



MEETING : EXECUTIVE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 23 NOVEMBER 2021
TIME : 7.00 PM

MEMBERS OF THE EXECUTIVE

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

CONTACT OFFICER: Katie Mogan
Tel: 01279-502082
Email: katie.mogan@eastherts.gov.uk

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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.

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AGENDA

1. Apologies

To receive any apologies for absence.

2. Leader's Announcements

3. Minutes - 28 September 2021 (Pages 7 - 20)

To approve as a correct record the Minutes of the meeting held on 28 September 2021.

4. Declarations of Interest

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

5. Update from Overview and Scrutiny Committee (Pages 21 - 22)

To receive a report of the Committee Chairman.

6. Update from Audit and Governance Committee (Pages 23 - 24)

To receive a report of the Committee Chairman.

7. Private Sector Housing Assistance Policy (Pages 25 - 68)

8. Taxi Licensing Points Policy (Pages 69 - 92)

9. Statement of Gambling Principles (Pages 93 - 162)

10. Harlow and Gilston Garden Town, Rolling Infrastructure Fund Memorandum of Understanding (Pages 163 - 186)
11. Harlow and Gilston Garden Town Transport Strategy (Pages 187 - 272)
12. Transforming East Herts programme and proposed revised Fees and Charges Policy (Pages 273 - 302)
13. Hertfordshire Building Control Company Development (Pages 303 - 308)
14. Urgent Business

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

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 28 SEPTEMBER 2021, AT 7.00 PM

PRESENT: Councillor L Haysey (Leader)
Councillors L Haysey, P Boylan,
E Buckmaster, J Goodeve, J Kaye,
G McAndrew and G Williamson.

ALSO PRESENT:

Councillors M Pope, P Ruffles and
N Symonds.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Katie Mogan	- Democratic Services Manager
Jonathan Geall	- Head of Housing and Health
Steven Linnett	- Head of Strategic Finance and Property
Su Tarran	- Head of Revenues and Benefits Shared Service

169 APOLOGIES

An apology for absence was received from Councillor Cutting.

170 LEADER'S ANNOUNCEMENTS

The Leader said the Council were aware of the perceived petrol shortage across the country and gave her thanks to the crews from Urbaser who collected the District's refuse, and have done an amazing job in the last few days. She acknowledged that they have had an extraordinarily difficult job over the last few months and placed on record her thanks to the crews.

The Leader asked Councillor Kaye to make an announcement about the council's grant policies and the amount of money that had been provided to local charities and communities.

Councillor Kaye announced that East Herts Council had put in a bid for £150,000 from the Herts Health Protection Board which was successful. The money had been given to local charities and communities who kept operating through the pandemic, helping and supporting individuals. Councillor Kaye said he visited a care home in Bishop's Stortford who had a visit from 'AceHounds', a charity that have been supported by the grants. The charity took dogs round to visit residents as they had a beneficial effect on their wellbeing.

Other charities such as 'Always Be You' in Ware who work with adults with learning difficulties received funding. They would normally meet once or twice a

week but could not in the pandemic so provided kits and delivered to people on the door. The next grants programme will be launched in the next few weeks and Councillor Kaye encouraged people to apply for grants up to £8,000.

Councillor Haysey said it was encouraging to see that the council could provide grants to communities to recognise their extraordinary work.

Councillor Haysey said the order of the agenda would be amended so after item 6, the order would be heard as follows: item 11, 12, 10, 7, 8 and 9.

171 MINUTES - 6 JULY 2021

Councillor Kaye proposed, and Councillor Goodeve seconded a motion that the Minutes of the meeting held on 6 July 2021 be approved as a correct record and be signed by the Leader. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 6 July 2021 be approved as a correct record and signed by Leader.

172 DECLARATIONS OF INTEREST

There were no declarations of interest.

173 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

Councillor Haysey said the report from the committee

was included in the supplementary agenda and thanked the Chairman for working with the Scrutiny Officer in producing the report. The Overview and Scrutiny Committee reviewed the Tenancy Strategy and supported it.

174 UPDATE FROM AUDIT AND GOVERNANCE COMMITTEE

Councillor Pope had nothing to add to the committee report.

Councillor Haysey said there were some good discussions at the Audit and Governance Committee and thanked the Members involved.

175 COUNCIL TAX LONG TERM EMPTY PREMIUM

The Executive Member for Financial Sustainability presented a report on the Council Tax Long Term Empty Premium. He said that the Council had decided to charge premiums on long term empty homes as they were encouraged to do so by the government. The charge was not designed to create revenue but as an incentive for owners to bring the house back into use. As a further incentive, the proposal was to bring in higher rates as follows: properties that have been empty for over two years but under five at 100%, over five years but under ten years at 200% and ten years plus at 300%. Alongside this, the other change to the policy was that once a long term empty property has been sold, the new owners can have liability of the premium deferred for 12 months if they are not able to move in straightaway, but occupy the property within 12 months.

Councillor Williamson proposed and Councillor Kaye seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - to recommend to Council the increase of the Long Term Empty Premium from April 2022, including the discretion to remove the premium for up to 12 months when new owners occupy within 12 months of purchase.

176 COUNCIL TAX SUPPORT SCHEME

The Executive Member for Financial Sustainability presented a report on the Council Tax Reduction Scheme. The report was reviewed every year and the full details were in the report.

The Leader gave her thanks to the Head of Shared Revenues and Benefits and her team for their hard work in difficult circumstances over the pandemic.

Councillor Williamson proposed and Councillor Buckmaster seconded a motion supporting the recommendation in the report. On being put the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - to recommend to Council that there be no changes to the local Council Tax Support scheme for April 2022.

177 TENANCY STRATEGY

The Executive Member for Neighbourhoods presented a report on the draft Tenancy Strategy 2021-26. He explained that each Local Authority responsible for housing is required under the Localism Act to produce and review a tenancy strategy. The Act was clear about what the strategy should cover and the Tenancy Strategy provided detail on what kind of tenancies should be offered as well as giving guidance on rent levels the council would like to see. There was an emphasis on social rather than affordable rents. The Tenancy Strategy was not concerned with affordable housing supply as this was the remit of the District Plan and the Housing Strategy which would be on the agenda for the November meeting. East Herts' planning policies have meant there has been a 10.2% increase in the number of affordable homes in the ten years to 2020, compared to 2.9% across Hertfordshire and 3.4% across England in the same period.

Councillor Boylan stressed that the Tenancy Strategy was only guidance but Registered Providers had been consulted and it was pleasing to see they were predominantly offering lifetime tenancies. The Overview and Scrutiny Committee had considered the strategy and whilst Members expressed disappointment that the council could not set rent levels, they endorsed the aspirations of the strategy.

Councillor Goodeve said it was pleasing to hear that the planning policies were delivering positive outcomes.

Councillor Haysey said that it was important to express

what the council could and could not do within the Tenancy Strategy. The council cannot enforce but can encourage.

Councillor Boylan proposed and Councillor Goodeve seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED - to recommend to Council the adoption of the East Herts Tenancy Strategy for 2021-2026.

178 PROVISIONAL OUTTURN 2020/21

The Executive Member for Financial Sustainability presented a report on the council's provisional outturn at the close of the last financial year. He explained the figure was provisional as it was subject to verification by the external auditors. The outturn has shown an overspend of £116,000 which had been funded by general reserves. Councillor Williamson said the pandemic had an effect on revenue and the government grants did not cover the council's full losses and whilst that level of overspend would be considered high in a normal year, in the current circumstances, it was to be expected.

The Executive Member for Financial Sustainability said that £414,000 would be carried forward to the 2021/22 budget to fund IT projects and £4.27 million would be carried forward to 2021/22 budget to fund ongoing capital schemes.

Councillor Haysey said the Council were aware that the financial situation was not going to get any easier and Members were conscious of the work being done by Officers to stay within budget and to be a financially prudent council.

Councillor Williamson proposed and Councillor Buckmaster seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the funding of the General Fund revenue outturn of £116k overspend from the general reserve be approved;

(B) That the revenue budgets of £414k be carried forward from 2020/21 to 2021/22; and

(C) That the capital budgets of £4.271m be carried forward to 2021/22 to fund ongoing capital schemes.

179 FINANCIAL MANAGEMENT 2021/22 – QUARTER 1
FORECAST TO YEAR END

The Executive Member for Financial Sustainability presented a report on Quarter 1 of the current financial year. The current predicted outturn was an £82,000 overspend and the details of the under and

overspends in each service was provided in the report. Councillor Williamson said the country was still in a partial lockdown in the first half of quarter one and it was not unusual for the forecast to show an overspend at an early stage in the year.

Councillor Williamson proposed and Councillor Boylan seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the net revenue budget forecast over spend of £0.082 million in 2021/22 be noted; and

(B) the revised capital budget for 2021/22 of £50.039million, which includes £4.171m carried forward from 2020/21 to be approved as part of the Provisional Outturn report, and the forecast zero variance to that budget be noted.

180 BUDGET 2022/23 AND MEDIUM TERM FINANCIAL PLAN
2022 – 2025 PREPARATION

The Executive Member for Financial Sustainability presented a report on the Budget 2022/23 and Medium Term Financial Plan 2022-25 preparations. He said the purpose of the report was to set the scene for Members and for the Executive to give Officers a steer and approve the recommendation and assumptions to provide a basis for Officers to work from. There were a range of emerging factors with both positive and

negative impacts on the budget and the forecast had been updated in light of these factors, for example the earlier assumptions of an increase in council tax support did not happened as the economy had opened up.

Councillor Williamson said that finding savings remained a challenge and they would have to be found through efficiencies and new sources of income, such as the introduction of charging for garden waste collection. A number of savings had been built into the budget from the previously agreed three year saving plan. Additionally, the Transformation Programme was underway and would not have a significant impact until 2023/24.

Councillor Haysey commented that the council was in a better position than had first been thought. East Herts was a prudent and cautious council and Members would continue to ensure that their ambitious plans for residents are fundable and available, and that services are maintained.

Councillor Williamson proposed and Councillor Haysey seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) agree, as guidance to Officers, that the budget proposals should be based on a Council Tax increase of £5, contract inflation up to 4%, no inflation in other goods and services budgets and that the provision for the national pay award will be up to 3%

(effectively 2.75% as 0.25% of the pay provision this year will be carried forward as a result of the 1.75% final pay offer from the employer's side);

(B) Note the comprehensive spending review savings to be implemented in 2022/23 and 2023/24 as agreed by Council in March 2021 and acknowledge the requirement of Council that compensating savings, delivered to the same timescales, have to be put in place and reported to the next Council meeting should the Executive decide that any savings proposals should not proceed, or are reduced by 10% or more;

(C) Welcome the Collection Fund updated estimate that the Business Rates deficit, being spread over 3 years, will be met in full by changes to the appeals provision, removing a £0.900 million pressure on the General Fund, and that the forecast increase in Local Council Tax Support cases has not materialised and the Council Tax Base is now forecast to increase in future years;

(D) Note the assumption that the Transforming East Herts Programme will not start to result in revenue savings until the latter half of 2022/23 and into 2023/24;

(E) Agree: the re-phasing of the capital programme and revenue impacts of capital financing; that existing minor projects should be

subject to a full value for money test before proceeding; and that no new projects may come forward for the capital programme unless they are able to cover the capital financing costs in full or mitigate significant increases in revenue costs;

(F) Note the revised savings requirements of £0.967 million in 2022/23, £1.520 million in 2023/24 – 2025/26 rising to £1.901 million in 2026/27; and

(G) Agree that all service areas should review fees and charges and ensure that, where the council has discretion to set the charge, that charges should be set so as to: recover full costs; concessions should be explicitly linked to an Equalities Impact Assessment; and that services which are not currently charged for the introduction of a charge should be considered unless the service is provided generally under a statutory provision.

181 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.30 pm

Chairman

Date

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Update from Councillor John Wyllie, Chairman of the Overview and Scrutiny Committee

O&S met on the 2nd November 2021 and discussed the East Herts Private Sector Housing Assistance Policy and made some amendments for the Executive to consider, we also reviewed the Q1 and Q2 Performance Report as well as the making some suggestions on the Communications Update.

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Update from Councillor Mark Pope, Chairman of the Audit and Governance Committee

At the meeting of the Committee held on Tuesday, 9 November 2021 the following business was transacted:

The meeting began with a training session on Treasury Management provided by the Council's independent adviser Link Asset Services. The Committee reviewed the Council's Annual Treasury Report and the 2021/22 Mid-Year Review.

The Committee noted that due to workload related pressures on the External Auditor, the Council's external audit would not now be commencing until early in the New Year.

The Committee received a report containing a series of recommendations (previously agreed by the Executive) relating to the 2022/23 Budget and the Medium Term Financial Plan 2022-2027.

The Committee reviewed the Q2 Strategic Risk Register. It was noted that only minor amendments had been made to the document since the previous review by the Committee.

The Committee reviewed and noted the Council's Infrastructure Funding Statement 2020-21 and also received an update on the collection and allocation of Section 106 financial contributions and also on the work of the Infrastructure Contributions and Spend Manager.

The Committee noted the requirement for the Council to put in place new arrangements in time to make an appointment of an external auditor by 31 December 2022 for the five years beginning in April 2023. After discussion it was agreed to recommend to Council that the Council should opt into the sector led body for audit appointments provided by the Public Sector Audit Appointments Limited.

The Committee received updates on the Council's Data Protection arrangements and also regarding Standards. With regard to the latter, the Committee agreed that an additional "Independent Person" should be appointed.

The Committee reviewed the Council's Anti-Fraud & Corruption Strategy and also agreed the following policies:

Anti-Money Laundering Policy 2021

Confidential Reporting Procedure (Whistleblowing) Policy 2021

Fraud Sanctions Policy 2021

The Committee's work programme was agreed and noted.

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East Herts Council Report

Executive

Date of meeting: 23 November 2021

Report by: Councillor Peter Boylan – Executive Member for Neighbourhoods

Report title: Proposed East Herts Private Sector Assistance Policy

Ward(s) affected: All

Summary

- The policy details the way in which the council provides financial and other assistance to owners and occupiers of private sector housing within East Herts.

RECOMMENDATIONS FOR EXECUTIVE:

- A.** The Proposed Private Sector Housing Assistance Policy be considered and that suggested amendments, additions, deletions and/or clarifications raised by the Executive then be considered by the Executive Member for Neighbourhoods 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 a new policy covering Private Sector Housing Assistance is adopted by this Council.
- 1.2 It is proposed that the Executive 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.

- 1.3 To seek the Executive's support to put a final version to Council.

2.0 Background

- 2.1 Article 3 of The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 allows the council to give assistance for home repair, improvement and adaptation however before doing so we must have a published and adopted policy. The council's previous Private Sector Housing Assistance policy was adopted in 2003 and was last amended in 2008.

- 2.2 Since the last amendment various changes have been made including:

- the establishment of the Hertfordshire Home Improvement Agency (HHIA) and the transfer of Disabled Facilities and Discretionary Disabled Facilities Grant work to the HHIA
- budget reductions that have led to certain grants no longer being given (Houses in Multiple Occupation (HMO) Grants and Decent Homes grants to landlords) and restricted promotion of Decent Homes Grants to owner occupiers
- during budget setting for 2021/2022, an agreement that the council would change to offering loans instead of grants for Decent Homes.

