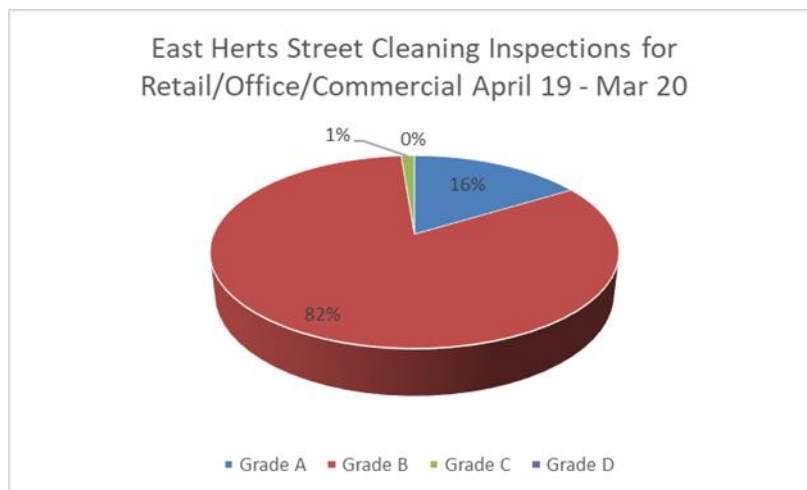


Chart 3: Quality of cleansing in roads up to 40mph

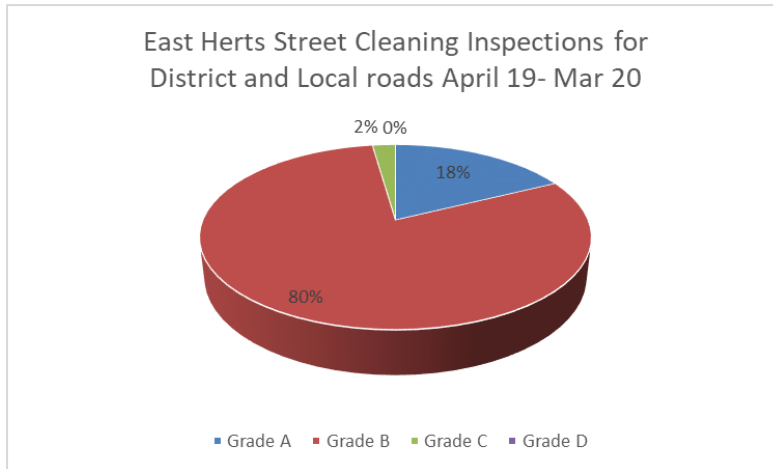
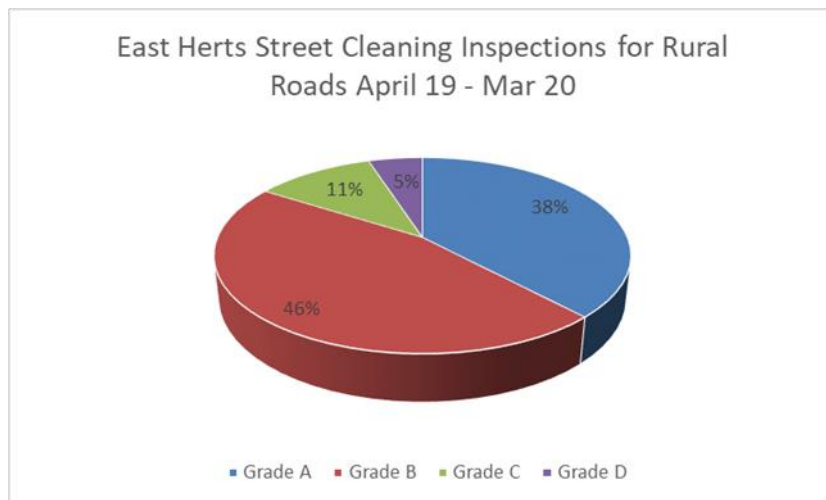


Chart 4: Quality of cleansing – low intensity roads up to 40mph



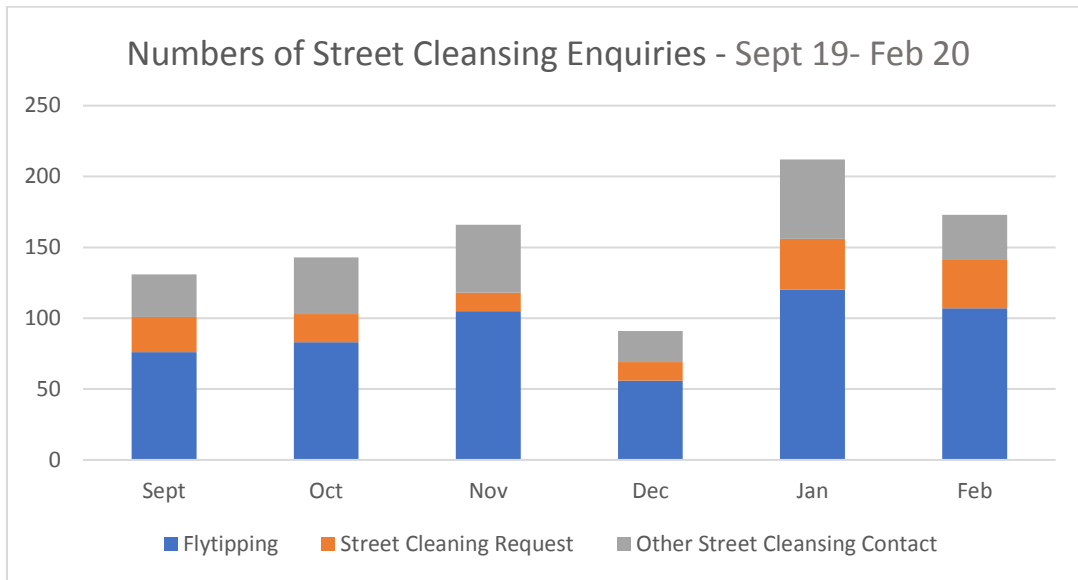
3.4 Where performance levels have dropped below a Grade B, the contractor can be required to respond and rectify the issue within the times are set out in the table 4 below:

Table 4: response times

	Grade falls below a B (<i>predominantly free from Litter and Waste and Detritus apart from some small items</i>)	Grade is C (<i>Widespread distribution of Litter and/or Waste or Detritus with some accumulations</i>)	Grade is D (<i>Heavily affected by Litter and/or Waste or Detritus with significant accumulations</i>)
Cleansing Grade			
Town Centres Shopping Centres Shopping Streets	three (3) hours	two (2) hours	one (1) hour
Shopping parades School entrances Central Car Parks Attraction/ Park entrances	12 hours	six (6) hours	three (3) hours
Housing/Residential- High intensity	two (2) days	Six (6) hours	three (3) hours
Housing / Residential- Medium intensity	seven (7) days	24 hours	six (6) hours
Housing/ Residential – Low intensity	28 days	72 hrs	48 hrs
Industrial areas - Medium intensity		five (5) days	48 hrs
Industrial areas- Low intensity		seven (7) days	48 hrs
Rural/suburb Commuter routes Main roads into towns Usually 40mph routes		three (3) days	24 hrs
Rural/suburb commuter routes Other Car Parks		seven (7) days	48 hrs
Paved Areas and Verges		Fourteen (14) days	seven (7) days
Paved Areas and Verges			60 or 28 Days (dependant on road closure requirements)

- 3.5 As mentioned previously the client team carry out regular monitoring to manage the performance of the contractor, aiming to complete 1000 inspections across the contract (including waste) each month. Customer queries/complaints regarding cleansing of specific streets/roads also support the monitoring of the street cleansing programme. Queries are followed up and investigated by the client team to determine if a complaint/query is justified against the requirements set out in the contract. If recurring complaints occur the client team will determine the location a 'Hotspot' and review the frequency of cleansing in line with the intensity of use to ensure it is sufficient. It is important to note that the contract levels of cleanliness and customer expectations of these levels can differ.
- 3.6 Residents and Members are encouraged to report issues to the Customer Service Team at EHC, where reports are logged on the waste management IT system and sent immediately to the contractor for action or investigation.
- 3.7 The graph below shows customer contacts relating to street cleansing. The majority of contacts received relate to instances of fly tipping. The data below shows that on average approximately 15% of enquiries are street cleansing requests.

Graph 1: Street Cleansing enquiries



3.8 Other enquiries relate to dog fouling, drug related litter, graffiti, litter bin requests and reports of dead animals. Overall, the number of contacts regarding street cleansing is low in comparison.

4. **Challenges and Areas of Improvement:** Street Cleansing and Litter Picking

4.1 The key challenge for service delivery since the beginning of this contract has been the extended “bedding in” period for the waste collection aspect of the contract, this is the larger portion of the work and much of the focus for both the contractor and client team has been on ensuring the waste collection service is delivered to the expected levels. This has been acknowledged and monitoring has shifted focus to street cleansing albeit in the context of COVID-19 some priorities have needed to shift again more recently to waste collections.

4.2 Service related specific challenges during litter picking operations relate to undertaking works safely, this is particularly difficult in rural districts with either narrow or no verges and where footpaths are not adjacent to roads. The

majority of rural roads are classed as 'high speed' requiring additional safety measures (often road or lane closures in agreement with Hertfordshire Highways) in order to undertake litter picking. Road/lane closures are disruptive and also costly requiring additional resources to manage traffic.

- 4.3 Given the size and nature of the District the inspections from the client team span across a large area and regular monitoring to ensure the contractor is delivering as it should. Inspection levels vary as the client team has had fluctuations in staffing levels since the beginning of the contract and is currently managing two vacancies. A lot of officer time has been spent on recruitment activity and prioritising work areas with reduced staffing levels, complaint work is prioritised over scheduled monitoring to ensure customer service standards are maintained. A recruitment exercise earlier in the year failed to recruit suitable candidates and further recruitment is currently on hold due to the Covid-19 pandemic. In addition to this the Shared Waste Services Manager has been tasked to review the service including staffing levels and roles to investigate whether both Authorities are receiving the required level of service, this will be reported to the Joint Waste Partnership Board.

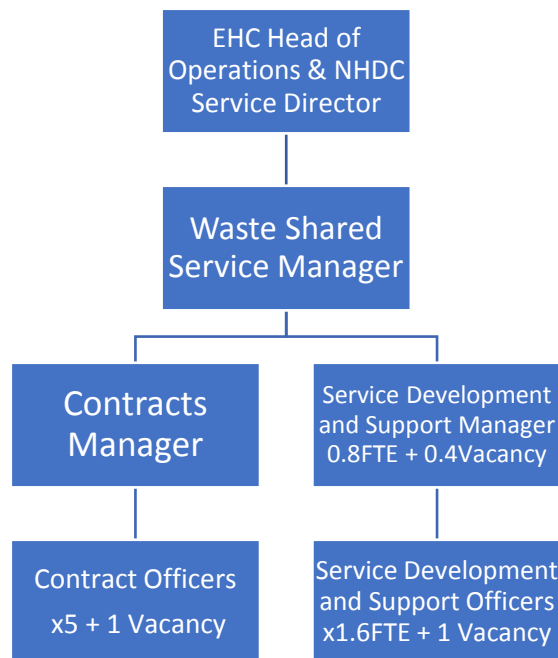
5. **Resources and contacts:** Street Cleansing and Litter Picking

- 5.1 In terms of resourcing levels to deliver the standard of cleansing required within the contract, the resourcing levels were reviewed by independent consultants as part of the tender process and deemed sufficient to award the contract by the two authorities. The resources include, staff, vehicles and plant. The work methodology changed significantly from the previous contractor and work is ongoing to review working practice across the district.
- 5.2 As mentioned previously, within the client team there has been a shortage of staff. Client team vacancies impact on the level on monitoring and contract

review work undertaken, with financial administration and waste related complaint work taking priority.

5.3 In terms of performance report, there are several layers for reporting these include monthly contract meetings, monthly KPI updates, monthly portfolio holder updates, 6 monthly report to joint partnership board.

5.4 The client team staffing structure is as follows:



5.5 In terms of reporting resident queries, complaints and compliments these should be logged with the corporate customer service team who can be contacted either by filling out the General Enquiry form on the website, via email on customer.services@eastherts.gov.uk or by telephone on 01279 655261. This approach allows the query to be logged onto the system by the pool of staff available within customer service. Once logged it can be assigned a reference number, actioned and monitored, the contractor has access to the IT system also and the majority of contacts are managed directly by them, e.g. requests for fly tip clearances. Reporting directly to the client team does not speed up the process as the query will need to be logged via customer service

and then assigned, the customer service team will ensure the correct information is sought from the customer to enable the complaint to be dealt with effectively. Escalated complaints follow the Council's complaints procedure.