- 2.3 Key changes to the policy:

- introduction of interest bearing Decent Homes loans to owner occupiers where previously Decent Homes Grants may have been offered
- introduction of a small (up to £1,000) grant for emergency repairs for home owners on certain income related benefits
- removal of grant to landlords for repairs to rental property including HMOs.

2.4 A draft of the policy was considered by the Overview and Scrutiny Committee on 2nd November 2021 at which the Executive Member for Neighbourhoods took a number of questions. Members of the Committee endorsed the policy but requested that the Executive Member consider the following points:

- that reference to the Housing Strategy 2021-2026 be amended as it is yet to be considered by the Overview and Scrutiny Committee prior to endorse by the Executive and recommendation for approval by Council
- that the use of the term 'grant' being amended to make it clear that some grants are in fact payable by the recipient on disposal of their property.

2.5 The Executive Member for Neighbourhoods welcomed these suggestions and, following subsequent discussion with the Head of Housing and Health, the version of the policy before the Executive has been amended in the following ways:

- the Housing Strategy is now referred to as the **Emerging East Herts Housing Strategy 2021-2026 (due for adoption in early 2022)**
- amendments have been made throughout the policy (including in the glossary) to reference the different products as appropriate, these being:

- a **loan** which means a sum of money advanced by the council on which interest accrues until the loan is repaid. The original loan value and interest will be subject to a charge on the property benefiting from the works funded by the loan. It will need to be repaid, whether from the disposal of the property or by some other means determined by the loan beneficiary or his/her estate
- a **Repayable grant payment** which means a sum of money advanced by the council for which a charge of the property benefiting from the works funded by the loan will be made. The sum of money will need to be repaid in full, whether from the disposal of the property or by some other means determined by the loan beneficiary or his/her estate, unless provision is clearly made at the time the grant is made for any future reduction in the amount payable
- a **Grant** which is a payment from the council with no requirement to repayment the money advanced.

3.0 Reason(s)

- 3.1 The reason the draft revised policy is being put in front of Executive is that in order to assist in the drafting of the revised policy, it is appropriate and timely that members of the Executive should exercise their functions under the council's Constitution and in line with the Local Government Act 2000, notably to 'review draft strategies'.
- 3.2 To seek the Executive's support to put the final version to Council.

4.0 Options

- 4.1 In exercising its power the Executive has the option to:
- signal its contentment with the 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 Neighbourhoods 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 policies, whether amended or not, to be put to Council for determination. If this approach is taken, the Executive should make their rationale for this approach explicit so that the Executive Member for Neighbourhoods 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

- 5.1 Overwhelming interest in the scheme that the council cannot satisfy; this risk appears unlikely due to the number of grants issued in previous years. The impact of this would be moderate and may result in the lack of ability to provide the service effectively.
- 5.2 The risk of fraud is thought to be low and can be mitigated through the application process. Asking for financial and personal information in order to verify eligibility will allow the council to assess applicants as part of the means testing process.

- 5.3 There would be implications if we did not have a policy that sets out the assistance we can provide to residents in private sector housing. Vulnerable residents in the district would be more likely to live in homes in disrepair without the means to repair housing hazards. This would have knock on health implications for these vulnerable households.

6.0 Implications/Consultations

- 6.1 Consultation carried out from Monday 23 August - Sunday 19 September.
- 6.2 Following review from Overview and Scrutiny Committee, clarification that the East Herts Housing Strategy 2021-2026 is a proposed strategy has been made.

Community Safety

No

Data Protection

No

Equalities

An equalities impact assessment will be undertaken prior to consideration by Council. Initial consideration of an acceptable product under sharia law is currently underway along with the detailed terms of any loan or grant.

Environmental Sustainability

Yes – the benefit of improvements to private properties are referred to in the policy itself.

Financial

Home improvement grants and loans are both classified as Revenue Expenditure Financed as Capital Under Statute (REFCUS) so they are included in the capital and are currently financed by a charge to the

revenue account. The change to loans means that over time, when properties are sold, the council will receive back the loan plus interest which is classified as a capital receipt and can only be used to finance capital expenditure or repay debt. Over time the home improvement grant funding will become predominately revolving funds lowering the annual revenue cost to the council. As the loan and interest are secured as a charge on the property and only become due when the property is sold, there is no overhead in monitoring and chasing debt payments and there is no debt balance in the balance sheet. The vast majority of local authorities in England have changed over to loans in the last decade so the council is not out of step making this change and the recycling of funds in this way ensures that the council can continue to provide assistance to owner occupiers.

With the need to make revenue savings over the medium term there is a risk that this budget could have been reduced but by changing over to loans this sets a path for this budget to be reduced as the capital receipts become a circular funding source in the future. Experience elsewhere indicates that it will be approximately 5 years before receipts start to be returned to the council but after that time the proportion of annual funding being replaced by capital receipt grows to between 50% and 75%.

Health and Safety

Improvements to the private properties that will consequently improve the risk ratings of properties are covered in the policy itself.

Human Resources

No – no implications

Human Rights

No – no implications unless equalities issues are not able to be overcome.

Legal

The council has the legal ability to provide loans as opposed to grants.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – East Hertfordshire District Council Draft Private Sector Housing Assistance Policy

Contact Member Councillor Peter Boylan – Executive Member for Neighbourhoods
peter.boylan@eastherts.gov.uk

Contact Officer Jonathan Geall, Head of Housing and Health
Tel: 01992 531594
jonathan.geall@eastherts.gov.uk

Report Authors Jane O'Brien, Senior Officer - Environmental Health (Residential).
jane.obrien@eastherts.gov.uk

Amy Ditcham, Senior Officer - Environmental Health Policy and Projects Officer.
amy.ditcham@eastherts.gov.uk



East Hertfordshire District Council

Private Sector Housing Assistance Policy

Organisation	East Hertfordshire District Council
Title	Private Sector Housing Assistance Policy
Author - name and title	Jane O'Brien – Senior Officer Environmental Health (Residential)
Owner - name and title	Jane O'Brien – Senior Officer Environmental Health (Residential)
Date	August 2021
Approvals	Overview and Scrutiny, Executive & Council
Version	1.0
Next Review Date	August 2031

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1.0 Introduction

1.1. This document details East Herts Council's Private Sector Housing Assistance Policy. It details the way in which the Council provides financial and other assistance to owners and occupiers of private sector housing within East Herts.

1.2. The council's first policy relating to financial assistance, the Private Sector Housing Assistance Policy was published in 2003 and there have been a series of amendments since. This policy document replaces the previous policy dated 2008. Monies provided under the previous policy will continue to be considered under that policy and the terms and conditions of any such payments applicable at the time of approval.

1.3. This policy has been adopted under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The order introduced powers for local authorities to provide assistance to households living in private sector housing. The council's approach to carrying out works of repair, improvements and adaptations in order to address local needs and priorities and provide assistance to vulnerable residents is set out here.

1.4. Objectives

- To tackle housing conditions that represent a hazard to the health and wellbeing of the occupier, focusing on the needs of the most vulnerable households.
- Improve the quality of life of elderly, disabled and vulnerable residents by appropriate adaptations to their homes, where they are not in the position to do so.

1.5 As resources are limited within each financial year a degree of flexibility is required to meet changing needs. To tackle these problems the council aims to use its funds as fairly and effectively as possible. To achieve this, the council has made the decision to move from grants to loans for housing repairs so that the funds can still have the same positive impact on residents' lives but also be recovered and recycled in the future to benefit more residents.

2.0 Local and National Context

2.1 This document supports and links to a number of strategies adopted by East Herts Council. It aims to support the needs of vulnerable, disabled and elderly residents and underpins a number of the council's priorities for health and wellbeing and housing need. Relevant strategies and their link to the Private Sector Housing Assistance Policy are as follows:

- **East Herts Corporate Plan** - The corporate priority 'Enabling our communities' is supported by this policy through the aim to deliver the objective 'We will support our vulnerable residents'. This policy also supports the priority to put 'Sustainability at the heart of everything we do' through the provision of energy efficiency grants.
- **East Herts Health and Wellbeing Strategy** - This policy supports the aim to 'Improve the health and wellbeing of our communities' by delivering the outcome 'Support for our vulnerable families and individuals'. The Health and Wellbeing Strategy outlines 'access to high quality housing' as a way that the Council can enable health improvement in the district.
- **East Herts District Plan** - This policy supports the District Plan in contributing to the following:
'A key objective of the District Plan seeks to ensure that new housing is accessible to, and meets the needs and aspirations of, the District's communities. The Council also recognises that everyone should be given the opportunity to access a decent home.'
- **Emerging East Herts Housing Strategy 2021-2026 (due for adoption in early 2022)** – The emerging Housing Strategy identifies the following as two of the 'most urgent housing issues facing East Herts':
 - Housing need - Insufficient supply of special needs/supported homes for older people, people with mental health needs, people with learning disabilities, people with physical disabilities.

- Housing conditions - Ensuring good standards in the private rented sector.

- 2.2 East Herts covers the eastern third of Hertfordshire. Around three-quarters of the population live in one of the five main towns, separated by areas of rural landscapes and small villages. There are 62,116 dwellings in East Hertfordshire, 70% are owner occupied, 16% private rented and 13% social rented.
- 2.3 Residents in East Herts enjoy one of the highest qualities of life in rural Britain and enjoy a good level of health and life expectancy. While by many measures a relatively affluent district, East Herts does have its health challenges, including deprivation. The health of people in East Herts is generally better than the England average; however this tends to mask pockets of deprivation. Five of the most deprived wards account for 16% of the population, representing around 23,000 individuals.
- 2.4 East Herts has an ageing population. ONS population forecasts show that there will be 87.5% more older people (65+) by 2037. This potentially means a significant increase in the need for support services and housing with support which needs to be planned for. The District Housing Needs Survey 2014¹ asked a series of questions to understand physical or mental health issues and long term illness and their impact on housing needs. The key findings were that 16.5% of households contain somebody with a disability/limiting long term illness. The main demographic affected were over 65 years old and the main issue being around walking/mobility issues.
- 2.5 Housing is one of the major wider determinants of health and wellbeing. The impacts that housing can have on health and wellbeing are recognised by the Housing Act 2004, particularly through the Housing Health and Safety Rating System (HHRS), by which housing of all tenures is assessed for the likelihood and severity of harm arising from a range of hazards, such as excess cold, falls, dampness, and fire.

¹ [East Hertfordshire District Council - Housing Needs Survey 2014](#)

- 2.6 In 2019, 10% of the housing stock in England had a HHSRS Category 1 hazard, down from 21% in 2009². 15% of private sector properties in East Herts have Category 1 Housing Health and Safety Rating System (HHSRS) hazards³. 14% of properties in the private rented sector have Category 1 HHSRS hazards, similar to the England average (13%)⁴. The Housing Stock Condition Report for East Herts identified concentrations of high levels of Category 1 hazards mainly in the more rural areas. Estimated costs to mitigate all Category 1 hazards in private sector stock are £27.59 million.
- 2.7 The East Herts Housing Stock Condition Report identified that a proportion of the private sector stock in East Hertfordshire could benefit from energy efficiency improvements with 26% of dwellings having un-insulated cavity walls. Furthermore, 15% of East Herts private sector stock has less than 100mm of loft insulation with 7% having no loft insulation at all. In East Herts, it is estimated that 73% of the housing stock have cavity walls, higher than the regional and national figures (50%)⁵.

3.0 Assistance Available

- 3.1 East Herts offers assistance ranging from advice, financial assistance through to enforcement in order to tackle housing hazards.

3.2 Financial Assistance

- 3.2.1 The details of the financial assistance available through either grants or loans are outlined in Table 1. These are offered subject to terms and conditions.

² [English housing survey](#)

³ BRE Integrated Dwelling Level Housing Stock Modelling and Database for East Herts District Council

⁴ [English housing survey](#)

⁵ [English housing survey](#)

Table 1. Financial Assistance Available

Assistance available	For	Financial offer & condition of repayment	Eligibility
Decent Home Loans	Bringing the property up to the Government's Decent Homes Standard: <ul style="list-style-type: none"> • To be free from Category 1 hazards as defined by HHSRS • be in reasonable repair • have reasonably modern facilities and services • have adequate heating and insulation 	Between £1,000 and £30,000. The recipient will repay the capital when they sell the property on which the loan was secured. Interest will be at 4.5% per annum and this will also need to be repaid.	Approvals are subject to a test of resources and so the amount of the loan offered will depend on an assessment of the applicant's ability to pay for the eligible works themselves or to obtain a commercial loan to cover the costs.
Small Repayable Grant Payment for Emergency Repairs	Category 1 hazards identified under HHSRS	Up to £1,000 The recipient will repay the capital when they sell the property on which the grant was secured.	Applicants must be in receipt of an income related benefit
Energy Efficiency Grants	To include schemes signed up to by the Council for which funding becomes available	Dependant on the scheme offer and often non-repayable. If repayment is required the grant shall be in the form of a Repayable grant payment and this will be made clear to all parties at the outset	Dependant on the scheme offer
Home Insulation	Grants that go towards the cost of	<ul style="list-style-type: none"> • 50% grant of up to £200 towards 	All homeowners in East Herts

Grants	loft insulation works and/or cavity wall insulation	loft insulation works <ul style="list-style-type: none"> • 50% grant of up to £300 towards the cost of cavity wall insulation 	
Disabled Facilities Grants (Provided through the Hertfordshire Home Improvement Agency (HHIA) and are subject to the HHIA's own policies)	Essential adaptations to homes to make them more suitable for disabled people to live in and manage independently	Up to £30,000. A sliding scale of repayment is typically applicable. This will be made clear to the recipient at the outset	<ul style="list-style-type: none"> • Subject to a test of resources for applicants over 18 • Subject to an Occupational Therapist assessment • Owner occupiers, tenants and landlords on behalf of tenants can apply

3.2.2 Legislation does not restrict financial assistance to private sector homeowners alone. However, East Herts would not provide financial assistance for housing repairs to housing association tenants as other mechanisms are in place to improve their homes. The council will not fund work that is due to the failure of a landlord to meet their statutory obligations or to repair or improve property that is in poor condition as a consequence of the nature of its occupation or a deliberate act of the occupier. Home owners are expected to have buildings insurance and the council will not fund works that are covered by insurance.

3.3 Verbal advice

3.3.1 Where financial assistance is not available under this policy, officers will look to assist a customer in other ways, such as advice on property

defects or possible adaptations or alterations. This policy takes a safety net approach to protect and assist vulnerable, disabled and elderly residents who may not have the financial resources to improve or maintain their property.

- 3.3.2 Advice may also include referral to partners, for example directing enquiries to Herts Home Improvement Agency or direction to alternative sources for energy efficiency home adaptations.

3.4 Enforcement

- 3.4.1 Enforcement action will not generally be the first response to minor contraventions of legislation, and any enforcement action will be undertaken in accordance with the Environmental Health Enforcement Policy. The need for formal enforcement may be brought about by various factors such as the severity of a problem, imminent risk, previous history, confidence in a landlord, public interest etc.
- 3.4.2 Where a property is found to have a Category 1 hazard under the Housing Act 2004 the Council does have a duty to take action. We therefore require that following the works funded under a Decent Home Loan the property must be left free from Category 1 hazards. Where an owner is not prepared to have work completed to remove all such hazards the Council will not approve a loan and may need to take enforcement action. Where there are works needed that justify a grant for emergency repairs further works to remove remaining Category 1 hazards should be completed within a reasonable timescale whether through loan funding or otherwise.

4.0 Details of financial assistance available

4.1 Decent home loans

4.1.1 Works that can be included

- These are discretionary towards the cost of works to help homes meet the Government's Decent Homes Standard, i.e., to be free from Category 1 hazards as defined by the Housing Health and Safety Rating System, (Housing Act 2004 Pt 1) be in reasonable repair, have reasonably modern facilities and services, and have adequate heating and insulation. Eligible premises will therefore be failing any of these criteria.
- Below is a non-exhaustive list of example eligible works:
 - Essential repairs, such as to make the property wind and weathertight, or to repair dangerous electrical installations. Seriously defective boilers and sanitary facilities may also be dealt with under this disrepair criterion. Reasonable repair will be considered in relation to the age, character and location of the property.
 - Upgrading of facilities and services such as kitchens and bathrooms where there are 3 or more significant failures under this definition within the standard, or where necessary to make the house fit and in reasonable repair. (Kitchen and bathroom facilities will not be assessed purely on age but to qualify must include significant wear or disrepair).
 - Home safety/security improvements, such as the provision of door chains, door viewers, door bolts, window/patio door locks and home safety. Where these are needed to remove a Category 1 hazard or in addition to other works
- In all cases, the council will determine whether the works are reasonable and practicable, and whether assistance is appropriate.
- Loans will not be available for any works undertaken before approval of the loan is given.

4.1.2 Who can apply?

- The council will consider applications for decent home loans from owner occupiers and qualifying tenants. The loan is only available subject to a test of resources which looks at people's income and savings. The test of resources will calculate the level of contribution to the works expected from the applicant, where this contribution is £5,000 or less this amount can be added to the loan amount up to a total loan amount of £30,000. All applications will be considered on a case by case basis.
- No properties built or converted within the previous eleven years will be considered for assistance and the owner must have owned the property or been a qualifying tenant for at least one year prior to the date of application before assistance will be considered.

4.1.3 Summary of terms and conditions

- Full terms and conditions are laid out in Appendix B – Part 1.
- The council will consider the cost of all proposed work in the light of eligibility of work and reasonableness of costed items on estimates/quotations, subject to a maximum limit for assistance in any three years, of £30,000.
- Certain preliminary or ancillary fees including the costs of an agent/surveyor may be included within the total assistance subject to the maximum assistance amount of £30,000. However the payment of any such fees is conditional on the loan approval and on completion of the specified works.
- The council will place a local land charge on the property for the works carried out. This uses the recipient's house as security on the loan. Interest will be added to the loan amount on an annual basis (prorated for any loan period less than one full year). Interest will be at 4.5% per annum at the time of approval of this policy but this rate may be amended in the future. Any such amendments will be advertised on the East Herts website and will be made clear in the loan agreement. The

interest rate set on signing the loan agreement will remain for the duration of the loan. The recipient repays the capital when they sell the property on which the loan was secured. Repayment of the loan and interest may be made either in whole or part at any time during the loan period which will end on the completion of sale or qualifying transfer of the property at which point the full repayment of loan and interest will become due.

- To help ensure that customers maintain their properties after improvement/ repair works have been carried out with Council assistance, the Council will expect customers to obtain and maintain sufficient Buildings Insurance for the property.

4.2 Small repayable grant payments for emergency repairs

4.2.1 Works that can be included

- Housing hazards identified as a Category 1 hazard under the HHSRS where there is an imminent risk to the occupier or visitors to the property.

4.2.2 Who can apply?

- The council will consider applications from owner occupiers and qualifying tenants. All applications will be considered on a case by case basis.
- Applicants must be in receipt of an income related benefit including:
 - Child Tax Credit
 - Housing Benefit
 - Income Support
 - Income-based Jobseeker's Allowance (JSA)
 - Income-related Employment and Support Allowance (ESA)
 - Pension Guarantee Credit
 - Universal Credit
 - Working Tax Credit

- No properties built or converted within the previous eleven years will be considered for assistance and the owner must have owned the property or been a qualifying tenant for at least one year prior to the date of application before assistance will be considered.

4.2.3 Summary of terms and conditions

- Full terms and conditions are laid out in Appendix B - Part 2.
- These grants are for emergency repairs that cover Category 1 hazards. Total grant amount will be up to £1,000 in any three year period. The council will place a local land charge on the property for the works carried out. The recipient repays the capital when they sell the property on which the grant was secured.

4.3 Energy efficiency grants

- Grants and funding rounds to make properties in the district as energy efficient as possible will be advertised when they are made available through local or central government funds. Advice on how to increase the energy efficiency of your home and details of funding rounds (including terms and conditions) will be on the Council's website.

4.4 Home insulation grants

4.4.1 Works that can be included

- The council can help towards the cost of home insulation by providing the following:
 - 50% grant of up to £200 towards loft insulation works which provides 270mm depth loft insulation and
 - 50% grant of up to £300 towards the cost of cavity wall insulation
- Applicants must provide the council with two formal quotes on the contractors' company headed paper for the proposed works. The following can be included in the quotes:
 - Loft clearance to enable installation
 - Installation of access platforms and tank walkways
 - Pipe insulation and Tank Lagging (in roof space)

- Loft Hatch insulation (if part of main loft insulation measures)
- The following cannot be included in the quotes:
 - DIY installations
 - properties requiring an insulation top up where there is more than 6" or 150mm of existing insulation

The council will review the quotes received and may reduce the grant payment where a quote appears to be excessive.

4.4.2 Who can apply?

- The grant scheme is open to all homeowners in East Herts.

4.4.3 Terms and conditions

- Grants cannot be applied for retrospectively. A competent company should carry out the proposed works. The council will not normally give assistance towards work which, in their opinion, might not be completed to a satisfactory standard.
- Home insulation grants can be applied for by completing the application form on the council's website.
- Before undertaking any works applicants need to:
 - complete and submit an application form using the council's prescribed form
 - provide two formal quotes on contractors' company headed paper (grant payments will be based on the lowest quote)

4.5 Disabled Facilities Grants

- East Herts Council is a partner in the Hertfordshire Home Improvement Agency, which now delivers the Council's responsibilities in relation to Disabled Facilities Grants.
- From April 2015, funding for Disabled Facilities Grants transferred to the Better Care Fund, which is paid to Hertfordshire County Council, rather than District Councils. The Government's 2013 Spending Review created

this single pooled budget to incentivise innovation and integration across the NHS and Local Government, 'to deliver better outcomes and greater efficiencies through more integrated services for older and disabled people'.

- East Herts are therefore working with Hertfordshire County Council to ensure Better Care Fund plans make adequate provision to meet local needs and statutory obligations for Disabled Facilities Grants. Further details can be found on the [Hertfordshire Home Improvement Agency website](#).

4.5.1 Works that can be included

- Disabled Facilities Grants are for adaptations to homes to make them more suitable for disabled people to live in and manage independently.
- Below is a non-exhaustive list of example eligible works:
 - Widening doors
 - Installing ramps
 - Improving access to rooms and facilities – e.g. installing stair lifts
 - Providing access to the garden
 - Providing a downstairs bathroom or wet room
 - Providing a heating system suitable for an applicant's needs
 - Adapting heating or lighting controls to make them easier for applicants to use

4.5.2 Who can apply?

- The grants are available nationally with criteria set outside of this policy. They are subject to conditions and eligibility (which includes a test of resources, except in case where eligible works are for a child or young person under the age of 19 where no means test is required). They are available to people who are registered, or registerable, as disabled.
- Owner occupiers, tenants and landlords on behalf of tenants can apply.

4.5.3 Terms and conditions

- The terms on which Disabled Facilities Grants are provided are set out in the Hertfordshire Home Improvement Agency's mandatory and discretionary grants policies. Further details can be found on the [Hertfordshire Home Improvement Agency website](#).

Appendix A – How to apply for assistance

A person may (amongst other routes) access the assistance and services outlined in this policy by:

- Contacting Environmental Health directly.
- By being referred to the service by another agency or internal service area.
- By being brought to the attention of Environmental Health as the result of a complaint
- By proactive contact by Environmental Health.

Applications for financial assistance will only be accepted on the Council's prescribed forms.

Where applicants have legitimate concerns about taking out an interest-bearing loan as a result of religious beliefs, an alternative route with a leasing scheme may be considered.

Appendix B – Terms and conditions

These terms and conditions do not apply to the following types of financial assistance as they each have specific eligibility criteria set out separately:

- Energy efficiency grants (see section 4.3)
- Home insulation grants (see section 4.4)
- Disabled facilities grants (see section 4.5)

In developing this policy, the council takes into account the responsibility of owners to maintain their own properties, but also considers ability to do so and vulnerability of different groups, as well as other factors in determining eligibility criteria and terms and conditions.

The terms and conditions for financial assistance detailed within this policy will be set down in writing for all applicants.

Part 1 – Terms and conditions for loans

- In making an application for assistance, when applicants sign the application form they are agreeing to all the terms and conditions as detailed by the council.
- Information provided to the council by applicants as part of the application process will be checked thoroughly and may be shared with other departments of the council and other organisations involved in any aspect of handling public funds to prevent and detect fraud or in investigation of other possible criminal activities.
- Applications or enquiries will only be accepted on the prescribed forms of the council.
- An application will only be considered to be complete if it includes all the information required with the signature of the applicant.
- Applicants must be 18 years of age or older at the date of application and in the case of joint applications one must be over 18 at the date of application.

- It is a condition of all forms of assistance that repayment is received in accordance with the terms of approval of the financial assistance.
- Applicants for loans which require a means test or an enquiry to be made of the commercial financial markets for availability of loans or equity release etc., will be required to complete details of financial circumstances on a form provided by the council requiring answers to pre-set questions. In completing this form applicants will be required to sign a declaration as to the accuracy of information provided and that of supporting paperwork, e.g., wage slips and accounts etc. The Council will routinely carry out cross checks on information provided. Applicants who have within the previous 12 months applied for an income related benefit will be asked to authorise the provision by the relevant agency of the full statement of calculation of the benefit entitlement.
- No application will be accepted for works required to reinstate any dwelling designated as defective under Section 528 or 559 of the Housing Act 1985, although applications for other types of work to defective dwellings will be considered, e.g., for a disabled facilities grant.
- All applications for assistance must be accompanied by an owner/occupation certificate which state the applicant has or proposes to acquire a qualifying interest in the property subject to the application for assistance. In addition to the following:
 - Owner Occupation Certificate: that throughout a period of 10 years from the completion date she/he or a member of the family intends to live in the dwelling as their only or main residence.
 - Proof of title shall also be required to enable property ownership to be confirmed, and consent of any mortgagee will be needed.
- It is the applicant who employs the builder to undertake agreed works and the council has no contractual liabilities in that relationship as its role is only to administer the grant/loan process.
- The applicant is ultimately responsible for ensuring the quality of the completed works; the responsibility can be passed on to an agent of the applicant, e.g., an architect or a Home Improvement Agency.

- If an applicant submits an estimate/quote from a member of their family who then carries out the agreed works the loan will only be paid on the basis of the cost of materials and not labour.
- Upon conclusion of discretionary decent home loans it will be expected that the property is free from significant hazards; any exception to this will require the authority of the Service Manager - Environmental Health.
- Applications from tenants for decent home loans must be from qualifying tenants who according to the terms of their lease are responsible for the work for which assistance is being sought.
- In the case of applications initiated by a qualifying tenant they must be accompanied by a tenants certificate stating that the applicant is a qualifying tenant of the dwelling and that she/he or a member of the family intends to live in the dwelling as their only or main residence. A tenant's application must also be supported by the landlord's completion of a certificate of intended letting unless such is not forthcoming and the works are required to remove risk to the tenant's health and/or safety. In all other circumstances work to a property will require the owner's written authority and that of the mortgagee.
- An application for assistance towards works that have already been completed will not be processed. Any part of works not commenced, which would otherwise have been considered for assistance may be processed for possible financial assistance as long as work is not commenced prior to formal approval.
- The amount of financial assistance payable shall be the actual cost of undertaking the works plus any associated fees, less any owner's etc. contribution, up to the total value of the assistance approved. Additional funding will only be provided above the original approval level in the event of unforeseen work being needed to allow completion of eligible works or associated works of a nature to protect the health and safety of occupiers, or evidenced increases in costs to the contractor from their suppliers etc. A formal re-approval to a higher level of assistance will be required before any

payment above the originally approved level is paid.

- All payments shall be conditional upon receipt of an acceptable invoice and made direct to the appropriate contractor following agreement with the applicant that works to the appropriate stage have been satisfactorily completed. In a situation of dispute between the applicant and contractor, which is not resolved in a reasonable time period the loan, or part thereof, may be paid to the applicant, agent or contractor at the discretion of the council.
- The council will include the cost of preliminary or ancillary services fees and charges within the calculation of assistance; each submission of fees will be individually considered for reasonableness. The payment of any such fees is conditional on a loan being approved and the completion of all specified works, otherwise the Council will not be held responsible for any fees incurred before or after approval.
- The council will consider requests for interim payments such that no interim payment will normally be for more than 90% of the cost of completed work and in aggregate no more than 90% of the total approved amount before final completion.
- The council will determine on each approval document the time period allowed for works to be completed, which will not normally exceed 12 months and may be significantly shorter for small items of work.
- The works must be carried out by one of the contractors whose estimates/quotations were submitted as part of the application process, unless otherwise agreed by the Council, the loan/grant having been calculated using the lowest priced estimate/quotation.
- The number of estimates/quotations accompanying an application for a loan shall be at least two. Three quotations will normally be sought for works costing more than £5,000. The Council reserve the right to ask for more estimates/quotations if they are not satisfied with those submitted, or to accept a single quotation where two would normally be required for work from specialist contractors, or for works of less than £5,000, where the

Service Manager - Environmental Health is satisfied that best value is achieved and obtaining more quotations is not necessary or practical in the circumstances.

- Applicants should contact the council to report a change in personal and/or financial circumstance. Where an applicant's circumstances change or are confirmed as different from originally stated, after approval is issued, such that approval would no longer be given, then the loan approval will be cancelled and no payments will be made, or no further payments will be made where interim payments have already been paid, except in exceptional circumstances when the Head of Housing and Health may give authority to provide further funding so as to conclude work at a suitable and appropriate stage. Where payments have been made, the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the Council may determine.
- In any case where financial circumstances at the time of application are later confirmed differently to those submitted by the applicant/s such that after approval a new processing of information would lead to reduced assistance or denial of assistance then the original approval will be amended/cancelled and the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the council may determine to recover any over payment. In such circumstances the local authority may choose to cancel the whole approval or demand repayment of all monies paid, plus compound interest, despite the fact that a reduced level of assistance would have been approved, where it is felt the degree of error in the applicant completing the original means test forms is such to suggest a deliberate attempt to deceive.
- In certain circumstances where the council believe that actions of applicants may have been taken to deliberately defraud the Council a file will be passed to the Police for investigation.
- In the 10 year period following final payment of assistance monies the applicant shall upon written request from the council, reply in writing, within 21 days of the date of the request stating how they are complying with any of

the terms and conditions of the assistance enquired about. Failure to comply with this item will be deemed a failure of assistance conditions requiring total repayment of financial assistance plus compound interest at a reasonable rate determined by the council.