6. **Overview of Service:** Verge Maintenance and Weed Spraying

- 6.1 Grass cutting, shrub, hedge maintenance on highway verges and pavement weed spraying is the responsibility of Hertfordshire County Council (HCC). Under an agency agreement HCC commissions East Herts Council (EHC) to deliver this service on their behalf. This work is embedded into the EHC grounds maintenance contract delivered by Glendale Services.
- 6.2 Prior to the recent award of the grounds maintenance contract, a Task & Finish Group was developed to carry out an assessment of performance levels to inform the tendering of the new grounds maintenance contract. The work concluded that the grounds maintenance in East Hertfordshire was delivered on the most part, to a very high standard. All observed areas were cut to a satisfactory height and no evidence of shredded litter was found indicating that appropriate measures were in place to litter pick before cutting. Further details of that report to the overview and scrutiny committee can be found here: Item 370
<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=515&MID=3172&J=3#A119474>
- 6.3 For over 15 years, EHC has maintained low speed highway verges on behalf of the HCC to its own higher standard which provides a tidier and more consistent appearance across the District. The County Council's approach to highway maintenance is to deliver services on a risk based approach, thus committing to

cut their grass and prune their shrubs only when necessary to minimise the risk of injury on the highway. The enhanced EHC standard is now fully funded by HCC.

6.4 Within the agreement with HCC, the service does not include cutting grass on the County's A roads or the B1000. The County make their own arrangements to cut grass along these highways. The standards and scope of highway works in the EHC contract are as follows:

Urban - this include estate roads or roads in village	Examples of areas: Pinehurst Estate in Hertford Northolt avenue in Bishop's Stortford	Performance 80mm
Rural - this includes smaller roads near towns or areas with an element of visibility required	Dane O Coys Road in Bishop's Stortford Wadesmill road from Sacombe Rd to Chapmore End	Performance 150mm
Swathe cut - Country roads	Pye Corner to A414 Cold Christmas Lane	Twice per year
Visibility Cut (Sight lines) - mostly junctions where visibility is required	Hertford: Wadesmill Road Junction with Chapmore end. Barwick Road Junction with Cold Christmas lane Bishop's Stortford:	Performance 150mm

	Exnalls junction with Winding Hill B1004	
Hedges on highway		Twice per year
Maintain access along adopted footpaths		Output based
Shrub bed weeding / pruning		Output based

6.5 The volume of County verges delivered by EHC is highlighted in the table below with more than half of the work carried out for HCC

Total grass cut in grounds maintenance contract		2,778,215 m2	
District Grass	Amenity, Parks, Meadows, Rural, Football pitches	1,286,996 m2	46%
County Verge Grass	Urban, Rural, Visibility, Swathe, sponsored roundabouts	1,491,218 m2	54%

6.6 The other aspect of the HCC remit is weed spraying. Historically this work has been carried out by a local supplier procured by EHC, however this has now been included as part new grounds maintenance contract with Glendale Services. This aspect contract does not include chemical control on any Council footpaths within parks or open spaces. It is only focussed on highway pavements. Areas to be treated are hard footpaths, road channels, including kerbed areas in lay-bys, traffic calming devices, around and on traffic islands, central reservations and roundabouts in Bishops Stortford, Buntingford, Hertford, Sawbridgeworth and Ware, channelled roads linking towns and villages and identified roads in villages. The unrestricted lengths of the A414 and A10 are excluded. The total length of channels is 933,000m.

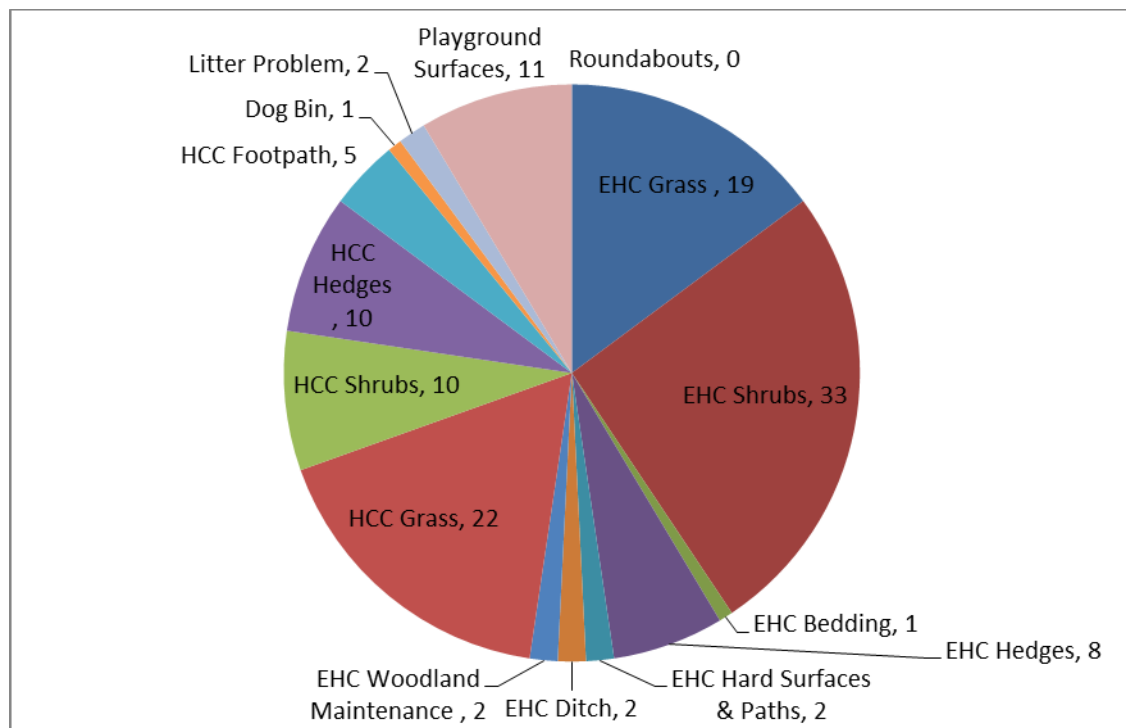
- 6.6 To achieve this, the operation must include at least two applications to all the areas. The work should achieve total weed kill throughout the growing season. Any re-growth is dealt with by a call back to site.
- 6.7 EHC car parks are included as part of the weed control delivered by Glendale Services however East Herts Council funds this directly.

7. **Performance:** Verge Maintenance and Weed Spraying

- 7.1 Similarly to the monitoring carried out by the shared waste service for street cleansing, the client team within the EHC's Leisure and Environment - Enforcement and Inspection team inspect, monitor and track progress of the grounds maintenance contract including the maintenance of grass verges. For all the services within the contract an average of 50 inspections a week take place.
- 7.2 The Enforcement & Inspection team monitor the grounds contract under the direction of the Leisure and Parks Development officer and with line management from the Licensing and Enforcement Service Manager through an audit process that focusses their attention on specific seasonal issues and ensures broad coverage both geographically and operationally.
- 7.3 The contract includes a robust performance management process which ensures compliance with the specification. Officers maintain regular contact with operational contract staff and managers and will be using the interactive management tool provided by the contractor; Glendale Live to view live progress reports including photographs of work done.
- 7.4 Where there are issues, the inspection team issue a rectification notice through an IT based system. The rectification contains a completion date and information required to inform the contractor. The contractor reports back to

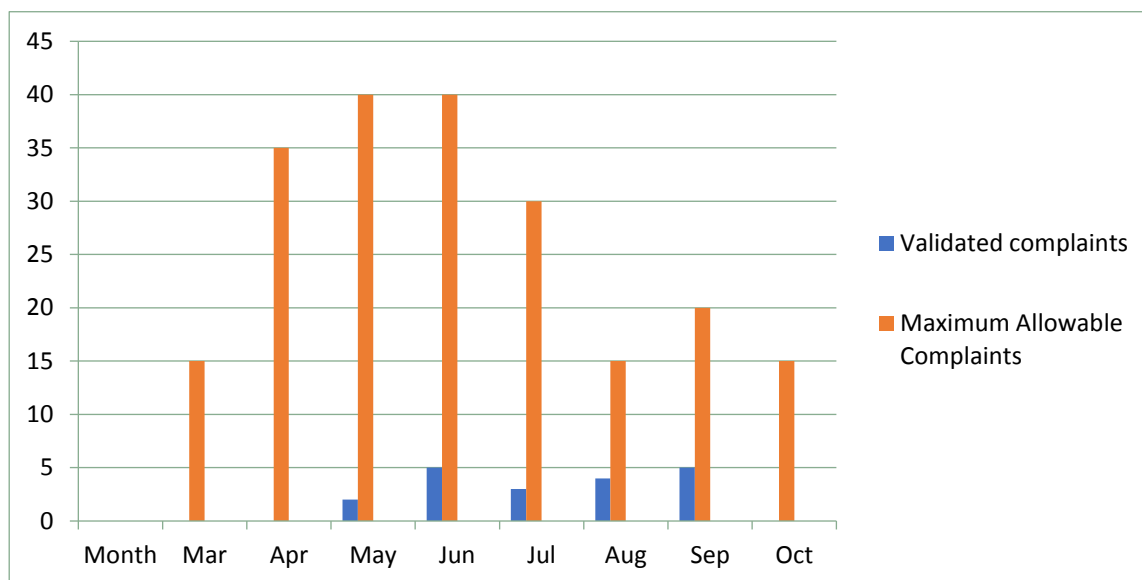
confirm when these are complete. The audit process checks that their reports are consistent and accurate.

- 7.5 In the event of more serious contract breaches or where a rectification is not satisfactorily carried out, a Leisure & Parks Development Officer may issue a default notice which leads to a financial deduction. These can be escalated through a process that involves higher sanctions if necessary relating to the number of rectifications or defaults or serious breaches. More serious issues are brought directly the attention of senior contract management and may involve withholding payment where services have not been performed or immediate meetings that may attract further costs.
- 7.6 The relevant development officer meets regularly with the contract manager every week and on a monthly basis with the senior contract management team. Joint inspections are carried out periodically.
- 7.7 The pie chart below shows the number of rectifications issued by the client team, this data is for the previous contractor from Jan 2019 to December 2020.



- 7.8 The overall number of rectifications issued for the HCC areas for the contract year was low (47) with no defaults issued. The contract has operated at an acceptable level. A new contract has recently been awarded to Glendale Services from January 2020, as this is a new contractor a six month bedding in period is observed whereby financial deductions via defaults are not issued however monitoring by the client team has taken place and there are no causes for concern regarding performance. At the beginning of a new contract with a new operator it is generally expected that there will be an increased number of rectifications compared to an establish contract in its final year of delivery. The levels monitored are within an acceptable range for the first quarter of the contract averaging nine rectifications notices per month. The contractor has continued to perform well despite the Coronavirus Outbreak.
- 7.9 Grass cutting performance is principally measured to a performance standard, the maximum height to which grass in a certain category is allowed to reach before needing its next cut, i.e. Amenity Grass – 80mm. It is also measured by the level of valid complaints against a maximum allowable. Failures in this respect may also attract a financial deduction relating to the cost of the grass cutting.
- 7.10 Within the contract all complaints relating to “grass” are consolidated, there previously has not been a differentiation between EHC grass and HCC grass. Nonetheless the graph below demonstrates that validated complaints are much lower than those acceptable within the contract, with some months recording no validated complaints.

Graph 2: Number of validated complaints regarding grass for 2019.



7.11 In relation to weed spraying, the agreement with HCC has not required EHC to report on monitoring for this work. However, with the weed spraying work now incorporated in the new grounds maintenance contract this will be monitored moving forward.

7.12 For the new contract, spot checks will be carried out within 10 to 20 days of application for weed control. Any sites where there is no visible evidence that the chemical has been applied effectively must be returned to and the chemical reapplied within 5 days of instruction.

7.13 The initial application commences late April and should be completed by June. The start date for the second application is dependent on the growth rate after the first application, but should be no later than the first week in August. Therefore there is no data available to report on at this time.

8. Challenges and Improvements: Verge Maintenance and Weed Spraying

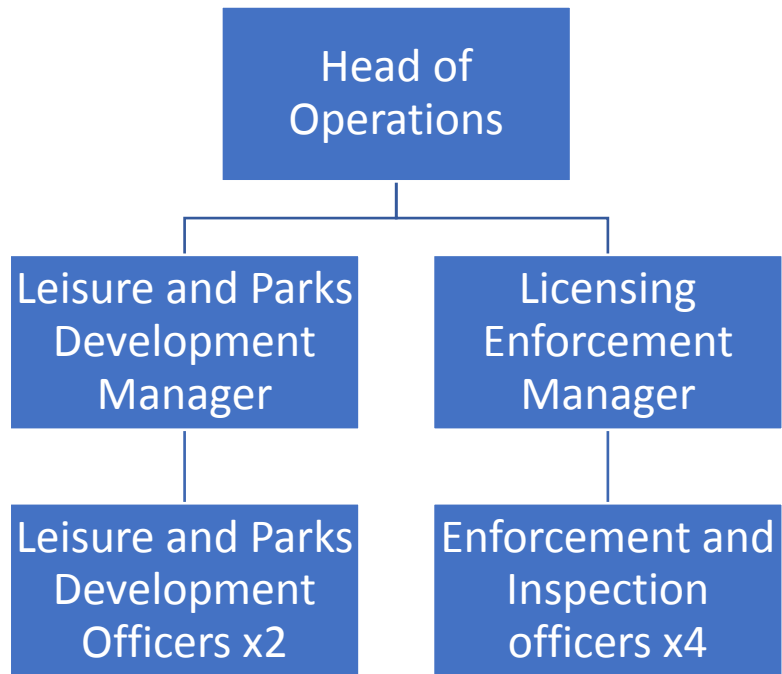
8.1 The grounds maintenance contract on the whole is a very well operating contract. Though historically aspects of the monitoring work specific to the HCC

responsibilities have not been identifiable measures have been placed within the new contract to ensure all aspects of work are monitored.