- In the event of a recipient of assistance pursuing a successful insurance claim, action for legal damages etc. which covers the cost of works for which assistance was previously paid, the applicant will on demand repay the total value of assistance paid relating to such works or the value of the insurance payment/legal damages if lower.
- The council will not undertake works on behalf of applicants, except where works may be due in default of an owner's, tenants etc. failure to comply with a statutory notice.
- The council or their agents will hold final authority to determine what works are agreed works although it is acceptable for owners, tenants or their agents etc. to draw up initial schedules of work which may be reduced or added to by the council in terms of work qualifying for possible assistance.
- The payment of any assistance approved will normally only be considered after any applicants contribution has been accounted for in the value of invoices submitted.
- The responsibility to gain all necessary approvals for works to be undertaken with assistance rests with the applicant or their agent, such approvals may be Planning Permission or Building Regulation Approval or any of the matters raised within the terms and conditions of assistance.
- Financial assistance will only be approved for the benefit of applicants who are able to provide evidence of a valid National Insurance Number.
- The financial assistance the council awards are all subject to levels of available funding in each financial year and as such the council reserves the right to defer approval, or even consideration, of applications for periods of time of its own choosing in order to properly manage its budgets.

- In considering applications for the benefit of people with disabilities the council may choose not to grant aid adaptations for which County Council Social Services are responsible under the Chronically Sick and Disabled Persons Act 1970.
- The council may from time to time utilise special funding from central government, or other sources, aimed at specific subjects to target issues of local and national concern in accordance with any special conditions, e.g., replacement of inefficient boilers. Any special terms and conditions applicable to such initiatives will be appended to the Private Sector Housing Assistance Policy as they will not significantly alter the Council's primary approach to the subject.
- The council may not consider applications from persons, organisations etc. where there is a possible alternative source of funding for maintaining properties, e.g., the NHS.

The council reserves the right to re-consider any individual application against any of these terms and conditions upon the authority of the Head of Housing and Health.

Part 2 – Terms and conditions for grants (and repayable grant payments as applicable)

- In making an application for assistance, when applicants sign the application form they are agreeing to all the terms and conditions as detailed by the council.
- Information provided to the council by applicants as part of the application process will be checked thoroughly and may be shared with other departments of the Council and other organisations involved in any aspect of handling public funds to prevent and detect fraud or in investigation of other possible criminal activities.

- Applications or enquiries will only be accepted on the prescribed forms of the Council.
- An application will only be considered to be complete if it includes all the information required with the signature of the applicant.
- Applicants must be 18 years of age or older at the date of application and in the case of joint applications one must be over 18 at the date of application.
- It is a condition of all forms of assistance that repayment is received in accordance with the terms of approval of the financial assistance.
- Applicants for assistance which require a means test or an enquiry to be made of the commercial financial markets for availability of loans or equity release etc., will be required to complete details of financial circumstances on a form provided by the council requiring answers to pre-set questions. In completing this form applicants will be required to sign a declaration as to the accuracy of information provided and that of supporting paperwork, e.g., wage slips and accounts etc. The council will routinely carry out cross checks on information provided. Applicants who have within the previous 12 months applied for an income related benefit will be asked to authorise the provision by the relevant agency of the full statement of calculation of the benefit entitlement.
- No application will be accepted for works required to reinstate any dwelling designated as defective under Section 528 or 559 of the Housing Act 1985, although applications for other types of work to defective dwellings will be considered, e.g., for a disabled facilities grant.
- All applications for assistance must be accompanied by an owner/occupation certificate which state the applicant has or proposes to acquire a qualifying interest in the property subject to the application for assistance. In addition to the following:
 - Owner Occupation Certificate: that throughout a period of 10 years from the completion date she/he or a member of the family intends to live in the dwelling as their only or main residence.

Proof of title shall also be required to enable property ownership to be confirmed, and consent of any mortgagee will be needed.

- It is the applicant who employs the builder to undertake agreed works and the council has no contractual liabilities in that relationship as its role is only to administer the grant process.
- The applicant is ultimately responsible for ensuring the quality of the completed works; the responsibility can be passed on to an agent of the applicant, e.g., an architect or a Home Improvement Agency.
- If an applicant submits an estimate/quote from a member of their family who then carries out the agreed works the grant will only be paid on the basis of the cost of materials and not labour.
- Applications must be from qualifying tenants who according to the terms of their lease are responsible for the work for which assistance is being sought.
- In the case of applications initiated by a qualifying tenant they must be accompanied by a tenants certificate stating that the applicant is a qualifying tenant of the dwelling and that she/he or a member of the family intends to live in the dwelling as their only or main residence. A tenant's application must also be supported by the landlord's completion of a certificate of intended letting unless such is not forthcoming and the works are required to remove risk to the tenant's health and/or safety. In all other circumstances work to a property will require the owner's written authority and that of the mortgagee.
- An application for assistance towards works that have already been completed will not be processed. Any part of works not commenced, which would otherwise have been considered for assistance may be processed for possible financial assistance as long as work is not commenced prior to formal approval.
- The amount of financial assistance payable shall be the actual cost of undertaking the works plus any associated fees, less any owner's etc. contribution, up to the total value of the assistance approved. Additional

funding will only be provided above the original approval level in the event of unforeseen work being needed to allow completion of eligible works or associated works of a nature to protect the health and safety of occupiers, or evidenced increases in costs to the contractor from their suppliers etc. A formal re-approval to a higher level of assistance will be required before any payment above the originally approved level is paid.

- All payments shall be conditional upon receipt of an acceptable invoice and made direct to the appropriate contractor following agreement with the applicant that works to the appropriate stage have been satisfactorily completed. In a situation of dispute between the applicant and contractor, which is not resolved in a reasonable time period the grant, or part thereof, may be paid to the applicant, agent or contractor at the discretion of the council.
- The council will include the cost of preliminary or ancillary services fees and charges within the calculation of assistance; each submission of fees will be individually considered for reasonableness. The payment of any such fees is conditional on a grant being approved and the completion of all specified works, otherwise the council will not be held responsible for any fees incurred before or after approval.
- The council will consider requests for interim payments such that no interim payment will normally be for more than 90% of the cost of completed work and in aggregate no more than 90% of the total approved amount before final completion.
- The council will determine on each approval document the time period allowed for works to be completed, which will not normally exceed 12 months and may be significantly shorter for small items of work, in particular for small grants for emergency repairs.
- The works must be carried out by one of the contractors whose estimates/quotations were submitted as part of the application process, unless otherwise agreed by the council, the loan/grant having been calculated using the lowest priced estimate/quotation.

- The number of estimates/quotations accompanying an application for a grant for works costing in up to of £1,000 shall be at least one estimate/quotation, but normally two, shall be provided. The council reserve the right to ask for more estimates/quotations if they are not satisfied with those submitted, or to accept a single quotation where two would normally be required for work from specialist contractors where the Service Manager - Environmental Health is satisfied that best value is achieved and obtaining more quotations is not necessary or practical in the circumstances.
- Applicants should contact the council to report a change in personal and/or financial circumstance. Where an applicant's circumstances change or are confirmed as different from originally stated, after approval is issued, such that approval would no longer be given, then the grant approval will be cancelled and no payments will be made, or no further payments will be made where interim payments have already been paid, except in exceptional circumstances when the Head of Housing and Health may give authority to provide further funding so as to conclude work at a suitable and appropriate stage. Where payments have been made, the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the council may determine.
- In any case where financial circumstances at the time of application are later confirmed differently to those submitted by the applicant/s such that after approval a new processing of information would lead to reduced assistance or denial of assistance then the original approval will be amended/cancelled and the local authority may demand repayment together with compound interest from the date on which payment was made until repayment, at such reasonable rate as the council may determine to recover any over payment. In such circumstances the local authority may choose to cancel the whole approval or demand repayment of all monies paid, plus compound interest, despite the fact that a reduced level of assistance would have been approved, where it is felt the degree of error in the applicant completing the original means test forms is such to suggest a deliberate attempt to deceive.
- In certain circumstances where the council believe that actions of applicants may have been taken to deliberately defraud the Council a file will be passed

to the Police for investigation.

- In the 10 year period following final payment of assistance monies the applicant shall upon written request from the council, reply in writing, within 21 days of the date of the request stating how they are complying with any of the terms and conditions of the assistance enquired about. Failure to comply with this item will be deemed a failure of assistance conditions requiring total repayment of financial assistance plus compound interest at a reasonable rate determined by the council.
- In the event of a recipient of assistance pursuing a successful insurance claim, action for legal damages etc. which covers the cost of works for which assistance was previously paid, the applicant will on demand repay the total value of assistance paid relating to such works or the value of the insurance payment/legal damages if lower.
- The council will not undertake works on behalf of applicants, except where works may be due in default of an owner's, tenants etc. failure to comply with a statutory notice.
- The council or their agents will hold final authority to determine what works are agreed works although it is acceptable for owners, tenants or their agents etc. to draw up initial schedules of work which may be reduced or added to by the council in terms of work qualifying for possible assistance.
- The payment of any assistance approved will normally only be considered after any applicants contribution has been accounted for in the value of invoices submitted.
- The responsibility to gain all necessary approvals for works to be undertaken with assistance rests with the applicant or their agent, such approvals may be Planning Permission or Building Regulation Approval or any of the matters raised within the terms and conditions of assistance.
- Financial assistance will only be approved for the benefit of applicants who are able to provide evidence of a valid National Insurance Number.

- The financial assistance the council awards are all subject to levels of available funding in each financial year and as such the Council reserves the right to defer approval, or even consideration, of applications for periods of time of its own choosing in order to properly manage its budgets.
- In considering applications for the benefit of people with disabilities the council may choose not to grant aid adaptations for which County Council Social Services are responsible under the Chronically Sick and Disabled Persons Act 1970.
- The council may from time to time utilise special funding from central government, or other sources, aimed at specific subjects to target issues of local and national concern in accordance with any special conditions, e.g., replacement of inefficient boilers. Any special terms and conditions applicable to such initiatives will be appended to the Private Sector Housing Assistance Policy as they will not significantly alter the council's primary approach to the subject.
- The council may not consider applications from persons, organisations etc. where there is a possible alternative source of funding for maintaining properties, e.g., the NHS.
- The council reserves the right to re-consider any individual application against any of these terms and conditions upon the authority of the Head of Housing and Health.

Appendix C – Definitions

Administration Charge will be imposed by the Council to cover the cost (plus VAT) of its officers organising works in default of an owner, e.g., after a statutory notice has not been complied with or when a responsible person requests the Council to organise works.

Agreed Works are those works appearing on a schedule produced or authorised by the Council.

Category 1 hazards are the most serious risks and hazards to health and safety from any deficiencies identified in dwellings. Local authorities use the housing health and safety rating system (HHSRS) risk-based evaluation tool to identify and categorise these hazards.

Charge on a Property is where the local authority legally places a debt on the record of a property and recovers the debt, plus interest, upon its sale if not settled beforehand.

A **Decent Home** is one that meets the following requirements:

- It is free of Category 1 hazards.
- It is in a reasonable state of repair.
- It has reasonably modern facilities and services.
- It provides a reasonable degree of thermal comfort.

Grant – a payment from the council with no requirement to repayment the money advanced.

Housing Health and Safety Rating System (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings introduced under the Housing Act 2004.

Household Income means the amount of money the financial markets will consider available from a household to fund a loan, but will not include income from children etc. residing in the home, but purely from owner/s and any spouse or partner living in the property.

Loan means a sum of money advanced by the council on which interest accrues until the loan is repaid. The original loan value and interest will be subject to a charge on the property benefiting from the works funded by the loan. It will need to be repaid, whether from the disposal of the property or by some other means determined by the loan beneficiary or his/her estate.

Means Tested Benefits is any specified income based benefit received by an applicant.

Member of the family includes spouses, persons who live together as husband and wife, parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces.

Person with a disability/people with disabilities means an individual is registered as a person with a disability or, in the opinion of the Social Services Authority is registerable as a person with a disability. This definition recognises the fact that the majority of people will not be on a register.

Preliminary or Ancillary Services, Fees and Charges which may be included in a grant application are:

- Technical and structural surveys;
- design and preparation of plans and drawings; and preparation of schedules of works;
- obtaining of estimates and valuations;
- applications for building regulations approval and planning permission;
- supervision of works;
- disconnection and reconnection of electricity, gas, water and drainage utilities made necessary by the works (but no charges arising out of non-payment of bills);
- advice on contracts and on financing the cost of works.

Including such services given by or through home improvement agencies.

Qualifying Tenant means a tenant who within their tenancy agreement has the responsibility to repair or maintain the element of a structure for which they are seeking assistance.

Reasonable Repair means the Council shall have due regard to the age and character of a dwelling and the locality in which it is situated, but not its state of internal decoration, when considering its condition.

Repayable grant payment means a sum of money advanced by the council for which a charge of the property benefiting from the works funded by the loan will

be made. The sum of money will need to be repaid in full, whether from the disposal of the property or by some other means determined by the loan beneficiary or his/her estate, unless provision is clearly made at the time the grant is made for any future reduction in the amount payable.

Works in Default means works that the Council organise and possibly carry out as a result of the recipient of a statutory notice failing to comply with its requirements within a reasonable period of time.

Appendix D – Comments, Compliments and Complaints

If anyone is unhappy with the service provided they should first seek the assistance of the person who has been dealing with their case and give them the opportunity to improve matters or explain why things have happened as they have.

If after contact with the officer dealing with the case a customer is still dissatisfied and wishes to explore the matter further they should contact the Head of Housing and Health, at Wallfields, Pegs Lane, Hertford, SG13 8EQ, telephone 01279 655261, who will provide a full written response within 10 working days of becoming aware of the matter. In the event of all enquiries not being complete to enable a full response within 10 working days an interim response will be made indicating when a full response may be expected.

If after speaking to the Head of Housing and Health the customer is still dissatisfied, the Council's complaints procedure should be followed. For more information, see the [Comments, Compliments and Complaints page](#) on our website.

If you would like to provide feedback to the Council then please see our [Comments, Compliments and Complaints page](#) for the appropriate online form.

If you are unable to fill forms in online, please send a letter into East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

If you have followed our complaints procedure and you are still not happy, you may contact the Local Government Ombudsman's Helpline Team (Tel. 0300 061 0614).

The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

Appendix E – Diversity

The Council is committed to equality of access to its services and has adopted a 'Diversity and Equality Policy'. This policy will be followed by officers when carrying out their duties. The policy statement reads as follows:

'East Herts Council is firmly committed to providing and promoting equality for all its employees and the wider community. The Council has adopted this policy to ensure equality influences the way we provide services and the employment of staff. To achieve this we will endeavour to create an environment in which there is respect for every individual and recognition that no member of the public, employee, potential employee, service user or Councillor will be discriminated against irrespective of their gender, race, ethnicity, colour, marital status, disability, age, sexuality, family responsibilities, religion, trade union involvement or political beliefs. Neither shall they be disadvantaged by conditions or requirements that cannot be shown to be justifiable for health and safety or legal reasons. This is not an exhaustive list and the Council recognises that there are other groups who may face unlawful discrimination.

In respect of race equality the Council has adopted the McPherson's definition of a racist incident 'a racial incident is any incident which is perceived to be racist by the victim or any other person'.

The Council follows the Codes of Practice of the Commission for Racial Equality and Equal Opportunity Commission, and it is committed to achieving the Equality Standard for local government.

We believe in the need to eliminate unlawful discrimination and to promote equality of opportunity in all that we do. We recognise the rich diversity of East Hertfordshire's population as a strength and we aim to treat all people with dignity and respect whilst recognising the value of each individual and the positive contribution they make to the diverse community and workforce.'

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East Herts Council Report

Executive

Date of meeting: 23 November 2021

Report by: Oliver Rawlings, Service Manager (Licensing and Enforcement)

Report title: Consideration of the revised draft Licensing Records Points Scheme following consultation

Ward(s) affected: All

Summary

- The Licensing Records Points Scheme (LRPS) has formed part of East Herts Council's taxi policies for many years. It has allowed officers to issue Licensing Record Points (LRP) to drivers who have fallen below expected standards and failed to comply with certain requirements.
- Over the years there have been a number of changes to the legislation and guidance that the Government has issued to local authorities so as part of this review those matters have been considered.

RECOMMENDATION FOR EXECUTIVE:

- A.** Endorse the final draft version of the Licensing Records Points Scheme, at **Appendix B**, and recommend it to Council for adoption.

1.0 Proposal(s)

- 1.1 That the revised wording of the proposed Licensing Records Points Scheme be considered in light of any consultation

responses and amendments proposed by the Licensing Committee.

2.0 Background

- 2.1 East Herts Council is responsible for the regulation of the Hackney Carriage and Private Hire trade within the boundaries of the district of East Herts.
- 2.2 The relevant legislation gives the council the power to implement its own policies, conditions and schemes to ensure that the public are kept safe.
- 2.3 The policies, conditions and schemes should be reviewed regularly and updated as and when necessary to ensure that they remain effective.
- 2.4 The introduction of the LRPS was to enable a wider range of enforcement options to be available to officers, providing a formalised stepped enforcement plan. The provisions of the scheme allow for further information to be added to the record of a licence holder's behaviour and conduct which can be drawn upon should the council need to reconsider whether they are a fit and proper person to continue to hold a licence with East Herts Council.
- 2.5 An eight week consultation was proposed to take place between 19th July 2021 and 10th September 2021. During the early part of the consultation one member of the licence trade identified that they had not received the initial email at the start of the consultation. So as to maximise the opportunities for consultees to raise issues, the consultation closing date was consequently extended to 22nd September 2021.
- 2.6 The Licensing Team contacted the trade to communicate this change and audited their systems to ensure that they were

able to evidence sufficient notification of the consultation and subsequent reminders.

3.0 Reason(s)

- 3.1 As the Licensing Authority, East Herts Council has operated a points based system to aid compliance within the Hackney Carriage and Private Hire Trade.
- 3.2 The revision of the current scheme aims to ensure that it remains up-to-date and fit for purpose.
- 3.3 Section 9.3 of the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards (July 2020) relates to 'Setting expectations and monitoring' and states:

Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

- 3.4 During the consultation two responses were received. Both were from longstanding Dual Drivers' Licence holders within East Herts.
- 3.5 Both responses, and the authority's replies, can be found at **Appendix A** of this report. Whilst a number of issues were raised neither response suggested any amendments to the draft scheme.
- 3.6 The points raised within the responses that were unrelated to the consultation were dealt with separately.

- 3.7 In addition, during the consultation period the Licensing Team were contacted by Julie Marson MP with an enquiry on behalf of a holder of an East Herts Dual Drivers' Licence whose response was received on 2nd September 2021. In the email to the MP, the driver raised the same issues that he raised directly with the Licensing Team and stated:

I am writing to you today to make you aware of a proposed change in the East Herts taxi private hire points scheme. The said scheme was put in place as a safeguard for the people of East Hertfordshire. As a licensed hackney carriage driver of thirty years experience I have no issues with the change .

- 3.8 The points raised within that email were responded to fully and the MP's support in seeking up-to-date primary legislation for this sector was requested.
- 3.9 On 13th October 2021 Licensing Committee considered the draft revision of the Licensing Record Points Scheme and the responses that had been received.
- 3.10 At this meeting the Licensing Committee proposed two amendments to the scheme which were:
- A. To reduce the points for the late renewal licence from six points to three points.
 - B. To add wording around the use of racist, sexist, homophobic and other discriminatory language.
- 3.11 Following subsequent discussion with the Executive Member for Planning and Growth, it was determined that incorporating suggestion (A) would be acceptable as it would still act as a deterrent to late renewal.
- 3.12 With regard to suggestion (B), members of the Licensing Committee subsequently presented their suggested wording

which the Service Manager – Licensing and Enforcement and the Executive Member considered in detail. On reflection, it was concluded that providing a sanction for discriminatory behaviour in the Licensing Records Points Scheme could undermine the existing provisions in the Taxi Driver Suitability Policy. Put simply, it was felt it could undermine the council's ability to defend an appeal against suspension or revocation of a driver's licence for discrimination / hate crime as the driver could argue that points, an arguably lesser sanction, could have been applied instead.

- 3.13 To reassure all members, the issue of discrimination is covered in detail in the initial training prospective drivers must complete and as part of the update course which drivers must complete at each renewal.

4.0 Options

- 4.1 Endorse the draft Licensing Records Points Scheme wording attached at Appendix B without amendment – **RECOMMENDED.**
- 4.2 Endorse the draft Licensing Records Points Scheme wording attached at Appendix B with appropriate amendments.
- 4.3 Do not endorse the draft Licensing Records Points Scheme – **NOT RECOMMENDED** as the current scheme is in need of updating and no negative views on the draft were expressed during the consultation with the taxi trade.

5.0 Risks

- 5.1 Policies, conditions and schemes that are not reviewed regularly or updated as-and-when necessary so as to remain effective risk leaving the authority open to legal challenges should the council rely on an out-dated policy.

- 5.2 Failure to address gaps within the current scheme could be detrimental to the authority's defence of any legal challenge.
- 5.3 If the authority does not have robust policies and procedures in place then it is unable to limit, as far as is possible, risks to the public.

6.0 Implications/Consultations

Community Safety

The primary purpose of Hackney Carriage and Private Hire regulation is the protection of the public. The continued use of a points-based system will allow for minor breaches to be recorded and considered in context while referring those with persistent or serious breaches for more formal action.

Therefore Community Safety has been considered when drafting the Policy.

Data Protection

No changes are proposed to how data will be held or handled so no additional implications.

Equalities

Consideration has been given to the Equality Act 2010 and the Public Sector Equality Duty whilst drafting the Policy.

Negative Impacts

The council has not identified any negative effects from the analysis of consultation responses, the makeup of the District and information known about licence holders.

Positive Impacts

The council has not identified any positive effects from the analysis of consultation responses, the

makeup of the District and information known about licence holders.

By ensuring East Herts is a District where the hackney carriage and private hire trade is well regulated we help ensure that it is a place where communities can live safely and peacefully together, thus fostering the good relations that are also part of the council's equality duty.

Overall conclusion

From the information held we have not identified that there are people with protected characteristics particularly represented amongst applicants/licence holders. Decisions made under the existing scheme have been reviewed and no evidence of negative impacts on any person due to a protected characteristic have been identified. The revised scheme will be administered in the same way. Points awarded under the scheme are awarded on a case by case basis so if it was identified that a person with a protected characteristic would be disproportionately impacted then another decision could be reached. There is no evidence to demonstrate that our processes for applying the scheme could act differentially among those with a protected characteristic.

On consideration, there is no negative impact on any characteristic or group as a result of the revision of the Licensing Record Points Scheme.

Environmental Sustainability

None

Financial

None as implementing any changes will be possible within existing budgets or fees can be adjusted to balance any shortfall.

Health and Safety

None

Human Resources

As with all policies and council functions, the Human Rights Act 1998 has been considered when drafting this Policy.

Human Rights

As with all Policies and Council functions, the Human Rights Act 1998 has been considered when drafting the Policy.

Legal

All statutory requirements have been considered in preparing this report, including the requirement for public consultation.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – Consultation responses

7.2 **Appendix B** – Licensing Record Point Scheme

7.3 Department for Transport, Statutory Taxi and Private Hire Vehicle Standards -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

7.13 East Herts Taxi and Private Hire Handbook (containing the suitability Policy and the current Licensing Record Points Scheme) – <https://www.eastherts.gov.uk/licences-registration/taxi-licensing/become-licensed-taxi-driver>

Contact Member	Councillor Jan Goodeve (Executive Member for Planning and Growth) jan.goodeve@eastherts.gov.uk
Contact Officer	Jonathan Geall (Head of Housing and Health) Tel: 01992 531594 Jonathan.geall@eastherts.gov.uk
Report Author	Oliver Rawlings (Service Manager - Licensing and Enforcement) oliver.rawlings@eastherts.gov.uk

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Received via email on 5th August 2021:

I would like to raise a point regarding taxi ranks. On a Friday and Saturday night the only designated rank is the one round by the old Halfords, there is not enough room for all the taxis the fore st rank needs to be re opened as it is being used anyway with cars everywhere. We are trying to earn a living out there with not enough rank space for the amount of taxis.

Thanks

To: craig oxford

Subject: [External] Lrp consultation

Dear Mr Oxford

Thank you for email in response to the consultation on the draft Licensing Record Points Scheme.

We can understand the trade's frustration regarding the ongoing closure of the rank and you are not the only East Herts Dual Driver to contact us about this matter. Unfortunately the re-opening of the Fore Street rank is out of our hands as it was a decision taken by Hertfordshire County Council.

We have regularly asked for the matter to be reconsidered but at this time we do not know if or when the rank will be re-opening. We will forward your enquiry on to them but would urgent members of the trade to contact HCC Highways directly with any questions or comments about the rank. This can be done by calling 0300 123 4047 or emailing CSCHighways@hertfordshire.gov.uk or by using the contact form on this webpage: <https://www.hertfordshire.gov.uk/about-the-council/contact-us/contact-highways.aspx>

In the meantime if you have any specific comments regarding the Licensing Record Points Scheme then please put them in writing to us by midnight on 10th September 2021.

Regards



Oliver Rawlings

Service Manager –
Licensing & Enforcement
East Herts District Council
01992 531629
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newsletter - [Network](#)



Received via email on 2nd September 2021:

Dear licensing Officer I am writing to you regarding the changes in the Hackney Carriage points system. I myself have no concerns as over the last thirty years I have no points on my license. But what is concerning a lot of drivers is the out of area cars based in ware and transport for London doing likewise . As the first paragraph of the letter you sent out to all licensed drivers stated . East Herts oversee the Hackney Carriage and private hire trade within the boundaries of East Herts . So who oversees the Broxbourne and transport for London vehicles working within the boundaries of East Herts ? If the said points system is put in place as a safeguarding measure what safeguarding is put in place for out of area vehicles working within the boundaries of East Herts ? . Could you please forward this on for consideration as we as drivers think this problem need urgently addressing kind regards

To: 'Julie.marson.mp@XXXXX.uk'

Subject: RE: [External] From Julie Marson MP (Case Ref: JM2255)

Dear Mrs Marson

Thank you for your email. Mr XXXXX's correspondence to you makes reference to the fact that hackney carriage and private hire licensing is a locally managed regime. This has resulted from legislation dating back to 1847, which pre-dates the internal combustion engine, and is no longer fit for purpose. Each licensing authority has the ability to decide its own standards and testing which results in different standards when crossing borders from one LA to the another or into London for example. East Herts prides its self on the high standards of its drivers and vehicles.

For a number of years licensing authorities, the licensed trade, the LGA, etc. has been asking Government for updated legislation that is fit for purpose. Without this the disparity between standards will continue.

Mr XXXXX references out of area cars working in East Herts but in most circumstances these are not committing an offence. A pre-booked vehicle can work anywhere in the country and legislation allows operators to subcontract to any other operator meaning that vehicles from other areas can legally work outside of the area where they are licensed. The court decision in relation to Uber means that vehicles can work for app based operators in areas where they are not licensed. With the majority of the out of area vehicles working within East Herts doing so lawfully it makes the job of catching those that might be breaking the law even more difficult.

The Herts & Beds Licensing Group has been working towards uniform standards for a number of years but as I am sure you can appreciate this is difficult to achieve across 10 LA's although some progress has been made. They are also working on sharing authorisations so that vehicles and drivers from other areas can be inspected by local officers.

In July of 2021 the DfT issued its 'Statutory taxi and private hire vehicle standards' which all licensing authorities are expected to give consideration and implement. The title of this document is

misleading as it is not supported by any new legislation so is therefore not statutory and deals with drivers and operators and not just vehicles. Whilst this was a welcome step in the right direction it is still left to licensing authorities to implement the standards in the way they see fit.

As an example the standards deal with 'language proficiency', a drivers ability to understand English, and paragraph 6.15 states: *A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.* In East Herts we have introduced an objective test of spoken and written English, some LA's only test spoken English and others seek to rely on the ability of applicants to complete other tests and training as proof of English proficiency. All of these standards are different meaning someone we would not licence could go to a neighbouring authority, gain a licence and then legally work back in our area.

As an MP we, and our licensed trade, would appreciate your support in pushing new national taxi legislation forward with Central Government to resolve the issues raised by Mr XXXXX which cannot be fully addressed without it.

I have spoken to Oliver Rawlings, the Service Manager – Licensing & Enforcement, and he was sorry to hear that Mr XXXXX feels that this office is turning a blind eye. If Mr XXXXX would like to contact Mr Rawlings directly then he would be happy to discuss the issues raised with him:
oliver.rawlings@eastherts.gov.uk.

As a final comment the current consultation on the proposed changes to the East Herts Taxi private Hire Points Scheme has been extend by two weeks to ensure that our licensed trade have adequate time to comment as it will directly impact them. As with all changes to policy public consultation is undertaken and all responses are given due consideration by officers and Members before any decision is reached.

Kind regards



Gina Winn
Licensing Officer
East Herts District Council
01992 531639
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newsletter - [Network](#)



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East Herts Council Penalty Point Scheme

1. Introduction

- 1.1 The protection of the public, safeguarding children and vulnerable persons and the prevention of crime are the most important factors in the licensing regime.
- 1.2 The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire drivers and vehicles and private hire operators is the safety of the travelling public.
- 1.3 The aim of a Licensing Record Point Scheme (LRPS) is to work in conjunction with other enforcement measures to provide a stepped enforcement process for licence holders. It bridges the gap between the warning and suspension/revocation options provided by the legislation and creates a record of a licence holder's conduct; thereby enabling the Council to make an informed decision as to whether a licence holder is a fit and proper person to hold a licence. The primary objective of the Scheme is to improve levels of compliance and standards within the trade to ensure the safety of the travelling public.