- 8.2 A key challenge has been monitoring in an effective and efficient way, previously the inspection team have used handhelds with minimal functionality to carry out duties. There are plans in place to introduce a new handheld device by Glendale Services to support the team in monitoring the contract.

9. Resourcing Levels and Key contacts: Verge Maintenance and Weed Spraying

- 9.1 In terms of resourcing levels, the process used during the tendering of the grounds maintenance contract mirrors that of the waste contract as described in paragraph 5.1. Independent consultants were used during the procurement process to verify submissions by tenderers including resourcing levels. There are no resourcing issues within this contract for “normal” operations. The Coronavirus Outbreak did impact some staffing levels but the result was insignificant in relation to what was required from the contractor during the outbreak.
- 9.2 Staff changes naturally impact some aspects of work, with the departure of the team manager for the enforcement and inspection team in December 2020, knowledge of contract monitoring was lost to a degree. However with the introduction of new contract officers and a new line manager the team were able to adapt to the “new regime” of activities very quickly. There are no major concerns regarding resourcing levels for this contract or the client team.
- 9.3 The client team structure is as follows:



9.4 In terms of reporting customer queries, complaints and compliments for this service the process mirrors that of the waste and street cleaning service as described in paragraph 5.5 of this report.

10. Summary

Overall, the functions reviewed including street cleansing, litter picking and grass verge maintenance areas are performing at a satisfactory standard. At this current time it is not possible to provide a performance “standard” for the weed spraying function however this will be addressed from June 2020 onwards.

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East Herts Council Report Template

Overview and Scrutiny Committee

Date of Meeting: 16 June 2020

Report by: Executive Member for Planning and Growth

Report title: Development Management Pre-Application Advice Service

Ward(s) affected: All

Summary

- Report for information outlining the Council's Development Management Pre-Application Advice Service and current issues.

RECOMMENDATIONS FOR DECISION:

(a) That the report and the ongoing review of the service be noted.

1.0 Proposal(s)

1.1 That the report be noted.

2.0 Background

2.1 The Council operates a chargeable pre-application advice service for the public and developers wishing to seek advice as to whether proposed development is likely to be acceptable. The chargeable service was introduced in about 2008 and the basis for the current scheme of charging was introduced in 2018.

2.2 Advice is provided in writing making it clear that it is officer opinion and given without prejudice to any decision of the Local Planning Authority on a subsequent planning application:

2.3 Advice is provided in the following format:

- The planning history of the site;
- The District Plan issues raised by the proposal and an assessment of its impact;
- Advice on amendments/ alterations that could be made to improve the proposals or make them acceptable;
- Advice on the information required if a formal planning submission is to be made
- Advise on the likely outcome of any formal planning application submission

2.4 The pre-application advice service is subject to the following fees.

Type	Initial fee £ (inc VAT)	Follow up fee £(inc VAT)
Householder	155.00	70.00
Minor development comprising a single residential unit or development creating up to 50m ² floorspace	387.00	n/a
Minor development creating no new floorspace	129.00	64.00
All other minor development	387.00	n/a
Advertisements	107.00	n/a
Informal confirmation that a proposal is permitted development	140.00	n/a

Heritage advice	140.00	70.00
Major applications	Individual quote	
Meeting with officer (if agreed)	46.00 per hour per officer	

3.0 Considerations

- 3.1 There are a number of issues with the current operation of the service including fees and performance targets. These issues are currently being reviewed, with the aim of improving the overall operation of the service and in turn encouraging more customers to use it. The intention is to implement changes in Autumn 2020.
- 3.2 The current target for pre-application responses is 28 working days. However, whilst this is an appropriate target for householder enquiries it is clearly unrealistic for major developments and unachievable for many minor development proposals.
- 3.3 It should be recognised that the statutory period for determining householder and minor planning applications is 8 weeks. The Council performs extremely well in that regard and above the government's target of 80% of applications to be determined within the statutory period. There is little difference in terms of the work generated by the assessment of pre-application proposals than that generated by planning applications and the current 28 day target for response is unrealistic in many cases.
- 3.4 The target is also not well related to the complexity of current pre-application workload or the planning policy requirements of the District Plan adopted in October 2019. For example in the case of significant developments Policy DES1 of the District Plan requires the adoption of a Materplanning approach to guide the proposed development. Pre-application engagement with

officers in respect of strategic sites and other major developments can span many months and Planning Performance Agreements (PPA's) scheduling this engagement have been adopted for strategic site allocations within the District Plan.

4.0 Engagement

4.1 The pre-application advice service attracts little feedback from applicants by way of complaint. However, some limited issues are raised by customers with the Service Manager – Development Management from time to time.

4.2 During 2019 some issues were raised regarding delayed responses by reference to the Council's 28 day target.

4.3 Some very limited feedback from applicants was also received in respect of the following issues:

No.	Issue – point of concern raised	Number of customers
1	The advice encouraged the applicant to proceed to commit expenditure to progressing a scheme that was unlikely to be granted permission	1
2	The service provided did not represent good value for money	1
3	Planning applications had been refused and subsequent pre-application advice stated that elements of the scheme were unacceptable but these elements were already present on nearby properties	1

4.4 Point 1 - on review it was found that the allegation was ill founded. Whilst the case officer had wrongly considered that

the site was previously developed land (a brownfield site). The response was clear in stating that the proposal amounted to inappropriate development in the Green Belt. The proposal was therefore unacceptable in principle and planning permission would be unlikely to be granted. No encouragement to further the proposal had been given.

4.5 Point 2 – on review it was found that the response was of good professional standard.

4.6 Point 3 – on review it was found that the pre-application advice given was accurate and that it reflected current District Plan Policy and the circumstances of the dwelling. Alterations carried out to nearby properties, which included dormer windows and rooflights were historic alterations that comprised permitted development that did not require planning permission at the time. The property was situated within the part of a Conservation Area which now the subject of an Article 4 Direction removing permitted development rights for the type of development proposed.

4.7 Officers are also aware of a concern raised with a Member but not with officers (Jolly Waggoners Public House). In this case an application for pre-application advice was submitted following a refusal of planning permission. The case officer advised the applicant that the pre-application submission was little different to the refused application and informal advice was given by email as to the areas of concern that they should be addressing. The applicant did not follow this up and the case was therefore closed with no formal response having been given.

5.0 Conclusions

5.1 Analysis of the limited number of issues raised by customers shows that there are no issues with the standard of advice being given. However, there are service issues which require review including:

- Review and adoption of revised fees;
- The adoption of realistic performance targets that relate to the scale of the development;
- Performance monitoring to the adopted targets.

These issues are currently being reviewed, with the aim of implementing changes in summer 2020.

6.0 Options

6.1 The pre-application advice service is currently under review and any changes will be reported for adoption as necessary.

7.0 Risks

7.1 Ensuring that fees and performance targets are appropriate.

8.0 Implications/Consultations

8.1 The pre-application response service is confidential between the applicant and the Council and it does not involve public engagement.

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

9.0 Background papers, appendices and other relevant material

9.1 None

Contact Member

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East Herts Council Report Template

Overview and Scrutiny Committee

Date of Meeting: 16th June 2020

Report by: Jonathan Geall, Head of Housing and Health

Report title: Proposed Revised Street Trading Consent Policy

Ward(s) affected: ALL

Summary

RECOMMENDATION THAT:

- (a) **The Proposed Revised Street Trading Consent Policy be reviewed with suggested amendments, additions, deletions and/or clarifications raised for consideration 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.**

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 Overview and Scrutiny Committee utilises its power under the council's Constitution to 'review draft strategies' 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 30th 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

	<p>street trading</p> <ul style="list-style-type: none"> • restriction on selling of food and confectionary near educational establishments, that is, within 100 metres
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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:

- 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
- 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
- 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 such traders within the AQMAs

- 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 currently 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; the Environmental Health team will address these questions directly with this respondent. Neither response has led to any substantive amendments to the proposed revised policy.

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 The reason the draft revised policy is being put in front of the Overview and Scrutiny Committee is that in order to assist in the drafting of the revised policy, it is appropriate and timely that members of the Committee should exercise their scrutiny functions under the council's Constitution and in line with the Local Government Act 2000, notably to 'review draft strategies'.

3.3 Any issues or suggestions made by the Overview and Scrutiny Committee in connection with their review of the draft proposed Street Trading Consent Policy will either be incorporated into the final draft or brought to Council's attention in the report accompanying the draft policy put in front of Council so as to aid Council's decision-making.

4.0 Options

4.1 In exercising its power to 'review draft strategies', the Overview and Scrutiny Committee 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 Committee 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 Overview and Scrutiny Committee 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 Committee'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.

Contact Member

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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~~ / 30

(b) Occasional fee - f 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.

A.W. SILCOX-CROWE
Director of Administration and Personnel

2 The Causeway,
Bishop's Stortford,
Herts.
CM23 2EJ

East Hertfordshire District Council

Street Trading Consent Policy

DRAFT

Updated - November 2019

Contents

1.0	Purpose and scope of this policy	3
2.0	What is street trading?	3
3.0	What is a consent street?	4
4.0	Street trading in East Herts.....	5
5.0	Right of Appeal.....	6
6.0	Street trading consent considerations	6
7.0	Street trading and the Licensing Act 2003.....	9
8.0	Types of street trading consents.....	10
9.0	Street trading consent fees.....	10
10.0	Access to information held by the Council.....	11
11.0	Street trading consent applications.....	11
12.0	Consultation on applications.....	12
13.0	Street trading consent renewals	13
14.0	Street trading consent transfers	14
15.0	How applications will be determined	14
16.0	Refusal to issue a street trading consent.....	15
17.0	Reasonable use of the site.....	15
18.0	Multiple applicants for the same area.....	16
19.0	Temporary closure of a site	16
20.0	Street trading consent conditions.....	16
21.0	Complaints.....	16
22.0	Review.....	17
	Appendix 1 - Street trading consent standard conditions.....	18
	Appendix 2 - Fees & Charges	21
	Appendix 3 - Locations of Enhanced Street Trading Consents	23
	Appendix 4 - Acceptable lay-by layout.....	24

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 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.
- 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 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 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
- g. articles that would typically be sold in sex shops
- h. animals

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) With the exception of enhanced street trading consent holders, 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	N/A	N/A
Enhance Street Trading Consent in Hertford - Casual Trader pitch 3m x 2.1m (10' x 7')	£27.30 per pitch	N/A	N/A
Enhance Street Trading Consent in Hertford - Additional space	£1.50 per 0.3-m ²	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	N/A	N/A
Enhance Street Trading Consent in Ware - Casual Trader pitch 3m x 2.1m (10' x 7')	£16.40 per pitch	N/A	N/A
Enhance Street Trading Consent in Ware - Additional space	£1.30 per 0.3-m ²	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

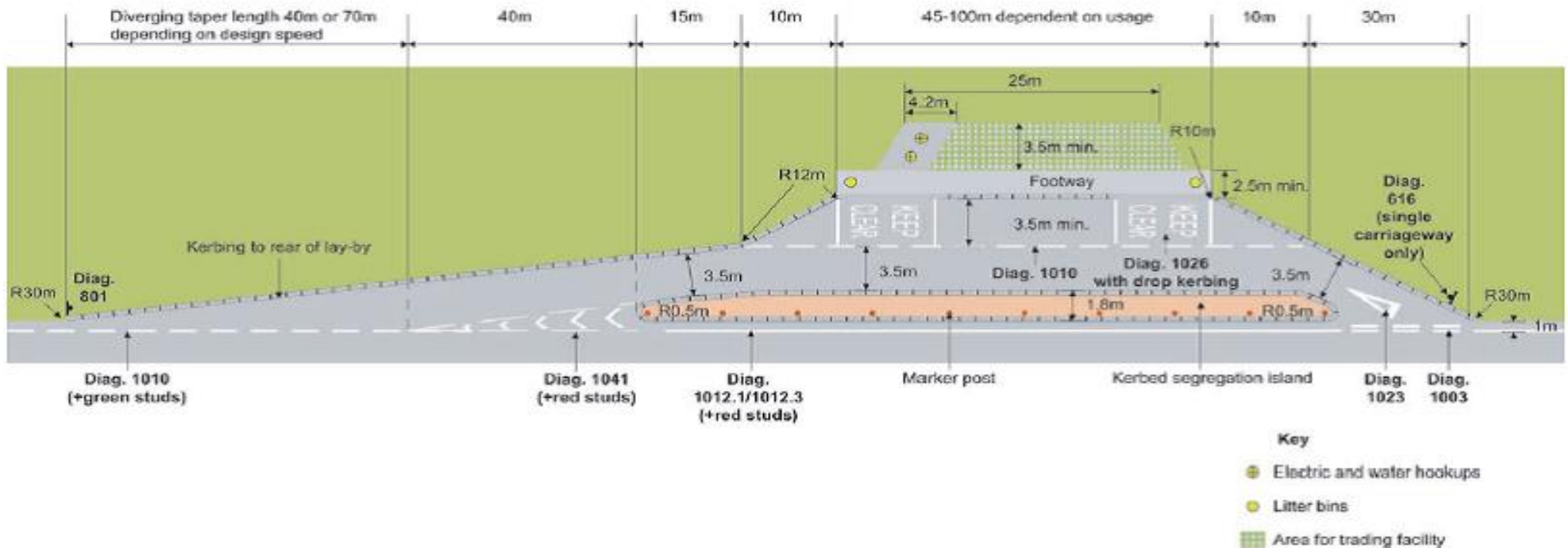
The following locations have been designated as street trading consent streets that are required to hold an Enhanced Street Trading Consent for trading on the indicated days at the indicated times. At all other times, a standard street trading consent will be required.