2. Relevant legislation

- 2.1 Hackney carriage and private hire drivers and vehicles and private hire operators are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council's Byelaws and the Rules, Regulations and Conditions set by East Herts Licensing Committee. The purpose of the legislation and regulations is to ensure that applicants are 'fit and proper' to hold a licence and that they continue to remain 'fit and proper' for the duration of the licence period. It is the council's ongoing responsibility to ensure that the required standards are continually met.

3. General Principles

- 3.1 The scheme applies to all hackney carriage and private hire drivers and vehicles and private hire operators.
- 3.2 Where an offence or breach of the rules is committed or alleged, or a complaint received, the investigation process set out in this document will be followed and may result in the issue of licensing record points and/or other appropriate action.
- 3.3 The licensing record point process will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, regulations and its own Policy.

- 3.4 On occasions it may be determined not to award points but to proceed immediately to the revocation of a licence on the grounds that the Council considers that the licence holder is not fit and proper to hold a licence. In such cases the right of appeal will be direct to the Magistrates' Court.
- 3.5 Points issued under this licensing records point scheme will remain live for 24 months from the date they are issued.
- 3.6 The licensing records points issued will be at the discretion of the investigating officer and in accordance with the licensing record points' table.
- 3.7 The issuing of points against a driver who is an employee will not necessarily result in the issuing of points to their employer. However, points may be issued to one or more parties for a single contravention if the circumstances warrant such action being taken i.e. where there is joint responsibility for the contravention.
- 3.8 Licence holders may see the record of their licensing record points at any time. Vehicle proprietors and licensed operators may make a written request to view the licensing record points of their employees; any such request must give full reasons for the request. All such requests are subject to approval by the Service Manager-Licensing & Enforcement.
- 3.9 The Council may as part of its investigations into an alleged offence/complaint or similar matter request a Police National Computer check (PNC) to ensure that it has all the evidence necessary to properly investigate the matter; this evidence will be made available to all involved officers to assist them in reaching a decision. This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence and may result in a licence, previously granted, being revoked.

4. Investigation and Appeal Procedure

- 4.1 The Council will deal with all genuine complaints or witnessed/alleged breaches of the legislation, licence conditions and/or policy as follows –
- a. On receipt of a complaint or where there is an alleged or witnessed breach of the Council's conditions or other relevant statutory provisions, a member of the Licensing Team will assess whether there is a case to answer.
 - b. If it is considered there is a case to answer, a member of the Licensing Team will investigate the facts which may include interviewing the relevant individuals under caution.
 - c. Upon completion of the investigation, licensing record points may be applied. Notification that points have been given will be sent in writing to

the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 10 working days of the decision.

- d. The award of points can be appealed to the Service Manager- Licensing & Enforcement and this should be done within 10 working days of being notified of the award of points. The appellant may submit documentary evidence to support their appeal. Appeals must be made in writing to licensing.enforcement@eastherts.gov.uk or Licensing Enforcement, East Herts Council, Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ.
 - e. The Service Manager- Licensing & Enforcement will then consider the matter and confirm his decision in writing to the licence holder within 10 working days.
 - f. Where the Service Manager- Licensing & Enforcement has issued the points being appealed the appeal will be decided by the Head of Housing and Health and the route of appeal and time frames remain the same as above.
 - g. The appeal determination is final and there is no further right of appeal. Please note – it is important to exercise the right of appeal if the you do not believe the points should have been awarded and you wish to challenge the evidence that resulted in the award of points. If further points are awarded and the 12 point threshold is reached, the impositions of points cannot be challenged or revisited at a later date. Points must be challenged in line with the process set out above. It is important to note that the Service Manager- Licensing & Enforcement and the Head of Housing and Health, in addition to dismissing or upholding the appeal, have the discretion to award a lesser or greater number of points than displayed on the Licensing Records Points Table. In these circumstances the reasons for varying the points awarded will be documented.
- 4.2 In cases where a licence holder has reached the threshold of 12 or more points in a rolling 2 year period the matter of ongoing fitness and propriety will be considered. Submission from the licence holder regarding their fitness and propriety will be requested before a memo is compiled containing all the facts. Before going to the decision maker the memo will be provided to the licence holder so that they can highlight any factual errors. The memo will then be passed to the Head of Housing and Health who will determine the matter in consultation with the Chair of the Licensing Committee.
- 4.3 If a licence is suspended or revoked there is a right of appeal to the Magistrates Court. Appeals must be made in writing to the Clerk of the Court, Stevenage Magistrates Court, C/O Luton Magistrates' Court, Stuart Street, Luton, LU1 5BL within 21 days of having been notified of the decision. Where an appeal has been made, the implementation of any suspension or revocation will be held

over until the appeal has been determined unless the licence has been revoked with immediate effect.

Licensing Record Points Table

Matters marked with a * are direct contraventions of either the Town Police Clauses Act 1847 or of the Local Government (Miscellaneous Provisions) Act 1976 and may result in prosecution in addition to any licensing record points incurred.

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
1*	Giving false, misleading or withholding information to obtain a hackney carriage / private hire licence.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2	Failure to notify the licensing authority of any motoring or criminal convictions during the period of the licence. (Within 48 hours of receiving such conviction).	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	Failure to notify the council of having been arrested (for any matter, whether subsequently charged or not), cautioned, or charged for an offence or being subject to a criminal investigation within 48 hours of the said action.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Failure to notify the licensing authority of any serious injury, illness or change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight) within 48 hours.	12	<input checked="" type="checkbox"/>		
5	Failure to notify the licensing authority of a DVLA notifiable condition.	12	<input checked="" type="checkbox"/>		
6	Driver not holding a current/ valid DVLA driving licence.	12	<input checked="" type="checkbox"/>		
7*	Employing or permitting an unlicensed driver to drive a licensed vehicle.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8*	Driving an East Herts licensed vehicle whilst not in possession of a valid East Herts driver licence. (Including allowing an unlicensed driver to drive a licensed vehicle).	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	Failure to maintain adequate vehicle insurance cover. (i.e. hire and reward / public hire).	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	Fighting and / or aggressive behaviour towards the public, other licensed drivers or authorised officers of the council.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11*	Operating / using an unlicensed vehicle as a hackney carriage/ private hire vehicle. Using a vehicle without insurance.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
12	Operating / using a vehicle without any or the correct type of insurance.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13	Driver in possession of illegal drugs while in charge of a licensed vehicle or evidence of drugs or alcohol in the vehicle.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
14	Driver found under the influence of drink and / or drugs while in charge of any vehicle.	12	<input checked="" type="checkbox"/>		
15*	Refusal to accept a booking or failure to carry an assistance dog without a valid certificate of exemption. Or charging an additional cost for the carrying of an assistance dog.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
16*	Failure to ensure that all assisted devices to promote mobility, such as wheel chairs, walking aids, specialist buggies are carried safely in a licensed vehicle.	12	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
17*	Refusal to accept a booking or failure to carry assisted devices to promote mobility. Or charging an additional cost for the carrying of these devices.	12	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
18	Carrying more passengers than stated on the vehicle licence.	12	<input checked="" type="checkbox"/>		
19	Failure to ensure the safety of passengers.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
20	Permitting the vehicle to be used for any illegal or immoral purposes.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
21*	Operating a private hire vehicle without a private hire operator's licence.	12			<input checked="" type="checkbox"/>
22	Failing to behave in a civil and orderly manner, being verbally abusive or aggressive to any member of the public, other licensed driver or authorised officers of the council or bringing the trade into disrepute.	9	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
23	Collusion or interfering with evidence, victims or witnesses, when officers of the council are carrying out an investigation.	9	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
24*	Lending or parting with a hackney carriage/private hire driver licence.	9	<input checked="" type="checkbox"/>		
25	Using a vehicle with illegal tyres.	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
26	Using a mechanically unfit or unsound vehicle or with any defects (breaks, seat belts, steering, suspension, doors, windscreen, bodywork, lights, wipers, washers, exhaust, horn, battery, tyres or other relevant defects that may warrant a failure at with MOT or council vehicle inspection.	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
27	Presenting a vehicle for testing that is in an unsafe or dangerous condition.	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
28*	Failure to return any licence to the licensing	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
	authority upon expiry, suspension, revocation or upon request by an authorised officer of the council or police officer.				
29*	Failing to provide relevant information or pay the relevant fee (including dishonoured cheques).	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
30*	Failures to co-operate, give information, assistance, comply with a requirement or obstruct an authorised officer of the council or police officer or any other clearly identifiable person nominated by the council.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
31	Late application for the renewal of a licence.	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
32*	Driver allowing a customer to smoke /vape or similar in a licensed vehicle.	6	<input checked="" type="checkbox"/>		
33*	Driving whilst using a mobile phone or other hand held device. 1 st offence 2 nd offence	6+FPN 12+FPN	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
34*	Unreasonable prolongation of journeys in distance or time or any other misconduct regarding the charging of fares.	6	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
35	Refusal to accept hiring without reasonable cause (N.B. a reasonable excuse can include drunk or rude customers).	6	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
36	Failure of private hire operator / driver to honour a booking without a reasonable excuse.	6	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
37	Unacceptable standard of driving, witnessed by an authorised officer of the council or a police officer.	6	<input checked="" type="checkbox"/>		
38*	Failure to present a hackney carriage or private hire vehicle for inspection upon request.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
39	Concealing or defacing a vehicle licence plate.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
40	Failing to deal with lost property in an appropriate manner. 1 st offence 2 nd offence	6 12	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
41	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the council.	6		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
42*	Illegal ranking.	6	<input checked="" type="checkbox"/>		
43	Failure to comply with the Highway Code/ conform to statutory road signs.	6	<input checked="" type="checkbox"/>		
44	Failure to produce relevant documents (i.e. medical certificates, DBS, MOT, VCC,	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
	insurance documentation) upon expiry of current document.				
45*	Failure to produce relevant documents (i.e. medical certificates, DBS, MOT, VCC, insurance documentation) within a set timescale, when requested by an authorised officer of the council or police officer.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Continued failure to produce documents as requested- for every 14 days that elapse.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	In addition to receiving licensing record points a licence may also be suspended until such a time that the outstanding document is received by an officer or until the licence expiry date.				
46*	Failure to report within 72 hours an accident or damage to a licensed vehicle, which would cause the vehicle to breach licence conditions.				
	1 st offence	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
	2 nd offence	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
47*	Failure to comply with the regulations governing the wearing of seat belts.				
	1 st offence	4	<input checked="" type="checkbox"/>		
	2 nd offence	8	<input checked="" type="checkbox"/>		
48*	Failure to display the external/ internal licence plate(s) or signs as required by the council or displaying them incorrectly.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
49	Dropping off or picking up in an inappropriate place such as to cause an obstruction or nuisance to other road users.	4	<input checked="" type="checkbox"/>		
50	Illegal or inappropriate parking such as to cause an obstruction to pedestrians and / or other road users.	4	<input checked="" type="checkbox"/>		
51*	Failure to attend or attend on time for a pre-arranged appointment at the request of the council without reasonable cause.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
52*	Failure of a private hire operator to keep proper records of all bookings and driver and vehicle licences, or failure to produce them upon request by an authorised officer of the council or a police officer within reasonable time / or specified time.	4			<input checked="" type="checkbox"/>
53*	Failure to notify in writing the council of a change of address within 7 calendar days.				
	1 st offence	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	2 nd offence	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
54*	Failure to notify the council of a change of any contact details (i.e. email address, telephone number) where such failure results in the council being unable to contact you directly. 1 st offence 2 nd offence 3 rd offence	3 6 9	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
55*	Failure to display "no smoking" signage in the vehicle or at the operating base.	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56*	Driver smoking / vaping / similar whilst in a licensed vehicle. 1 st offence 2 nd offence 3 rd offence	3+FPN 9+ FPN 12+Prosecution	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
57*	Smoking or allowing smoking in an operator's premises. 1 st offence 2 nd offence 3 rd offence	3+FPN 9+ FPN 12+Prosecution			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
58	Unsatisfactory condition of vehicle- interior or exterior.	3	<input type="checkbox"/>	<input type="checkbox"/>	
59	Driver eating or drinking in the vehicle while passengers are on board.	3	<input type="checkbox"/>		
60	Driver allowing noise from a radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle.	3	<input type="checkbox"/>		
61	Driver sounding the horn to signal that the vehicle has arrived and so causing a potential disturbance.	3	<input type="checkbox"/>		
62	Failure to give reasonable assistance with passenger luggage.	3	<input type="checkbox"/>		
63	Failure to carry an approved operational fire extinguisher.	3	<input type="checkbox"/>	<input type="checkbox"/>	
64	Failure to carry first aid kit (items contained within the box must be in date).	3	<input type="checkbox"/>	<input type="checkbox"/>	
65*	Failure to notify the council of the transfer of a vehicle licence.	3		<input type="checkbox"/>	<input type="checkbox"/>
66*	Failure to wear your drivers badge whilst on duty in a licensed vehicle. 1 st offence 2 nd offence	3 6	<input type="checkbox"/> <input type="checkbox"/>		
67	Failure to carry evidence of insurance cover in the vehicle whilst on duty or to provide proof of insurance cover when requested. 1 st offence 2 nd offence	3 6	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
68*	Failure to provide a receipt for a fare when	3	<input type="checkbox"/>		

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
	requested.				
69*	Failure of a proprietor / private hire operator to request and keep a copy of all drivers' licenses associated with their business.	3		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
70	Failure of private hire operator to ensure that the office staff act in a civil and courteous manner at all times.	3			<input checked="" type="checkbox"/>
71	Failure to comply with any other licence conditions / byelaws set by the council. Or instruction by an authorised officer.	3 per breach	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Private Hire Offences

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
72*	Driver plying for hire. (Including accepting a fare that is not pre-booked).	12	<input checked="" type="checkbox"/>		
73*	A private hire driver using a hackney carriage vehicle without a hackney carriage driver licence.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
74	Failure of private hire operator to ensure that all vehicles operated by them are adequately insured.	9			<input checked="" type="checkbox"/>
75	Driver calling out or influencing persons to travel in the vehicle for gain without prior appointment.	9	<input checked="" type="checkbox"/>		
76	Drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking.	6	<input checked="" type="checkbox"/>		
77	Displaying any features or using a vehicle in which its appearance may suggest that it is a Hackney Carriage.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
78*	Permitting a private hire vehicle to wait on a hackney carriage rank.	6	<input checked="" type="checkbox"/>		
79	Affixing or displaying a roof sign on a private hire vehicle.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Hackney Carriage Offences

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
80*	Failure to ensure that all assisted devices to promote mobility, such as wheel chairs, walking aids, specialist buggies being carried in a licensed vehicle have been correctly loaded, secured and unloaded.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

No.	Offence/ Breach of condition	No of Points	Driver	Vehicle owner	Operator
81*	A designated wheelchair accessible vehicle refusing or failing to comply with S165 of The Equality Act 2010.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
82*	Making an additional charge for carrying an assisted device to promote mobility. See point 80 above.	12	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
83	Using a non-calibrated or non-approved taxi meter.	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
84	Failure to affix a roof sign to a hackney carriage vehicle.	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
85*	Driver leaving car unattended on a rank appointed by the council.	4	<input checked="" type="checkbox"/>		
86	Hackney carriage driver obstructing other hackney carriages.	4	<input checked="" type="checkbox"/>		
87	Failure to display table of fares.	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
88	Failure to proceed to another rank when at the time of arrival the rank is full.	3	<input checked="" type="checkbox"/>		

East Herts Council Report

Executive

Date of meeting: 23 November 2021

Report by: Oliver Rawlings, Service Manager – Licensing and Enforcement

Report title: Consideration of the revised draft Statement of Gambling Principles 2022-25 following consultation

Ward(s) affected: All

Summary

- The Gambling Act 2005 requires each local authority, which is also a licensing authority, to adopt and publish a Statement of Gambling Principles at least every three years. The purpose of the Statement is to set out the principles the local authority will apply when carrying out its licensing functions under the Act.
- There is a requirement for public consultation and the consideration of any responses that are received.

RECOMMENDATIONS FOR EXECUTIVE:

- A.** Endorse the final draft version of the Statement of Gambling Principles 2022-2025 as included at **Appendix B** for presentation to Council for adoption.

1.0 Proposal(s)

- 1.1 That the revised wording of the proposed Statement of Gambling Principles 2022-2025 be considered in light of the consultation responses.

2.0 Background

- 2.1 Regulation of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005 (the Act) is one of the major regulatory regimes under which the council has statutory responsibilities.
- 2.2 The Act requires licensing authorities (district councils or unitary authorities) to publish a written Statement of Gambling Principles ('the Statement'), setting out how they intend to exercise the licensing and enforcement powers conveyed to them, the principles that they will follow, and their expectations of licensees. The Statement must be periodically reviewed, so as to ensure that it reflects the current legislation and is relevant to the issues arising in the authority's area.
- 2.3 Historically and currently the council has low numbers of licences and authorisations issued under the Act and low numbers of complaints.
- 2.4 To give the context for East Herts, the following table sets out the current licences held in comparison with three years ago.

Type of Licence	Licences held in 2018	Licensed held in 2021
Adult Gaming Centre	0	0
Betting Shop	15	15
Bingo	0	0
Club Gaming Permit	0	0
Club Machine Permit	11	9
Gaming Machines (up to 2 machines)	113	119
Gaming Machines (3 or more machines)	15	11
Small Society Lotteries	75	47
Track Betting	0	0
Totals	229	201

2.5 A four week consultation took place between 25th August 2021 and 22nd September 2021. The Act requires that the consultation includes the placing of public notices at the authority's main office and directly consulting:

- the Police;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

2.6 In addition to fulfilling these minimum requirements, the council ensured that the details were placed on the authority's website and the individuals and groups detailed at **Appendix A** were contacted directly with details of the consultation.

3.0 Reason(s)

- 3.1 As a licensing authority, East Herts Council is required to have a Statement of Gambling Principles ('the Statement') and revise it at least every three years.
- 3.2 The current Statement of Gambling Principles expires on 31 January 2022 so an up-to-date revision of the document has been consulted upon as required by the Act.
- 3.3 The Statement is an important document which sets out the principles the council will apply when carrying out its licensing function.
- 3.4 During the consultation no responses were received.
- 3.5 Officers would suggest that the lack of responses to the consultation does not reflect on the quality of the consultation but is possibly a result of a combination of the following factors:
- the proposed changes only being very minor with little or no impact on existing licence holders or other stakeholders;
 - the previous Statement having been fit for purpose meaning that there had not been any negative impacts from the operation of the statement from either a licence holder or stakeholder perspective.
 - gambling has for a number of years been moving to be predominantly online and the impact of the pandemic has further accelerated this shift.
- 3.6 On 13 October 2021, the Licensing Committee considered the draft revision of the Statement of Gambling Principles and the responses that had been received.

- 3.7 The Licensing Committee resolved to endorse the version of the Statement as consulted upon without amendment. The endorsed wording is attached at **Appendix B**. There have been no further changes the draft Statement since consideration by the Licensing Executive.

4.0 Options

- 4.1 Do not endorse the Statement of Gambling Principles 2022-2025 – NOT RECOMMENDED as the council is required to review the Statement by legislation and no negative views on the draft were expressed during the consultation.
- 4.2 Propose amendments to the draft Statement appended to this report. If members wish to do this, they are asked to refer the amendments back to officers to consider in consultation with the Executive Member for Planning and Growth with either the delegated authority to make any necessary changes and present the amended version to Council or a requirement to bring the amended version back to the Executive for consideration.
- 4.3 Endorse the draft Statement of Gambling Principles 2022-2025 as consulted upon without amendment - RECOMMENDED.

5.0 Risks

- 5.1 The council is required to review its Statement of Gambling Principles at least every three years. Failure to do so would leave the authority unable to carry out its licensing function until such time as a Statement of Gambling Principles was in place as the existing one cannot simply 'carry over' without a pro-active decision of Council to do this should it choose.
- 5.2 Failure to address any perceived or actual gaps within the current Statement of Gambling Principles could be

detrimental to the authority's ability to make and defend robust decisions.

5.3 If the authority does not have robust policies and procedures in place then it is unable to ensure that the statutory Licensing Objectives pertaining to gambling activities are promoted, these being:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling. The Gambling Commission states: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

6.0 Implications/Consultations

Community Safety

The Statement of Gambling Principles is an important document which seeks to promote the three Licensing Objectives and therefore Community Safety has been considered when drafting the Policy.

Data Protection

No changes are proposed to how data will be held or handled so no additional implications.

Equalities

Consideration has been given to the Equality Act 2010 and the Public Sector Equality Duty whilst drafting the Policy and an Equalities Impact Assessment was not considered necessary for the following reasons:

Negative Impacts

The council has not identified any negative effects from the analysis of consultation responses, the makeup of the District and the way that applications are processed and consents issued. The consultation itself elicited no responses so has not identified any positive or negatives from those offering or using gambling facilities, responsible authorities and those dealing with gambling related harm or any other section of the public.

Positive Impacts

The council has not identified any positive effects from the analysis of consultation responses, the makeup of the District and the way that applications are processed and consents issued.

The strengthening of protection of children and other vulnerable people from gambling related harm within the revised statement clearly has a benefit relating to these groups.

The inclusion of the principle that health impacts from gambling will be considered where evidence is provided may lead to benefits for any groups where their health has been negatively impacted. Within society there are vulnerable people who may develop addictions to gambling. Whilst the law requires licensed gambling premises to monitor those who gamble regularly and also to have self-exclusion schemes, historically this has been a difficult problem to deal with as Adult Safeguarding departments are not responsible authorities. The 2022-25 statement aims to deal with / mitigate this by strengthening the links between the council and the local Director of Public Health. It is hoped that this will further promote the licensing objective relating to the protection of children and other vulnerable people from gambling related harm.

For most gambling activity you have to be 18 (16 for some activities), and so the statement of principles protects those of this age.

By ensuring East Herts is a District where gambling is well regulated the principles also ensure that it is a place where communities can live safely and peacefully together, thus fostering the good relations that are also part of the council's equality duty.

Overall conclusion

There are no people with protected characteristics particularly represented amongst applicants/licence holders. Applications are made on the prescribed forms, in the prescribed way and assessed in line with the national legislation and there is no evidence to demonstrate that our processes for applying for a gambling permission could act differentially among those with a protected characteristic.

The Statement ensures that the process of obtaining a licence is fair and free of discrimination, as set out in the national legislation, and there are no barriers to anyone making an application. On consideration, there is no negative impact on any characteristic or group as a result of this Statement, and the strengthening of links with the local Public Health Team will have a positive impact on all groups in society.

Environmental Sustainability

None

Financial

None

Health and Safety

None

Human Resources

None

Human Rights

As with all policies and council functions, the Human Rights Act 1998 has been considered when drafting the Statement.

Legal

All statutory requirements have been considered in preparing this report.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – list of direct consultees

7.2 **Appendix B** – Statement of Gambling Principles 2022-2025

7.3 Revised Guidance to Licensing Authorities issued by the Gambling Commission (May 2021) -
<https://www.gamblingcommission.gov.uk/print/guidance-to-licensing-authorities>

7.4 East Herts current Statement of Principles (2019-2022) -
<https://www.eastherts.gov.uk/licences-and-registration/gambling-policy-guidance-and-fees>

7.5 The Gambling Act 2005 -
<https://www.legislation.gov.uk/ukpga/2005/19/contents>

Contact Member	Councillor Jan Goodeve (Executive Member for Planning and Growth) jan.goodeve@eastherts.gov.uk
Contact Officer	Jonathan Geall (Head of Housing and Health) Tel: 01992 531594 Jonathan.geall@eastherts.gov.uk
Report Author	Oliver Rawlings (Service Manager - Licensing and Enforcement) oliver.rawlings@eastherts.gov.uk

Below is a list of individuals, organisations and / or representatives directly consulted in the preparation of the Statement of Principles. The list is not exhaustive but gives a good indication of the scope of the consultation exercise.

- The responsible authorities designated under the Act
- Holders of licences, permission, notices, etc. issued by the Licensing Authority under the Gambling Act
- Solicitors and agents that have previously submitted applications
- Representatives of residents associations in the area
- Gambling Commission
- East Herts Councillors
- Town Councils
- Parish Councils
- Community Voice
- Hertfordshire County Council
- Neighbouring Local Authorities
- Chamber of Commerce
- Local Community Safety Partnership
- Hertfordshire Environmental Forum
- Hertfordshire Local Enterprise Partnership (LEP)
- Bishop's Stortford Business Improvement District
- Federation of Small Businesses
- Spectrum Drug & Alcohol Services
- East Herts Licensed Taxi Trade
- Community Safety Partnership (CSP)
- Safety Advisory Group (SAG)
- Hertfordshire Safeguarding Children Partnership
- Local planning authority
- Environmental Health
- HM Revenue & Customs
- Hertfordshire Modern Slavery Partnership Coordinator, Shiva Foundation
- Gambling support services both locally and nationally

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East Hertfordshire District Council

Statement of Principles under the Gambling Act 2005

Policy for 2022-2025

Published TBC

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1.0 Preface

- 1.1 Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from spread betting, gambling and betting (including the National Lottery) are regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.
- 1.2 East Herts Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling takes place, and to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.
- 1.3 The Gambling Act requires that the following parties are consulted by licensing authorities:
 - the chief officer of Police for the authority's area
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.4 Our consultation took place between 25 August 2021 and 22 September 2022 2021, and we followed the guidance on Consultation principles issued by the Cabinet Office (last updated March 2018), which is available at [Consultation principles guidance](#). Further details can be found in Appendix 1.
- 1.5 Where either the relevant guidance or the legislation are amended this authority will seek to revise this document as swiftly to ensure consistency.

2.0 Introduction

- 2.1 The Gambling Act 2005¹ (the “Act”) was passed on 7 April 2005. The Act modernised the law on gambling and introduced a gambling regulator, the Gambling Commission. The Gambling Commission regulates the gambling industry, and the Act also gave responsibility for gambling premises licensing to Local Authorities.
- 2.2 The Act requires East Herts Council (the “licensing authority”) to publish a Statement of Principles that it applies when exercising its functions under the Act. The statement must be published every three years and the Licensing Authority will keep the statement under constant review and will consult statutory consultees as set out in the Act, and any other appropriate person, on any proposed new or revised Statement of Principles. The statement must then be re-published. This version of the Statement of Gambling Policy has been revised following the third 3 year review and is for the period 2022-2025.
- 2.3 This statement of principles supports East Herts Council’s corporate plan which has 4 key priorities:
- 1. Sustainability at the heart of everything we do;**
 - 2. Enabling communities;**
 - 3. Encouraging growth; and**
 - 4. Digital by design**
- 2.4 Our vision for licensing is to support responsible premises and to encourage the development of a diverse and varied licensed offering across the District.
- 2.5 As long as premises management strive to act responsibly; run safe, well managed venues and facilities; and work together with the local community, they can make a positive contribution toward providing entertainment and satisfaction.
- 2.6 Of course, negative impacts can also occur if good management practices are not followed. We recognise that gambling related harm does negatively impact upon both public health and well-being.
- 2.7 Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may contribute towards a thriving economy while ensuring that the quality of life

¹ The Gambling Act 2005 can be accessed via: [Gambling Act 2005](#)

of those who use gambling facilities and live and work in the District is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.

2.8 This policy was drafted giving the guidance by the Gambling Commission due consideration and will broadly follow it.

2.9 The Act requires this Authority to carry out its various licensing functions so as to be reasonably consistent with the following three licensing objectives:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

2. Ensuring that gambling is conducted in a fair and open way.

3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.10 As required by the Guidance issued by the Gambling Commission, in carrying out its licensing functions under the Act, particularly with regard to premises licences, the Council will generally aim to permit the use of premises for gambling as long as it is considered to be:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant code of practice issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the policy statement published by this Authority under section 349 of the Act.

2.11 **This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005. In producing this statement the Licensing Authority has had regard to the licensing objectives, the guidance issued by the Gambling Commission and any responses to the consultation on this statement.**

3.0 Authorised activities

- 3.1 'Gambling' is defined in the Act as gaming, betting or taking part in a lottery:
- 'gaming' means playing a game of chance for a prize
 - 'betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
 - a 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
- 3.2 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.; Private gaming can potentially take place on commercial premises in very specific circumstances, and where the public have access, but organisers are advised to seek advice before organising events of this nature.
- 3.3 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the council's licensing team where appropriate.

4.0 Statement of Principles

- 4.1 This Statement of Principles is intended to meet the council's obligations under section 349 of the Act. In carrying out its' functions in relation to premises licences and temporary use notices, the council will generally aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission
 - in accordance with any Guidance issued by the Gambling Commission. All references to the guidance refer to the Gambling Commission's Guidance to Licensing Authorities (published April 2021 and updated May 2021)
 - reasonably consistent with the licensing objectives
 - in accordance with this Statement of Principles.

5.0 Types of Licences and Permissions

5.1 Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences. The council in its' capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

6.0 The Gambling Commission

6.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides support and advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

- 6.2 The Commission has issued guidance under section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- 6.3 The Commission will also issue Codes of Practice under section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission

Fourth Floor

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Website: [Gambling Commission](https://www.gamblingcommission.gov.uk)

7.0 General Statement of Principles

- 7.1 The council recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.
- 7.2 In carrying out its licensing functions the council will have regard to any guidance issued by the Gambling Commission from time to time.
- 7.3 The council will not seek to use the Act to resolve matters more readily dealt with under other legislation.
- 7.4 To ensure the licensing objectives are met the council will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.
- 7.5 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm from gambling, especially where it receives representations to that effect.

- 7.6 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 7.8 However, the overriding principle is that all applications and the circumstances prevailing at each premise will be considered on their own individual merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case. As with the Gambling Commission, the licensing authority will regulate gambling in the public interest.