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.



East Herts Council Report

Overview and Scrutiny Committee

Date of Meeting: Tuesday 16th June 2020

Report by: Simon Barfoot; Healthy Lifestyles Programme Officer

Report title: East Herts Health and Wellbeing Strategy 2019-2023 - Progress Report

Ward(s) affected: All

Summary

RECOMMENDATIONS THAT:

- a) **Committee Members consider progress to date on the Health and Wellbeing Strategy action plan and provide comments for consideration by the Executive Member for Wellbeing and Head of Housing and Health;**
- b) **Committee Members review the proposed amended approach to the health and wellbeing work programme emerging from the council's response to Covid-19 and provide comments for consideration by the Executive Member for Wellbeing and Head of Housing and Health.**

1.0 Proposal(s)

- 1.1 Committee Members review progress of the Health and Wellbeing Strategy 2019-23 action plan to date.

2.0 Background

- 2.1 The East Herts Health and Wellbeing Strategy 2019-2023 was adopted by Council on December 19th 2018. The Strategy highlights nine locally identified key health challenges which reflect health, social and wellbeing needs and combine member, officer and resident input.

2.2 These challenges also reflect the commitment to sustainability, engagement, economic growth and digital by design, such as assistive technologies, which comprise the council's SEED Corporate Priorities.

2.3 The nine health challenges are:

- deprivation
- weight
- physical inactivity
- isolation and loneliness
- dementia
- mental health and wellbeing
- smoking
- sustainable transport
- public transport.

3.0 Context

- In February 2020, Health Equity in England "The Marmot Review 10 Years On"¹ published by the Health Foundation identified that health inequalities have worsened across the UK over the last decade with many of the most deprived communities seeing their life chances and outcomes decline. Within this context, East Hertfordshire continues to enjoy better health outcomes when compared with England and the other nine Hertfordshire districts, illustrated by **Appendix A. East Herts health profile compared with Hertfordshire districts:**
- 11 of the 32 health indicators measured represent significantly better health outcomes across the district compared with the rest of Hertfordshire. These include life expectancy at birth, hospital stays for self-harm and

¹ **HEALTH EQUITY IN ENGLAND: THE MARMOT REVIEW 10 YEARS ON**, Institute of Healthy Equity, Marmot and Associates including support from the Health Foundation; [February 2020. www.instituteofhealthequity.org/the-marmot-review-10-years-on](https://www.instituteofhealthequity.org/the-marmot-review-10-years-on)

alcohol-related harm, and the percentage of adults classified as overweight or obese
the remaining indicators show East Herts to not be significantly different when compared with the rest of Hertfordshire

- East Herts is the only district not to have a significantly worse indicator when compared with other Hertfordshire districts, reflecting the healthy, safe place and environment that East Herts continues to provide.

4.0 Key achievements in 2019/20

4.1 **Appendix B Tables 1-9** highlight the work contributing to, and the progress made for, each of the health challenges outlined in the Health and Wellbeing Strategy.

4.2 **Appendix C** summarises the overall achievements and outcomes. These achievements include:

- **Shape Up** – 45 men took part in weight management programme run by Watford Community Sports and Education Trust. (Table 2)
- **East Herts Social Prescribing Service** – 250 clients seen addressing the isolation, loneliness and mild depression needs of the 55+ age group via GP referral to partner led activities. (Table 4)
- **Healthy Hubs East Herts** – lifestyle prevention and wellbeing support targeted at East Herts communities and individuals. Online contact and SMS messaging will be used post Covid-19 (Tables 1-9)
- **Community grants** – 35 awarded supporting health and wellbeing need enabling community projects. (Table 1)
- **Live Well, Work Well programme** – 300 staff engaged in programme of varied activities, enhancing physical, emotional and mental wellbeing. (Table 3 and 6)
- **Dementia community engagement** – 650 individuals participated in series of programmes and initiatives enabling those with dementia and their families to live

well. (Table 5)

- **Active travel subway re-wrapping** – four of six Hertford subways have been enhanced in appearance creating safe and attractive environments to encourage increase in walking levels. (Table 8 & 9)
- **Staff lift share scheme** – 48 colleagues signed up to this sustainability intervention to reduce pollution and congestion for work travel journeys. (Table 8 & 9)
- **Health and wellbeing input to the Harlow, Gilston Garden Town development** – 10 meetings or consultations responded to delivering tangible health and wellbeing outcomes for residents in new developments. (Table 8 and 9).

Use of digital opportunities, online technologies and innovative approaches including:

- crowd-funding for parks play area (**see Appendix B; Table 1**)
- air quality air alert service (**43 users, Appendix B; Table 8 and 9**)
- online sign up for Healthy Hubs
- promotion of online apps for behaviour change and lifestyle improvement.

Please refer to Technology sections of Appendix B and tables 1-9 for further specific examples.

5.0 Covid-19 pandemic health and wellbeing responsiveness

5.1 An important element of the council's overall approach to health and wellbeing has been to be responsive and timely in supporting staff and residents with lockdown measures to remain resilient and well. Examples of this range from a staying in touch group for staff on the intranet (40 contributions) to 25 'living with lockdown' resource links including chair based exercise routines to healthy eating recipes and mental wellbeing approaches, accessible to everyone through the Healthy Hub East Herts web page.

5.2 The council has also used of a range of media including phone, digital media chat rooms, online forums and video conferencing to communicate effectively with staff, partners and residents.

6.0 Next steps

6.1 Building on **rapid learning and adaptation during Covid 19 emergency, it is proposed that the council's approach to health and wellbeing will:**

- build upon existing use of digital delivery and assistive technology through the Healthy Hub East Herts and other council services
- provide multi-channel communications and support in recognition of the full range of ways in which information is accessed by residents, both via traditional communication approaches and digital means
- assess residents' needs so support can be maintained or altered accordingly as a result of Covid-19
- use learning gained to make tailored improvements to current and future health and wellbeing programme interventions
- use the Community Wellbeing Member Forum as means of championing and actioning health and wellbeing work in line with Priority 7 of the East Herts Health and wellbeing Strategy, this being to use the council's power of influence.

7.0 Options

7.1 The following options have been considered:

- a) do not review the action plan. NOT RECOMMENDED as members should be kept informed of the progress of the health and wellbeing strategy and enabled to support the ongoing health and wellbeing work in East Herts
- b) review the action plan and review its contents.

RECOMMENDED to ensure the strategy remains live and relevant, allowing members to effectively support the progress being made towards health and wellbeing improvements in East Herts.

8.0 Risks

- 8.1 The council has for a number of years prioritised resources, and levered in funding, to support activities to promote health and wellbeing in the district. It is suggested that increasing financial pressures resulting from the Covid-19 pandemic both locally and nationally may put pressure on the ability to maintain the high level of activity with regard to health and wellbeing.
- 8.2 To mitigate this risk, it is proposed that available funding will be used in a targeted, co-ordinated way to increase the use of new technologies and assistive technologies, assets and innovation, to help the council to support the health and wellbeing needs of its staff, partners and communities. The council will use the lessons learnt in adapting services throughout the pandemic to build on the existing use of technology and digital delivery, offering cost effecting, sustainable, wide reaching support to its staff and communities

9.0 Implications/Consultations

- 9.1 Council officers and partner colleagues indicate and feedback pertinent information as required.

Community Safety

Perception and fear of crime and maintaining good community safety is closely connected to enjoyment of good health and wellbeing. Exploration of more holistic programmes in this area could be developed.

Data Protection

Full GDPR application across health and wellbeing programmes is vital and the advent of Covid-19 has meant that data sharing for the common good has been supported. Data sharing agreements and

proportionate sharing of data for public health reasons is something that may need to be reviewed.

Equalities

The EQIA for the EHHWBS 2019-2023 may need to be reviewed in response to council adaption to Covid-19.

Environmental Sustainability

East Herts Council's SEED priorities form the direction of travel for the future and further alignment and integration of the East Herts Health and Wellbeing Strategy priorities and principles is key.

Financial

Internal and external funding support is likely to come under increasing pressure so innovative ways of seeking income revenue and collaborative partnerships will become increasingly important.

Health and Safety

Standard Risk Assessment in place.

Human Resources

HR supports the live well, work well programme.

Human Rights

No direct implications.

Legal

No

Specific Wards

Wards are targeted according to specific health needs, whilst more universal programmes would focus on district wide communities.

10.0 Background papers, appendices and other relevant material

10.1 East Herts Health and Wellbeing Strategy 2019-2023.

10.2 East Herts Action Plan 2019-2023.

10.3 East Herts Green Spaces Strategic Action Plan.

10.4 PHE Fingertips health profiles – source of health data quoted in report for East Hertfordshire.

Contact Member

Councillor Eric Buckmaster – Executive member for Health and Wellbeing. eric.buckmaster@eastherts.gov.uk

Contact Officer

Jonathan Geall – Head of Housing and Health, Tel: 01992 531594

Report Author

Simon Barfoot – Healthy Lifestyles Programme Officer,
Tel: 01992 531471.

Health Profiles




Hertfordshire districts compared to Hertfordshire





Significantly Better	Significantly Worse	May Not Be Significantly Different	Significantly Lower	Significantly Higher	Not Compared	Data Unavailable	Where applicable see target for shading details	Produced: 15/07/19 Data as of: 15/07/19	England	Hertfordshire	Broxbourne	Dacorum	East Hertfordshire	Hertsmeire	North Hertfordshire	St Albans	Stevenage	Three Rivers	Watford	Welwyn Hatfield			
																					Low	High	Area Compared To
Indicator									Sex	Age	Unit	Period											
									83.1	84.2	85.1	84.3	85.2	84.1	83.5	84.7	82.6	84.2	82.7	84.6			
									79.6	81.0	81.2	81.4	81.7	81.4	81.4	81.7	78.4	81.7	79.2	80.7			
									331.9	280.3	275.9	273.0	249.7	288.1	267.1	262.0	372.4	261.2	331.6	286.8			
									72.5	58.9	63.5	57.3	50.7	58.0	53.0	52.5	80.2	53.7	77.1	62.3			
									134.6	120.8	108.9	124.6	107.8	116.9	118.3	124.8	155.7	121.8	121.5	121.3			
									9.6	7.0	7.5	7.8	5.4	7.9	6.9	6.0	5.3	7.0	9.0	8.7			
									40.8	36.1	27.2	32.8	29.4	50.5	43.5	36.0	30.6	35.2	33.1	42.1			
									185.5	105.9	88.3	100.9	65.0	127.0	141.6	103.8	131.7	119.9	119.2	97.6			
									577.8	563.7	543.0	596.6	578.1	595.2	615.2	488.2	555.9	529.0	543.9	546.3			
									52.2	54.6	52.2	58.1	57.0	50.4	55.8	55.9	53.0	52.4	56.0	51.3			
									78.0	73.1	74.8	70.6	67.1	73.1	73.6	64.7	79.1	78.2	93.2	70.3			
									67.5	65.2	50.5	62.8	57.5	67.9	72.3	59.0	75.0	73.8	83.9	62.9			
									32.9	20.9	26.1	24.4	16.4	26.1	17.2	20.3	16.8	23.7	25.7	13.4			
									632.3	567.3	579.6	583.9	461.7	607.3	526.5	559.6	592.7	628.2	709.4	537.6			
									14.4	12.0	18.2	14.3	9.9	11.1	8.8	11.0	15.7	14.7	7.4	12.1			
									66.3	67.1	59.5	68.3	70.9	63.2	64.4	73.7	60.4	69.8	60.5	73.4			
									62.0	60.4	70.2	60.7	54.0	60.5	63.2	48.9	64.0	56.9	67.0	63.2			
									17.8	11.0	15.6	13.2	7.8	14.0	11.3	8.6	16.3	8.1	6.9	11.5			
									10.8	7.1	8.7	5.8	8.7	5.8	9.2	5.8	8.7	5.8	5.8	8.7			
									74.5	77.6	75.1	74.9	80.8	78.2	80.4	84.1	72.6	-	73.9	78.1			
									3.9	2.8	0.80	3.5	2.5	2.3	2.8	2.6	3.9	1.9	5.0	2.6			
									20.1	15.2	22.5	16.9	12.0	15.3	13.9	10.6	18.5	15.1	17.2	15.1			
									21.8	12.2	17.3	12.2	8.1	12.9	11.6	7.7	18.4	10.0	15.7	12.9			
									25.4	22.4	37.8	27.8	19.9	14.1	15.4	31.2	17.1	39.3	18.5	17.1			
									17.0	11.5	14.8	12.3	8.2	11.9	10.5	8.5	16.1	9.7	11.5	14.0			
									46.7	51.0	46.7	49.7	53.8	53.7	48.9	58.6	44.2	50.6	51.7	48.3			
									75.2	78.9	76.7	82.1	78.6	78.4	76.4	78.0	79.3	78.1	79.7	80.8			
									0.79	0.28	0.62	0.19	-	0.78	0.42	0.13	-	0.19	0.20	0.21			
									23.7	19.8	20.9	19.3	14.2	19.3	16.3	17.3	32.1	13.8	28.4	22.3			
									21.1	24.4	26.5	26.6	18.9	24.5	26.3	21.8	21.7	22.0	29.3	27.4			
									850.6	657.4	621.8	577.0	585.0	707.0	519.4	744.1	752.0	560.9	901.2	680.1			
									9.9	7.2	8.3	4.8	4.3	10.6	6.3	4.3	8.0	5.4	16.2	8.3			




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EHHWBS 2019-2023 Dashboard infographics





reporting period 1st April 2019 to 31st March 2020 unless otherwise stated




1. Health Challenge - Deprivation		1st April 2019 - March 2020	
Strategy Priority 2. Empower children, young people and adults to achieve their life potential			
 <p>20% least deprived LA in East of England</p> <p>2070 (8.2%) children live in poverty</p>	Local Programmes <ol style="list-style-type: none"> Community Grants Programme Organisations supported with focus on deprived vulnerable wards Improving health and wellbeing for volunteers and residents 	Outcomes <p>Grants awarded  35</p> <p>Deprived or vulnerable wards  9</p>	
Partner Programmes <p>Various partner organisations can apply.</p>	Funding received <p>EHC funded around £65, 000 in revenue and capital grants</p>	Technology <p>Online form assisted to enable easier e-submission</p> <p>Crowd funding exploratory platform to be launched with Community Foundation - details to follow</p>	



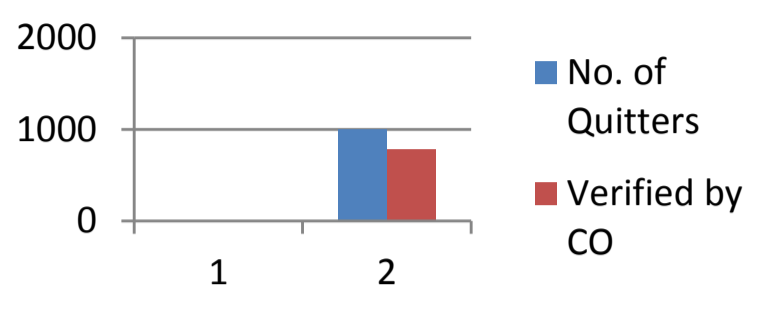
2. Health Challenge - Weight		1st April 2019 - March 2020	
Strategy Priority 2. Empower children, young people and adults to achieve their life potential			
 <p>14% year 6 overweight or obese</p> <p>54% adults (18+) overweight or obese</p> <p>2017/18 data sets</p>	Local Programmes <ol style="list-style-type: none"> EHC supported 3 x Courses held in Bishop's Stortford, Ware and Hertford Sele 	Outcomes <p>No. male participants  45</p> <p>Lost between 5 and 10% of their body weight  14</p>	
Partner Programmes  <p>Watford Football Community Education Trust Shape Up Programme</p> <p>Promoted via HWB partners and Primary care professionals</p>	Funding received <p>EHC funded x 2 courses</p> <p>HCC Public Health funded x 1 course</p> <p>£7,500</p>	Technology <p>Online participation Shape Up course promoted due to Corona virus</p> <p>65 signed up including East Herts focus during April 2020</p>	






3. Health Challenge - Physical inactivity 1st April 2019 - March 2020		
Strategy Priority 5. Create healthy places and sustainable communities		
 <p>Links to East Herts Physical Activity Plan and Green Spaces High Level Plan</p>	Local Programmes <ol style="list-style-type: none"> 1. East Herts Leisure facilities role 2. EHC Staff Live well, work well 3. Get Park Active Annual events 4. Friends of East Herts Parks Groups 	Outcomes <p>Residents engaged in 3  600</p> <p>Staff engaged in 2  300</p>
Partner Programmes <p>Active-In community programmes</p>	Funding received <p>EHC funded through internal contracts and staff time and departmental budgets</p>	Technology <ol style="list-style-type: none"> 1. East Herts Healthy Hub web links to PA chair based and seated exercises 2. Online Gym instructor produced by Herts Sports Partnership 3. Online PA apps ONEYOU couch to 5k





4. Health Challenge - Isolation and Loneliness 1st April 2019 - March 2020		
Strategy Priority 4. Promote positive health and wellbeing for all		
 <p>Links to EHSPS criteria of 55 ages plus addressing isolation, loneliness and mild depression</p>	Local Programmes <ol style="list-style-type: none"> 1. EHSPS - 500 plus individuals seen in 2.5 years since launch in January 2018. 2. Flagship service winner of Dr. Joan Crawford HCC Public Health excellence Award. 3. £196,000 savings costs to wider system 	Outcomes <p>Residents engaged in  250</p> <p>Significant wellbeing improvement and loneliness reduction modelled on initial independently analysed evaluation report for 100 residents. </p>
Partner Programmes <p>Partners supporting include GP practices, Practice Managers & Nurses, MDT teams and professionals, Patient Participation Groups and VCSE sector partners who received referrals and run activities.</p>	Funding received <p>EHC internal funded through Members matched funding support.</p>	Technology <p>Exploring digital technology usage for connection with Healthy Hubs East Herts approach</p> <p>SMS and behaviour change, Media conferencing engagement</p>

5. Health Challenge - Dementia 1st April 2019 - March 2020		
Strategy Priority 4. Promote positive health and wellbeing for all		
 <p>Dementia support for families, carers and individuals</p>	<p>Local Programmes</p> <ol style="list-style-type: none"> 1. Dementia Community Engagement via Dementia Friendly Action Alliance 2. Dementia Friendly film sessions 	<p>Outcomes</p> <p>Residents engaged in Number of meetings  200</p> <p>Towns engaged  3 out of 5</p> <p>Taxi Drivers dementia trained  350</p>
<p>Partner Programmes</p> <p>Partners including VCSE sector, Care Homes, NHS Professionals and Herford Theatre.</p>	<p>Funding received</p> <p>Enabled through CWBP and Dementia Action Alliances, seeking funding avenues</p>	<p>Technology</p> <p>Exploring digital technology usage and online engagement and also non-digital means of information communication including post Covid-19 responsiveness</p>

6. Health Challenge - Mental health and wellbeing 1st April 2019 - March 2020		
Strategy Priority 4. Promote positive health and wellbeing for all		
 <p>Mental health and wellbeing is an essential quality for all and supports lifestyle wellbeing</p>	<p>Local Programmes</p>  <ol style="list-style-type: none"> 1. Local endorsed partners include 2 x local Mind organisations with support from CAEH 2. EHC Live well, work well 	<p>Outcomes</p> <p>Healthy Hub outcomes too early to report on.</p> <p>EHC staff participated in at  300 least one activity (90% of employees)</p> <p>EHC Live well, work well finalist for REBA Employee Wellbeing Awards 2020</p>
<p>Partner Programmes</p> <p>Partners including HCC Public Health supporting VCSE sector and speaker representation</p>	<p>Funding received</p> <p>Internal EHC funding and additional matched funding from sought</p>	<p>Technology</p> <p>Hub Mind partners supporting online mental wellbeing zoom classes and peer support</p> <p>Using Hub online activities for staff access and behavioural SMS support</p>

7. Health Challenge - Smoking 1st April 2019 - Sept 2019 (retrospective data) Strategy Priority 6. Strengthen health improvement and ill-health prevention											
	Local Programmes  <ol style="list-style-type: none"> Hertford (HCC) Stop Smoking Clinic to open at Charringtons soon Services signposted on Hub website 	Outcomes  <table border="1"> <caption>Outcomes Data</caption> <thead> <tr> <th>Category</th> <th>No. of Quitters</th> <th>Verified by CO</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> <td>0</td> </tr> <tr> <td>2</td> <td>1000</td> <td>800</td> </tr> </tbody> </table>	Category	No. of Quitters	Verified by CO	1	0	0	2	1000	800
Category	No. of Quitters	Verified by CO									
1	0	0									
2	1000	800									
Partner Programmes Hertfordshire Stop Smoking Service provide 1-2-1, telephone and group support	Funding received HCC public health provided service	Technology E-cigarettes combined with Stop Smoking therapies more effective									

8 & 9. Health Challenge - Sustainable and Public Transport 1st April 2019 - March 2020 Strategy Priority 6. Strengthen health improvement and ill-health prevention		
 <p>EHC Community Transport Strategy</p>	Local Programmes <ol style="list-style-type: none"> Various EHC programmes including electric car club, liftshare, bike to work and bike breakfast events. Subway wrapping and Air Quality text alert system HGGT and housing and place opps 	Outcomes Lift share  48 Bike breakfast  35 Bike to work sign ups  3 Air quality alert system sign up  43
Partner Programmes EHC and VCSE sector enabling Community Strategy actions	Funding received Local funding and National place and infrastructure funding	Technology SMS for Air alert system Embracing digital technologies for improved sustainable and public transport connections and efficiencies

Health Challenge - Summary Infographics		1st April 2019 - March 2020
Strategy Priority - covers all priorities		
	<p>Local Programmes</p> <p>Range of programmes and interventions targeting specific and universal need</p> <p>Using assets, enabling and delivering</p>	<p>Outcomes</p> <p>Programmes  27</p> <p>People interactions  2680</p> <p>Number of public or facilitated events enabling programmes  80</p>
<p>Partner Programmes</p> <p>Various partner organisations involved across health, social, CCG, GP, VCSE landscape accessing national best practice and insight and health intelligence data</p>	<p>Funding received</p> <p>Over last five years District Partnership has allocated £330, 000 to health inequalities projects</p> <p>£200, 000 of EHC monies committed to the EHSPS and other lifestyle focuses</p>	<p>Technology</p> <p>Exploring innovative approaches</p> <p>Pursuing income revenues</p> <p>Behaviour change and digital approaches</p> <p>SMS and video conferencing</p> <p>Online sign up and adapting services</p>

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Overview and Scrutiny Committee

Date of Meeting: 16th June 2020

Report by: Claire Bennett

Report title: Housing and Health Strategy 2016-21 –
Action Plan Progress Report

Ward(s) affected: All

Summary

- To report to members on the progress made in 2019/20 in delivering the Strategic Objectives stemming from the Housing and Health Strategy Action Plan 2016-2021 and to enable consideration and comment on proposed new actions for 2020/21.

RECOMMENDATIONS FOR:

- a) Members to note progress in delivering the objectives stemming from the Housing and Health Strategy Action Plan 2016-2021**
- b) Suggestions regarding actions for 2020/21 that contribute to the overall Strategic Objectives be passed to the Executive Member for Neighbourhoods and Head of Housing and Health for consideration.**

1.0 Proposal(s)

- 1.1 The purpose of this report is for members to consider progress on the Housing and Health Strategy 2016-21 and to seek members' views for proposed future actions to be included in the updated Action Plan for 2020/21.

2.0 Background

- 2.1 The Housing and Health Strategy 2016-2021 was published in 2016 and since then the council and its partners have been working to deliver the associated Action Plan.
- 2.2 The Housing and Health Strategy 2016-2021 is a high level

strategy and has four Strategic Objectives and a number of actions under each Strategic Objective that have been undertaken and monitored by the Housing Service and its partners.

2.3 **Action Plan Delivery in 2019/20**

This report details progress on the Housing and Health Action Plan in 2019/20 and highlights key achievements against each Strategic Objective.

2.4 *Strategic Objective 1: Enable affordable housing delivery through partnership working and maximise suitably located and constructed development opportunities, whilst ensuring the best use of existing stock.*

- The Housing and Planning teams have worked closely on ensuring that new affordable housing is delivered effectively in the District and a total of 292 new affordable homes were completed in 2019/20. This is the highest number of affordable homes ever delivered by housing associations in East Herts.
- Consultation on the Affordable Housing Supplementary Planning Document (SPD) has been completed. The responses have been considered and incorporated into the document which was approved by Council on 13th May 2020.
- Thirty Houses in Multiple Occupation (HMOs) have been inspected and improvement action initiated during 2018/19 and 33 during 2019/20 – significantly exceeding the target of 10 each year.
- Funding through the Healthy Lifestyle Programme was granted to Network Homes to provide the 120 new residents on the Ridgeway development with planters and welcome boxes to encourage healthy eating and the growing of their own fruit and vegetables
- The Housing Service organised and facilitated a Shared Ownership Fair at Wodson Park, to promote and raise awareness of affordable home ownership, in May 2019

which was attended by over 100 residents and 10 Registered Providers.

2.5 *Strategic Objective 2: Focus on meeting the housing needs of active and frail older persons.*

- There has been ongoing joint working with Hertfordshire County Council to improve the provision of accommodation for older people across the district including the assessing the feasibility of additional Extra Care accommodation.
- A Policy on specialist housing for older and vulnerable people and on accessible and adaptable homes has been included in the adopted District Plan.
- Dementia awareness training for all East Herts Council staff has been completed and refresher training continues to be provided.
- A discretionary Disabled Facilities Grant policy for use by the Hertfordshire Home Improvement Agency (HHIA), which allows for some dementia adaptations, has been approved by the HHIA partners, including East Herts Council.

2.6 *Strategic Objective 3: Work to meet the needs of vulnerable people in the housing market.*

- Two fully wheelchair adapted new build dwellings for affordable rent were delivered, in Ware, by Network Homes.
- Three of the self-contained flats at the council's Homeless Hostel had works undertaken to make them more accessible including one which is now fully wheelchair accessible.

2.7 *Strategic Objective 4: Seek to support rural communities in meeting their local housing needs:*

- The Housing Service has provided advice and information in support of Neighbourhood Plans for Stanstead Abbots, Much Hadham, Standon and Braughing.

2.8 Proposed actions for 2020/21

Some actions in the Housing and Health Action Plan will be rolled over into 2020/21 but new actions are proposed that will continue to deliver on the overall four Strategic Objectives.

New proposed actions are:

- to develop a standard Section 106 template including agreed Affordable Housing clauses for all new affordable housing development in East Herts
- to conduct a detailed piece of research into the options for delivering affordable housing, of all types and tenures, in East Herts as requested by Councillor Peter Boylan, Executive Member for Neighbourhoods and to seek member approval to act on any recommendations
- the Housing Service to draw up and manage a database on all affordable housing properties in East Herts
- the Housing Service to provide input into the Gilston Garden Town Board to ensure that the development meets the needs of East Herts residents, particularly with regards to affordable homes
- the Housing service to participate, along with Planning colleagues, in the Hertfordshire Growth Board's work to ensure opportunities for accelerated development and access to funding streams to unlock developments are maximised.

2.9 The proposed updated Housing and Health Strategy Action Plan has been provided at Appendix A. Members views are sought for consideration by the Executive Member for Neighbourhoods and the Head of Housing and Health prior to finalisation.

3.0 Reason(s)

3.1 The Housing and Health Strategy is a five year document running from 2016 to 2021 and has an associated action plan that is monitored and updated annually by the Housing Service and partners to ensure it remains relevant to current housing needs and obligations.

4.0 Options

4.1 Do not review the action plan – NOT RECOMMENDED as it has always been envisaged that the as the Strategy covers a five year period it is imperative that the action plan is reviewed annually to ensure it is addressing the most pressing housing issues for that year.

4.2 Update the action plan based on the proposals in Appendix A, including any additions or amendments suggested by members of Overview and Scrutiny following consideration by the Executive Member for Neighbourhoods and the Head of Housing and Health – RECOMMENDED.

5.0 Risks

5.1 There is no legal obligation to produce a Housing and Health Strategy but it is seen as good practice to do so and forms a document that partners often look to when working in partnership with the council to identify and seek to address the council's current housing priorities.

6.0 Implications/Consultations

6.1 Not applicable

Community Safety

No

Data Protection

No

Equalities

Yes – the Strategy and action plan both specifically seek to address

the needs of a number of groups with protected characteristics, notably, though not solely older people.

Environmental Sustainability

Yes – the Strategy seeks to maximise affordable housing delivery in line with the District Plan which sets out policies regarding environmentally sustainability.

Financial

No – there are no additional revenue or capital requirements arising directly from this 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 Housing and Health Strategy Action Plan is attached at Appendix A.

7.2 The Housing and Health Strategy itself is available on the council's website at https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/East_Herts_Housing_and_Health_Strategy_Final_Web_2.pdf

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East Herts Housing and Health Strategy 2016 – 21

Progress against Housing Strategy Objectives, Actions and Targets 2019/20 and proposed additions for 2020/21

There are four Strategic Objectives which are:

- 1. Enable affordable housing delivery through partnership working and maximising suitably located and constructed development opportunities whilst ensuring the best use of existing stock**
- 2. Focus on meeting the housing needs of active and frail older persons**
- 3. Work to meet the needs of vulnerable people in the housing market**
- 4. Seek to support rural communities in meeting their local housing needs**

Additions and amendments for 2020/21 in bold in the table below

	Objective	Key action to meet objective	Achievement to date / ongoing work
	Strategic Objective 1 – Enable affordable housing delivery through partnership working and maximising suitably located and constructed development opportunities whilst ensuring the best use of existing stock.		
1.1	Achieve the right mix, tenure and proportion of affordable housing on new developments based on need within the district	<p>a) To deliver the affordable housing policy HOU3 as set out in the District Plan.</p> <p>b) To ensure that a minimum of 75/25 affordable rent/shared ownership target is met through the planning application where 10 or more units are being proposed.</p> <p>c) To monitor and review the supply and quality of affordable housing being delivered.</p> <p>d) To comment on planning applications with robust evidence and reference to the AHSPD.</p> <p>e) Cross-cutting meetings with Planning to monitor the delivery of affordable housing and SME for Housing.</p>	<p>The Affordable Housing Policy has been confirmed and is now adopted in the District Plan. Subsequent changes to the NPPF however mean that the District Plan will not be able to seek an affordable housing contribution on proposals under 10 units.</p> <p>Affordable Housing SPD consultation finished responses to be considered and finalised document to be taken to Council May 2020.</p> <p>2017/18 – 162 units of affordable housing delivered.</p> <p>2018/19 – 221 units of affordable housing delivered.</p> <p>2019/20 – 292 units of affordable housing delivered</p> <p>2020/21 – anticipated delivery is 225 units of new affordable housing given the known pipeline of housing association development</p>
1.2	Maximise funding opportunities for the delivery of new affordable housing.	<p>a) To continue to work with Registered Provider partners to find opportunities to support affordable housing developments</p> <p>b) To bid for Government grants</p>	<p>The Council has worked in partnership with Network Homes and has provided grant funding for the Ridgeway, Hertford redevelopment scheme, Hertford, remodelling of Colebrook Court, Hertford and re-development of Gladstone Road, Ware to accommodation for</p>

	Objective	Key action to meet objective	Achievement to date / ongoing work
		which become available	downsizing tenants The Council will continue to work with partners to fund affordable housing schemes in each financial year and make commitments to support developments to meet the need for affordable housing in the district
1.3	Raise standards in the private sector including Houses in Multiple Occupation (HMOs)	<ul style="list-style-type: none"> a) Improvements to the thermal insulation and heating of properties in East Herts <ul style="list-style-type: none"> i) For the Council to work with HCC on the Herts Warmer Homes Scheme and to focus on poor thermal housing improvements for vulnerable residents. ii) Develop the East Herts First Time Central Heating Scheme 	<ul style="list-style-type: none"> i. Herts Warmer Home Scheme ceases at end of July 2020 in its current form, as HCC have withdrawn from the project. Scheme was for vulnerable private rented and private homeowners. East Herts is looking at options at how best to continue to assisting vulnerable residents under a wider Eco Scheme. ii. The aim of the First Time Central Heating Scheme is to assist the fuel poor, reduce home heating costs and improve carbon/energy efficiency ratings of the home. The Scheme is open to off gas privately owned properties only (with vulnerable residents). Up to 20 installs are available from May 2020 until January 2022, funded following a successful bid to National Grid by East Herts Council. East Herts is topping the funding up to ensure that the heating install is free of charge and additional energy efficiency works to the home will also be carried out to bring the homes up to a satisfactory standard . Additional funds are available to allow the scheme to also assist limited number private landlords, although they will be required

	Objective	Key action to meet objective	Achievement to date / ongoing work
			to pay a small contribution to the cost of each central heating install.
		b) To inspect and initiate action in at least 10 HMOs per year and is monitored in the Housing and Health Service Plan as SPI 2.16	<p>Target for 2018/19 has been exceeded – 30 HMOs inspected and action initiated.</p> <p>33 HMOs inspected and action initiated in 2019/20. Issued licences to 40 HMO's in 2019/20, plus 3 variations, 32 were new licences and 8 were renewals.</p> <p>2020/21 – anticipate at least 10 more inspections although PI is changing to reflect time taken to progress licence applications</p>
		c) to review and update the Private Sector Housing Enforcement Policy in the light of ongoing legislation changes to include the inclusion of measures from the Housing and Planning Act 2016 relating to civil penalties. Introduce measures from Housing and Planning Act 2016 to tackle rogue Landlords	<p>New environmental health enforcement policy currently under development. It will incorporate the Housing Enforcement Policy</p> <p>Policy on Rogue Landlords has been drafted and will be consulted on in 2020/21 prior to seeking member approval</p>
1.4	Conduct research into options for affordable housing delivery in the district	Appoint suitably qualified consultant Consider output of the research	Findings to be considered by Executive Member for Neighbourhoods in Quarter 3, 2020/21
1.5	Gain a better understanding of location and spread of affordable	Establish and maintain a database on all affordable	Commenced April 2020 and to be completed by July 2020. To be

	Objective	Key action to meet objective	Achievement to date / ongoing work
	housing across the district	housing properties in East Herts	continuously updated as new developments completed
1.6	Maximise the potential affordable housing tenure outcomes across Gilston Garden Town	Ensure affordable housing priorities reflected in the villages 1-6 and village 7 applications in line with East Herts housing need and district plan	Respond and comment as required within the deadlines as driven by the Project Board and Planning Permissions
1.7	Maximise opportunities for accelerated housing development across East Herts	Participate fully in the Hertfordshire Housing Growth Board information to	Housing and Planning Policy are working together to maximise opportunities as they arise
1.8	Streamline the s106 negotiation processing regarding affordable housing to maximise outcomes	Research best practice with other local authorities Housing Service, Legal and Planning to produce standard s106 clauses on affordable housing	Template being drafted with Legal Services. To be completed by December 2020 and used as part of the Planning processes and negotiation processes where affordable housing is required on development sites
1.9	Increase affordable housing delivery through the planned use of commuted sums for affordable housing held by the council	Review existing procedure on approval to spend affordable housing commuted sums Review current proposed spend and update as required Consider areas where these sums can be best utilised, for example, for adaptations, eco-measures Identify proposals for funding following completion of the Affordable Housing Research	Recommendations and checklist for spending and approval processes to be drawn up and approved by March 2021
Strategic Objective 2 - Focus on meeting the housing needs of active and frail older persons			
2.1	To work with the County Council and Registered Providers to identify opportunities within the district for	a) The Draft District Plan contains policies on Older and Vulnerable People going forward. HCC has	HCC Local Accommodation Board meets regularly with representatives from East Herts Housing Services and is reviewing opportunities

	Objective	Key action to meet objective	Achievement to date / ongoing work
	flexi-care schemes.	set-up set up Local Accommodation Boards to look at provision in the District.	for joint working and development.
2.2	To work with the Dementia Friendly Programme to mainstream the principles into East Herts accommodation.	a) To work with Registered Provider partners to implement the Dementia Friendly Programme in their organisations.	Provision of staff training by East Herts to raise awareness of dementia completed and refresher training regularly provided.
2.3	To undertake a strategic review with partners of all Older Persons accommodation in the District.	a) To support Planning Policy in looking at the implications of an older population in the District and the impact on type, tenure and location of housing requirements through the Local Plan process by Spring 2016.	District Plan EiP concluded in January 2018, Inspector's Final Report received in July 2018. Following withdrawal of Holding Direction from Secretary of State – the Council formally adopted the District Plan on 23 rd October 2018. The Plan includes a policy on specialist housing for older and vulnerable people In 2019/20 Herts County Council drafted an Extra Care Prospectus with a detailed summary of current and future housing requirements for older person for each of the 10 Local Authorities which they will consult on through the Local Accommodation Boards.
2.4	To participate in the countywide review of housing adaptations to support independent living.	a) To continue to support Crossroads Care to develop and deliver the Dementia Friendly Homes project to 200 residents, and to evaluate the scheme.	The Hertfordshire Home Improvement Agency (HHIA), of which East Herts Council is a member, has made a decision not to move forward with integrating dementia friendly homes project into the service. A discretionary Disabled Facilities Grant policy for the HHIA has been approved which allows for some dementia adaptations.
		b) To continue to participate in the countywide review of housing	Hertfordshire Home Improvement Agency (HHIA) established since April 2018 and all East

	Objective	Key action to meet objective	Achievement to date / ongoing work
		adaptations services, in accordance with the project plan and timetable.	Herts Disabled Facilities Grants are managed through this HHIA. East Herts are board members and are continuing to support and monitor the success of the Agency.
Strategic Objective 3: Work to meet the needs of vulnerable people in the housing market:			
3.1	To work with the Accommodation Boards to undertake a strategic review of Vulnerable People's Needs in the District.	a) HCC has set up Local Accommodation Boards to look at provision in the District for accommodation options for vulnerable residents.	<p>The Council has held a joint meeting with HCC to set up a Local Accommodation Board to look at the needs of Older and Vulnerable People in the District.</p> <p>The Housing Service has provided training presentations to the Adult care Services regarding access to Social Housing in the District.</p> <p>Works has been undertaken to provide a Hertfordshire-wide nomination protocol on accessing social housing for residents with learning disabilities and mental health illnesses. To be signed off by the individual Accommodation Boards, adopted by Local Authorities and a review procedure agreed.</p>
3.2	To ensure that our Temporary Accommodation offer is fit for purpose.	<p>a) Undertake a review of temporary accommodation provision in the District.</p> <p>b) In line with government's emphasis on tackling rough sleeping and national resources for this following the coronavirus emergency, identify options for direct</p>	<p>Delivered in 2019/20:</p> <ul style="list-style-type: none"> work on adaptations to Hillcrest Hostel was completed to provide accessible temporary accommodation options. One room fully accessible for wheelchair user and 2 rooms have had their access improved for people with reduced mobility

	Objective	Key action to meet objective	Achievement to date / ongoing work
		provision of additional temporary accommodation by the council	<ul style="list-style-type: none"> three additional units of self-contained temporary accommodation leased through Network Homes for 2 years. Properties were long term empty bungalows and jointly refurbished 2020/21 – identify proposals for increase provision
3.3	To seek to work with the County Council to develop effective partnerships for appropriately assessing and addressing housing impacts on wellbeing.	a) To approve a fees policy for relevant protected caravan sites in 2020/21	
		b) To provide a checklist of key housing hazards suitable for referrals by health and care professionals for housing assessment.	<p>In 2019/20:</p> <ul style="list-style-type: none"> a training package designed to enable a clearer understanding of the EH role in supporting housing issues was developed training has been delivered to HCC community Navigators CAB and HIA. Looking for further opportunities to engage with relevant agencies
Strategic Objective 4: - Seek to support rural communities in meeting their local housing needs			
4.1	To work with Parishes to identify local housing needs through Neighbourhood Plans and Parish Housing Needs Surveys.	a) To engage with a Parish on carrying out at least one Parish Housing Needs Survey by December 2017	COMPLETED
4.2	To ensure that any potential Exception Sites are delivered in partnership with all interested stakeholders.	a) To provide information as requested to aid with Neighbourhood Planning as an ongoing initiative.	To date information provided for Standon, Much Hadham, Braughing Stanstead Abbots and Much Hadham to support evidence base for Neighbourhood Plans. The Council has been successful in securing

	Objective	Key action to meet objective	Achievement to date / ongoing work
		<p>b) To work with Neighbouring Authorities in delivering the Community Housing Fund to explore opportunities for community led housing and self-build in the District.</p>	<p>funding from the Community Housing Fund and is working with Neighbouring Authorities to deliver a project focusing on community led housing and self-build.</p> <p>Officers in Housing and Planning attending meetings with neighbouring authorities to explore how community-led housing can be supported if a scheme comes forward and to promote opportunities on future Strategic Sites.</p>

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East Herts Council

Overview and Scrutiny Committee

Date of Meeting: 16th June 2020

Report by: James Ellis, Head of Legal and Democratic Services

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

Ward(s) affected: ALL

Summary

RECOMMENDATION:

(a) That the revised Regulation of Investigatory Powers Act (RIPA) Policy and the new Use of Social Media in Investigations Policy be reviewed with suggested amendments, additions, deletions and/or clarifications raised for consideration by the Executive Member for Corporate Services and the Head of Legal and Democratic Services prior to the final proposed versions, and accompanying report, be sent for adoption by the Executive.

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 updated 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 investigation carried

out by 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 Overview and Scrutiny Committee shall "agree reports and make recommendations to ... the Executive in connection with the discharge of any functions".

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 draft 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.

2.0 Reason(s)

- 3.1 The adoption of the new RIPA Policy is a matter for the Executive and in due course a final draft of the revised policy will be put to Executive for consideration and adoption.
- 3.2 The reason the revised policy is being put in front of the Overview and Scrutiny Committee is that it is appropriate and timely that members of the Committee should exercise their scrutiny functions under the Local Government Act 2000, notably to 'review draft strategies'.
- 3.3 Any issues or suggestions made by the Overview and Scrutiny Committee in connection with its review of the draft RIPA Policy and draft Use of Social Media in Investigations Policy will either be incorporated into the final draft or brought to the Executive's attention in the report accompanying the draft policy put in front of Executive so as to aid the Executive's decision-making.

4.0 Options

- 4.1 In exercising its power to 'review draft strategies', the Overview and Scrutiny Committee has the option to:
 - Signal its contentment with the revised RIPA Policy and Use of Social Media in Investigations Policy as currently drafted. If this approach is taken, this will be relayed to Executive 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 Corporate Services and the Head of Legal and Democratic Services and will either be incorporated into the final draft or brought to the Executive's attention as

being the views of the Committee in the accompanying report to the final draft version put to Executive in due course or

- Consider that there is an insufficient case for the revised policy, whether amended or not, to be put to Executive for determination. If this approach is taken, the Overview and Scrutiny Committee should make their rationale for this approach explicit so that the Executive Member for Corporate Services and the Head of Legal and Democratic Services can assess whether to desist from putting the policy to Executive in its current form or to proceed to determination by the Executive in which case the Committee's views would be included in the accompanying report.

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

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

Contents:

	Page
1. Introduction	1
1.1. Summary	1
1.2. Background	1
1.3. Policy Review	2
1.4. Scope	2
2. Definition of Surveillance	3
2.1. Over Surveillance	3
2.2. Covert Surveillance	4
3. Directed and Intrusive Surveillance	4
3.1. Directed Surveillance	4
3.2. Intrusive Surveillance	5
4. Identifying directed surveillance	6
4.1. Is the surveillance overt or covert?	6
4.2. Can the same outcome be achieved by overt means?	6
4.3. Is the surveillance for the purposes of a specific investigation or a specific operation.....	6
4.4. Is the surveillance likely to result in the obtaining of private information about a person?	6
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?	7
5. Covert Human Intelligence Sources (CHIS)	7
5.1. Conduct and use	8
5.2. Test Purchases	8
5.3. Security and welfare	9
6. Communications Data	9
6.1. Customer Data	10

	Page
6.2. Service Data	10
6.3. Traffic Data	11
7. RIPA Authorisation Procedure	11
7.1. General	11
7.2. Before Making the Application	12
7.3. Special consideration in respect of confidential information	13
7.4. Who can give Provisional Authorisations?	14
7.5. Grounds for Authorisation	15
7.6. Collateral Intrusion	16
7.7. Judicial Approval	16
7.8. Provisional Authorisation for Communication Data	18
8. Activities by other public authorities	19
9. Joint Investigations	19
10. Duration, reviews, renewals and cancellation of authorisations	20
10.1. Duration	20
10.2. Reviews	20
10.3. Renewals	21
10.4. Cancellations	22
11. Record Management	22
11.1. Central record of all Authorisations	22
11.2. Records maintained in the Department	23
11.3. Records relating to a CHIS	24
12. Retention and destruction	25
13. Social Media Sites	25
14. Scrutiny of investigatory bodies	28
15. Elected Members	28
APPENDIX A – RIPA Flowchart	29
APPENDIX B – List of Authorised and Responsible Officers	30
APPENDIX C – Application Forms	31
APPENDIX D – Codes of Practice and Government Guidance	34

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/>

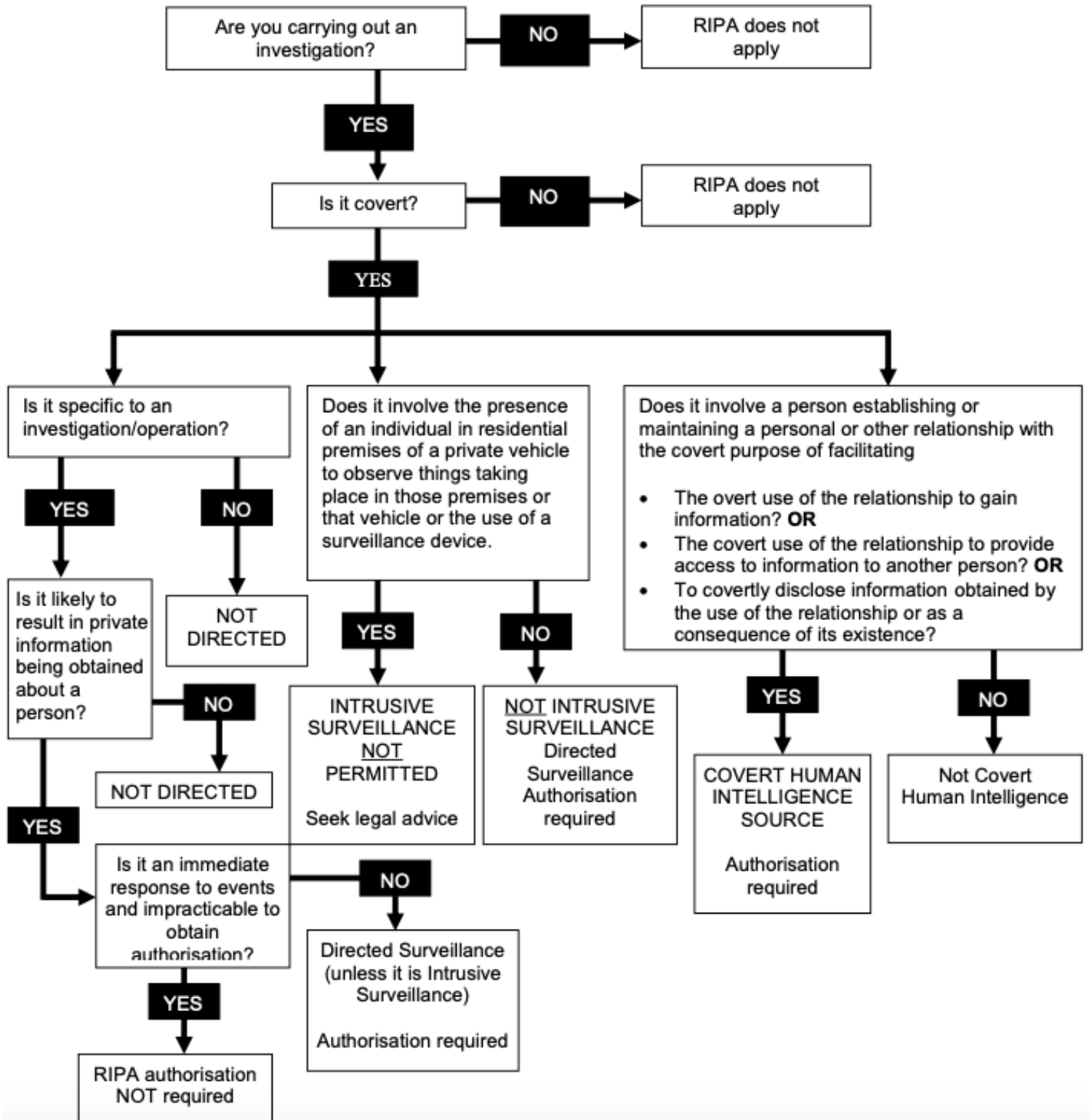
15. Elected Members

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-surveillance?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-surveillance?view=Binary>

Judicial Approval

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

APPENDIX C ii

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

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East Herts Council

**Use of Social Media in Investigations
Policy**

Contents:

	Page
1. Introduction	1
1.1. Summary	1
1.2. Background	1
2. Regulation of Investigatory Powers Act 2000 (RIPA)	2
3. What is meant by "Social Media" in this policy	3
3.1. Examples	3
4. Privacy Settings	4
4.1. Public Profiles	4
4.2. Private Profiles	4
5. What is permitted under this policy	5
6. What isn't permitted under this policy	6
6.1. Repeat visits	6
6.2. Contact with suspects	7
7. Capturing Evidence	7
8. Other Information Technology tools	8
9. Retention and destruction of information	8
10. Review	9

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
- Twitter
- Instagram
- LinkedIn
- YouTube
- Snapchat
- Pintrest
- Tumblr
- Reddit
- 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

Overview and Scrutiny Committee

Date of Meeting: 16 June 2020

Report by: Scrutiny Officer

Report title: Overview and Scrutiny – Draft Work Programme

Ward(s) affected: All

Summary

- This report reviews actions included in the committee's existing Work Programme and proposes amendments to the ongoing Work Programme.

RECOMMENDATION FOR OVERVIEW AND SCRUTINY COMMITTEE, that:

(A) the proposed Work Programme, as included in Appendix A be approved,

1.0 Proposal(s)

1.1 Items previously required, identified or suggested for the Overview and Scrutiny (OS) work programme as set out in **Appendix A.**

1.2 Scrutiny committees have the power of influence and are entitled to review and scrutinise the functions of the Council and the decisions of the Executive. The Committee serves as a 'critical friend' and is not a decision-making body but can make recommendations to the Executive and who must respond formally to recommendations within a given

timeframe.

2.0 Background

- 2.1 The draft agenda for 2019/20 meetings of Overview and Scrutiny Committee is shown in **Appendix A**. The timing of some items shown may have to change depending on availability of essential data (eg. from central government) external sources and officers.
- 2.2 Members are reminded that for a topic to be valid for Scrutiny it needs to be relevant to the work of the council and impact on a number of residents / or the wider area. In addition, there needs to be evidence, whether readily quantifiable or anecdotal, that this is an issue requiring investigation.
- 2.1 Members are welcome to submit a scrutiny proposal at any time by completing a Scrutiny Proposal Form (Available from the Scrutiny Officer) which will provide officers with sufficient information to assess it is appropriate for Scrutiny and to ensure their specific questions are addressed. The Scrutiny Officer will then liaise with officers and the Scrutiny Chairman to consider the best way to address the subject and complete a scoping document.
- 2.2 Members are also asked whether there is any training relevant to scrutiny or to the function and remit of the OS Committee that they wish to suggest.
- 2.3 At the request of the Leader and the Chief Executive the Centre for Public Scrutiny (CfPS) was asked to undertake a Review of Scrutiny at East Herts. To this end a number of key Officers and Members were interviewed (via Zoom) by Officers from the CfPS on 26 and 27 May. The results of these interviews and their subsequent recommendations will be reported back in due course .

3.0 Report to the Executive – Review of East Herts Parking Policy: Report of the Parking Task and Finish Group

3.1 Members will recall that a Parking Task and Finish Group reported their findings following a substantial review of East Herts Parking Policies, to the Executive on 11 February 2020. At that meeting, Members received the findings of the Parking Task and Finish Group and agreed that Head of Operations, in consultation with the Chairman of the Overview and Scrutiny Committee and Chairman of the Parking Task and Finish Group, and with the Executive Member for Environmental Sustainability assess the full viability of the recommendations by the Executive and report back to the Executive setting out cost implications. This was included on the Forward Plan published on 21 May 2020 as “deferred”. A further update will be provided at the meeting.

4.0 Reason(s)

4.1 This report provides an update on the current situation in relation to issues raised by Members.

5.0 Options

5.1 The Work Programme will be kept under review by the committee throughout the coming year.

6.0 Risks

6.1 The establishment of an Overview and Scrutiny Committee is enshrined in the Local Government Act 2000 (section 9). The 2000 Act obliges local authorities to adopt political management systems with a separate Executive. Various sub sections (of the 2000 Act), set out the powers and duties for Overview and Scrutiny Committees including the right to investigate and make recommendations on anything which is the responsibility of the Executive. Legislative provisions can also be found in the Localism Act 2011 (Schedule 2) with

options to retain or re-adopt a “committee system” (section 9B).

- 6.2 Potential risks arise for the council if policies and strategies are developed and/or enacted without sufficient scrutiny. Approval of an updated Work Programme contributes to the mitigation of this risk by ensuring key activities of the council are scrutinised.

7.0 Implications/Consultations

- 7.1 Scrutiny is an important part of the local democratic process and represents the interests of residents. It holds the Executive to account on behalf of residents and helps review and improve services and functions run by the Council and its local partners.
- 7.2 The proposed Work Programme has implications for Members’ time and the resources of the council devoted to scrutinizing the issues included.

Community Safety

No

Data Protection

No

Equalities

Yes – scrutiny of the services provided eg by registered providers of social housing will investigate how some of the most vulnerable people in the district, including those with protected characteristics, receive housing services.

Environmental Sustainability

Yes – although not subject to a further Task and Finish Group, the proposed Work Programme envisages the Overview and Scrutiny Committee receiving reports on the progress of the council’s Environmental and Climate Forum.

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes - scrutiny is enshrined in Statute (the Local Government Act 2000) as amended by the Localism Act 2011.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – Draft Work Programme

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Overview and Scrutiny (OS) Committee Work Programme 2019/20 : 16 June 2020

[Please note: This is a working document and will be subject to regular amendment].

The items below represent key topics of enquiry by the committee

Meeting Date	Topic	Lead Member and Lead Officer	Notes
11 June 2019	Agree draft work plan		
	Agree T&FG ToR and Membership		
	Discuss questions for Service updates on waste and website on 17/9		
17 September 2019 cancelled	Waste KPIs	Head of Operations <u>Urbaser Rep and Exec Member</u>	
	Website customer Satisfaction	Head of Communications, Strategy and Policy	
	Progress report on T&F		
	Discuss questions for Service updates on 05/11		
	Work Programme		

Meeting Date	Topic	Lead Member and Lead Officer	Notes
5 November 2019 (Deadline for reports 24 October)	Waste Management	Head of Operations	
	Agree ToR and membership for Social Housing Scrutiny event in 2020)	Discussion by members led by Scrutiny officer	Head of Housing and Health
	IT - Value for Money	ICT Manager, Helen Standon, Exec Member	Value for money of the Shared relation IT Service
	Update from the T&F Group (Parking)	Head of Operations	
	Work Programme		
10 December 2019 (Deadline for reports 1 December)	Progress Update on Implementation of Climate change recommendations	David Thorogood & Cllr Graham McAndrew Update on progress since Task and finish group report in Dec 2018.	Scrutiny Officer to update following feedback from the EHDC Environment and Climate change Forum meeting which was to have been held on 4 Dec but cancelled because of Purdah.
	Consider ToR for Cycle storage provision T&FGs	Discussion by members led by Scrutiny officer	Meeting arranged (17 Dec) with B/S Town Council to establish what provision there is in the town. It is anticipated that this meeting will help form the key lines of enquiry.

Meeting Date	Topic	Lead Member and Lead Officer	Notes
	Final report and Recommendations of T&FG (Parking)	Head of Comms, and Councillor H Drake	
	Work Programme	Scrutiny Officer	
4 February 2020 (Deadline for reports 22 January 2019)	Update on Section 106 allocation etc	Infrastructure Contributions and Spend Manager	Report to PAGO on 24 September on allocations in relation to the current position of Section 106 contributions and actions taken.
	Updates from T&FGs		Report included within the T&FG and Work Programme
	Pre-Planning Advice	Head of Planning	Head of Planning to review the pre planning advice process and charges at the start of the year. It suggested that this be reviewed 20/20 -20/21 once that has been in place for 6 months and had a chance to imbed. (moved to August 2020)
	Work Programme Update		Combined report with the Updates on the T&FG report
	Website customer Satisfaction	Head of Communications, Strategy and Policy	Feedback in terms of customer satisfaction.
31 March 2020	Social Housing Events (Meetings with Tenants	Head of Housing and Health	Scrutiny Officer to feedback on two events. Housing Associations

Meeting Date	Topic	Lead Member and Lead Officer	Notes
	Representatives and Senior Officers.		<p>requested information on Tenants Reps, Senior Officers and the need to establish dates. Meeting with Tenants' Reps arranged for 10 March 2020 at 2pm.</p> <p>Meetings with Senior Officers for both the housing associations are planned for 16 and 25 March 2020. An update from these meetings will be provided by the Scrutiny Officer at the meeting.</p>
	Environment Climate Forum	David Thorogood	<p>OS 4 February Members asked for this to be included as a Standing Item on the OS agenda to ensure that <i>"OS Committee continues to monitor the work and actions coming from the Environmental and Climate Forum in the form of a standing item on the Work Programme to ensure that this meets the Council's Corporate Priorities and particularly in relation</i></p>

Meeting Date	Topic	Lead Member and Lead Officer	Notes
			<i>to Climate Change” Recommendations agreed by Council in July 2019”.</i>
	Hartham Leisure Pool and Gym	<i>Councillor E Buckmaster as the Portfolio Holder will be attending the meeting to provide Members with an Update.</i>	Issues raised by Councillor I Devonshire (post 4 Feb OS meeting)
	Pre-Planning Advice	Head of Planning and Building Control <i>The Chairman has also invited the Executive Member for Planning and Growth (Councillor J Goodeve) to the meeting.</i>	Head of Planning to review the pre planning advice process and charges at the start of the year. It suggested that this be reviewed 20/20 -20/21 once that has been in place for 6 months and had a chance to imbed. OS Committee asked for a report to 31 March 2020 meeting.

Meeting Date	Topic	Lead Member and Lead Officer	Notes
Carry forward items to 2020/21			
16 June 2020 (suggestions for the proposed June meeting)			
	Litter Picking, sweeping, grass verges, weed spraying /clearing of kerb edges and pavements	Head of Operations	Requested by a Member at meeting on 12 February 2020. <i>Chairman agreed that the Head of Operations could report to June meeting given that the issues cut across two contracts and two service areas i.e. waste and grounds maintenance.</i>
	Pre-Planning Advice	Head of Planning and Building Control	Members requested that the head of Services report back to the June meeting.
	Hartham Leisure	Councillor E Buckmaster as the Portfolio Holder will be attending the meeting to provide Members with an Update.	Issues raised by Councillor I Devonshire (post 4 Feb OS meeting)

Meeting Date	Topic	Lead Member and Lead Officer	Notes
	Street Trading Consent Policy	Head of Housing and Health	
	Health and Wellbeing strategy Progress report and Action Plan	Head of Housing and Health	
	RIPA and Use of Social Media in Investigation Policies	Head of Legal and Democratic Services	
	Monitoring Report on Housing and Health Strategy Outcomes 2019/20 and 2020/21 Action Plan	Head of Housing and Health	
15 Sept 2020	Update on the progress in relation to the Climate Change Action Plan and progress in relation to the 2030 Carbon neutrality aspirations>	Executive Member for Environmental sustainability David Thorogood	Request Executive member and key office to present their report

Meeting Date	Topic	Lead Member and Lead Officer	Notes
	Environment Sustainability Action Plan in the context of the "SEED" Corporate Plan	Ben Wood, Head of Communications, Policy and Strategy	Requested for an update in terms of delivery of the SEED Corporate Plan and
	Large Scale Projects – Project Management in terms of Expenditure Vs Budget, delivery timescales	Respective Project Managers	Members' briefing on 16 July on Hertford Theatre which might provide the basis for a report to scrutiny. Members might wish to have reports in a similar vein in de relation to the Council's other major projects.
	How the Council reacted to the Corona Virus	Invitation to the Leader to present a report	Requested by the Chairman of OS Committee

Task and Finish Groups - Update

Social Housing Event: Members will recall that a Task and Finish Group was established to review the relationship between the Council and social Housing providers. The Task and Finish Group met last December to agree a Terms of Reference. The Group felt that it would be more productive if separate meetings could be arranged. A meeting took place on 10 March attended by a number of residents from both Network Homes and Clarion Housing. Two further meetings were planned to meet with just senior Officers from Network Homes (16 March) and Clarion Housing (25 March) The former took place but the latter (scheduled for 25 March) was cancelled as a result of the pandemic. This meeting will be re-scheduled end of June.

The Scrutiny Officer will summarise the findings of the three meetings in consultation with the Task and Finish Group and report to OS Committee as soon as possible.

Member Scrutiny Proposals - update

Members are reminded that the terms of reference for Overview and Scrutiny have been amended and now include the ability to scrutinise performance. This will impact on the work programme in terms of the need to plan well in advance to facilitate scrutiny.

Other items for 2020/21:	
<i>Performance Items to be programme</i>	<i>(to be advised)</i>