8.0 Preventing gambling from being a source of crime and disorder

- 8.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 8.2 Anyone applying to the council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued, with the only exception being applications for track premises licences. Therefore, the council will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the council will bring those concerns to the attention of the Commission.
- 8.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the council will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime.
- 8.4 There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The council does not intend to (and indeed, cannot) use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using other powers.
- 8.5 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police

assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

- 8.6 When making decisions in this regard the council will give due weight to any comments made by the Police.

9.0 Ensuring gambling is conducted in a fair and open way

- 9.1 The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.
- 9.2 Because betting track operators do not need an operating licence from the Commission the council may, in certain circumstances, require conditions on a licence relating to the suitability of the environment in which betting takes place.

10.0 Protecting children and other vulnerable people from gambling

- 10.1 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 10.2 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 10.3 When considering whether to grant a premises licence or permit the council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

- 10.4 In seeking to protect vulnerable people the council will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 10.5 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:
- betting shops cannot admit anyone under 18
 - bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
 - Adult Entertainment Centres cannot admit those under 18
 - Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18
 - clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
 - tracks will be required to have policies to ensure that under 18s do not participate in gambling, except on category D machines.
- 10.6 The council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.
- 10.7 In January 2018 Public Health England, the Local Government Association and the Gambling Commission wrote to Directors of Public Health in England outlining the links between Public Health and gambling; specifically that problem gambling can have an impact on physical, mental and emotional health and wellbeing. The letter suggests that local Public Health teams have a critical role to play in developing licensing authorities' Statement of Principles as they have a good understanding of health issues within a local authority area.
- 10.8 Although Local Public Health Departments are not Responsible Authorities the licensing authority will seek advice from the local Public Health team in order to assess applications and this statement of principles. This approach will be taken to assist the licensing authority in exercising its own functions as a responsible authority, and reflects the comments made in the guidance.

11.0 Background to East Herts

- 11.1 East Herts is the largest of the 10 districts in Hertfordshire. It covers about 480 square miles, around a third of the Hertfordshire, and offers a blend of rural and town living. The benefits of this mixture are greatly appreciated by the 149,748 people who live in the district.
- 11.2 The District has Broxbourne to the south, Welwyn and Hatfield and Stevenage to the west and North Hertfordshire as its northern boundary. To the east, the district borders on the county of Essex.
- 11.3 The majority of the people who live in the district live in one of the five towns. Bishop's Stortford has the largest population at 43,870, followed by Hertford (33,006), Ware (20,092), Sawbridgeworth (9,071) and Buntingford (7,020)². Although the district is mainly comprised of farmland, five busy market towns (Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware) and more than 100 villages and hamlets are scattered across the area.
- 11.4 East Herts is regarded as an attractive rural location for those moving out from (and commuting into) London because of its excellent transport links.
- 11.5 The people of East Herts are predominantly employed and enjoy higher than average earnings of £714.70 gross weekly pay for full-time workers compared to £587.10 for the whole of the country³. Unemployment is very low (2.4%⁴).
- 11.6 House prices are among the highest in the country; in 2014 for the period April to June the average property price was £513,983 while the average salary in 2020 was £32,240 compared to £31,165 in Hertfordshire.
- 11.7 The 2011 Census showed a fifth of people are under 16 and a fifth of people are over 60. The average age in the district is 39.5.
- 11.8 Over 89% of people were born in England, 3% were born in other countries in the European Union and 4% in other countries.

² [Office of National Statistics website - Ward-level population estimates \(Experimental Statistics\)](#)

³ [nomis official labour market statistics website - Labour Market Profile - East Hertfordshire](#)

⁴ [nomis official labour market statistics website - Labour Market Profile - East Hertfordshire](#)

11.9 East Herts has a low ethnic minority population of just 4.5%. The largest ethnic minority group is Asian/Asian British at 1.9% with Indian being the highest within that group. The second largest minority group is mixed/multiple ethnic groups at 1.6%.

11.10 Over a third of people are educated to NVQ level 4 or higher e.g. Bachelor's degree (45.7%, 41,900). However, under a fifth of the population have no qualifications (17.2%, 18,959).

11.11 The percentage change between recorded crimes for headline offences in East Herts has fallen by 15% for years ending September 2019 and September 2020.

11.12 As at July 2021 the numbers of premises issued with licences, permits or registrations within East Herts are as follows:

- 15 Bookmakers or betting shop;
- 130 Alcohol premises with gaming machines;
- 9 Registered clubs with gaming machines;
- 47 Small society lottery registrations;
- 0 Bingo premises;
- 0 Track betting premises;
- 0 Casinos; and
- 0 Adult gaming centres.

12.0 Local Authority Functions

12.1 Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences. The council in its capacity as a licensing authority will:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences
- issue provisional statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- register small society lotteries below prescribed thresholds
- issue prize gaming permits
- receive and endorse temporary use notices
- receive occasional use notices
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions

- exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.
- 12.2 Private gaming in private dwellings and betting between inhabitants of the same premises on domestic occasions or between employees of the same employer is exempt from licensing or registration if:
- no charge is made for participating;
 - only equal chance gaming takes place; and
 - it does not occur in a place to which the public have access.
- 12.3 Private gaming can potentially take place on commercial premises in very specific circumstances, and where the public have access, but organisers are advised to seek advice before organising events of this nature.
- 12.4 The Authority will not be involved in licensing remote gambling - this is dealt with by the Gambling Commission via Operator Licences. The Financial Services Authority regulates spread betting and the National Lottery Commission regulates the National Lottery.

13.0 Responsible Authorities

- 13.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the council if they are relevant to the licensing objectives.
- 13.2 Section 157 of the Act defines those authorities as:
- the Gambling Commission
 - the Police
 - the Fire Service
 - a competent body to advise the authority about the protection of children from harm
 - the local planning authority
 - Environmental Health
 - HM Revenue and Customs
 - A licensing authority in whose area the premises is situated (that is, the council itself and also any adjoining council where premises straddle the boundaries between the two).
- 13.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in

writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- (i) The need for the body to be responsible for an area covering the whole of the licensing authority's area.
- (ii) The need for the body to be answerable to democratically elected persons, rather than any particular vested interested group.

13.4 This authority designates Hertfordshire Safeguarding Children Partnership for this purpose.

13.5 The Licensing Authority will not take into account irrelevant representations, such as:

- there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- the premises are likely to be a fire risk (because public safety is not a licensing objective and there is other primary legislation regarding fire risk)
- the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- the premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. Unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective regarding the prevention of public nuisance. Any nuisance associated with gambling premises should be dealt with under other relevant laws).

13.6 Any concerns expressed by a responsible authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives.

13.7 Each representation will, however, be considered on its own merits and careful consideration will be given to any concerns raised by a responsible authority and where a representation is ultimately considered irrelevant the responsible authority will be given the reasons for reaching this decision.

13.8 *The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at [East Herts](#)*

14.0 Child protection

- 14.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 14.2 In accordance with the above principles, the licensing authority designates the Hertfordshire Safeguarding Children Partnership for this purpose.

15.0 Public health and well-being

- 15.1 Although Local Public Health Departments are not responsible authorities the licensing authority will seek advice from the local Public Health team in order to assess applications and its statement of principles. This approach will be taken to assist the licensing authority in exercising its own functions under various pieces of legislation.
- 15.2 East Herts has decided to try to understand and, where appropriate, incorporate public health and well-being concerns within its policies and its decision-making process.
- 15.3 East Herts Council's Environmental Health and the Licensing teams already work closely together. The service also incorporates Community Safety alongside its Public Health officers. The alignment of these different service areas has highlighted synergies, which, with appropriate policies and partnership support, could see significant benefits for residents.
- 15.4 The Council has considered the potential role of Public Health within licensing and this Policy has considered the revised Gambling Commission guidance at length.
- 15.5 East Herts Council has taken the decision, with the full understanding and knowledge of the Guidance and relevant legislation, to engage with Public Health as a consideration in its decision making process. As a result, where a relevant representation is made regarding the undermining of the

'Protecting children and other vulnerable people from gambling' objective, and that representation relates to public health and well-being and is supported by evidence, that representation will be considered during the decision making process.

- 15.6 This includes considering information about the impact of gambling upon wider Public Health issues, such as the impacts on families where a parent is a problem gambler, and not just immediate impacts on that individual. The purpose of this is not to attempt to make Public Health the fourth licensing objective, rather using a wider definition of the licensing objective to help address evidence based gambling related harms within our communities.
- 15.7 While recognising that evidence based gambling related harms are a key concern, the Licensing Authority also recognises that gambling is just one component of the of the issues with which the licensing regime can address. The Licensing Authority will approach any Public Health representation within the wide framework of the regime and not exclusively on health and well-being considerations.

16.0 Interested parties

- 16.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
- 16.2 *A person is an interested party if, in the opinion of the licensing authority, the person:*
- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities;*
 - b. has business interests that might be affected by the authorised activities; or*
 - c. represents persons who satisfy paragraph (a) or (b)'.*
- 16.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided on its merits. This authority will not apply a rigid rule to its decision making. The benefit of doubt will be given to the party making the representation until the doubt can be resolved.

- Interested parties include trade associations, and residents' or tenants' associations, if they represent someone who would be classed as an interested party in their own right. Councillors and MPs may also be interested parties. Elected Councillors may represent interested parties, but may not also sit on the Licensing sub-committee determining the application.
- In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Council may take account of:
 - the size of the premises;
 - the nature of the premises;
 - the nature of the authorised activities being proposed ;
 - the distance of the premises from the person making the representation;
 - the characteristics of the complainant; and
 - the potential impact of the premises.

16.4 The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made by officers objectively and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be given a written reason. A report will be made to the licensing sub-committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

16.5 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, the guidance issued by the Gambling Commission or this statement of licensing policy.

16.6 In deciding whether or not a representation is frivolous or vexatious the Licensing Authority will normally consider:

- Who is making the representation and whether there is a history of making representations that are not relevant.
 - Whether the representation raises a relevant issue or not.
 - Whether the representation is specific to the premises that are the subject of the application.
- 16.7 Interested parties should appreciate that moral objections to gambling, or the need for gambling premises, are not valid reasons to reject applications for premises licences.
- 16.8 Representations must be made in writing (which includes electronically) and must:
- indicate the name and address of the person or organisation making the representation
 - indicate the premises to which the representation relates
 - indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this
 - clearly set out the reasons for making the representation. Reference to a specific licensing objective may be helpful.

17.0 Exchange of Information

- 17.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 17.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations and the Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 17.3 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with

the Police and other partners to fulfil its' statutory objective of reducing crime in the area.

- 17.4 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so.

18.0 Compliance and Enforcement

- 18.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to begin criminal proceedings in respect of the offences specified.
- 18.2 This licensing authority's principles are guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:
- Proportionate: intervening only when necessary, with remedies appropriate to the risk posed, and costs identified and minimised;
 - Accountable: justifying decisions, and subject to public scrutiny;
 - Consistent: with joined up rules and standards implemented fairly;
 - Transparent: being open, with simple and user friendly rules; and
 - Targeted: to focus on the problem, and minimise side effects.
- 18.3 This licensing authority will seek to work with other agencies in enforcing this legislation and work to create a joint protocol with all the relevant agencies to avoid duplication with other regulatory regimes as far as possible, following the Gambling Commission's guidance for licensing authorities.
- 18.4 This licensing authority will also, as recommended by the Gambling Commission's guidance for local authorities, adopt a risk-based inspection programme and will consider any risk models produced in conjunction with the Gambling Commission.
- 18.5 The main enforcement and compliance role for this licensing authority will be to ensure compliance with the premises licences and other permissions which it authorises.

- 18.6 The Gambling Commission will be the enforcement body for Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 18.7 The authority proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated and minor offence may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.
- 18.8 We continue to work actively with other responsible authorities in seeking compliance and enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required.
- 18.9 As a Council we have signed up to the Hertfordshire Better Business for All Partnership Charter which is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources. It aims to support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth
- 18.10 The authority's approach to the carrying out of premises licence reviews is set out later in this document.

19.0 Gaming Machines

- 19.1 Within both the gambling legislation and this document, references are made to gaming machines as being within categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.
- 19.2 Gaming machines are categorised according to the nature of their operation, the maximum charge to use, and the maximum prize available, and the legislation sets out the categories and sub-categories of machines that holders of each type of premises licence or permit are entitled to make available for use.
- 19.3 As both machine entitlements and the values applicable to each category are prescribed in secondary legislation, and may be changed at relatively short

notice, it is not considered appropriate to include this information within this document.

- 19.4 Persons under the age of 18 years are not permitted to use any gaming machine other than a category D machine, which are generally low-value machines located in family entertainment centres. Holders of licences and permits which allow the provision of higher-category machines in premises where children are present should take appropriate steps either to locate those machines in a segregated area with age-restricted access, or to locate the machines so that their usage can be monitored at all times – the appropriate action is dependent upon the nature of the premises and the authorisation held.
- 19.5 Some types of licence, permit or entitlement limit the number of gaming machines which may be made available for use in the authorised premises. The licensing authority notes the Commission's guidance on the meaning of 'available for use', including the provision that a greater number of machines may be located in the premises so long as there is a mechanism in place to disable machines and prevent the number of gaming machines which are actively available for use from exceeding the limit. Simply switching the gaming machine off at an adjacent power socket will not be acceptable to the licensing authority if a customer is able to reactivate the machine by switching it back on. Where an operator or permit-holder wishes to provide a greater number of machines on their premises than may be made available for use under the licence or permit, the onus will be on that operator or permit-holder to demonstrate to the licensing authority that they have a sufficiently robust mechanism in place to prevent a breach of the licence or permit.
- 19.6 All gaming machines which are made available for use in premises must adhere to the appropriate technical standards set by the Gambling Commission, including bearing the correct categorisation markings and any other signage required.
- 19.7 A number of premises which are not entitled to provide gaming machines (including fast-food outlets, taxi booking offices, shopping centres and transport hubs) provide other types of machines, which operate differently to gaming machines. These may include skill machines (where the likelihood of winning a prize is dependent solely on the player's skill or knowledge, and not on chance), and non-prize machines (where players play for a high-score or for amusement only, and no prize can be won as a result). Such machines fall outside of the scope of the 2005 Act, and are not subject to control by the licensing authority. However the authority will investigate complaints where

it is believed that a machine purporting to be a skill game or a non-prize machine is actually a (licensable) gaming machine. In determining whether such complaints are accurate we may seek advice from machine suppliers, manufacturers, and from the Gambling Commission.

20.0 Local Area Profile (LAP)

- 20.1 As of 6 April 2016, it is a mandatory condition for holders of operating licences to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.
- 20.2 We expect operators, both when applying for new premises licences and when reviewing their existing premises, to take account of the local area within their own local risk assessments (described below), and to implement suitable and sufficient measures to mitigate any risks identified which may arise as a result of the opening or continuation of trade at those premises.
- 20.3 It is not a requirement for licensing authorities to complete a Local Area Profile. Although the council has not completed a Local Area Profile we encourage operators to contact the licensing authority to consider and identify potential areas of mutual concern affecting their business in a way that aims to permit gambling without presenting risks to the licensing objectives, as required by the Gambling Act.

21.0 Local risk assessments

- 21.1 We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question.
- 21.2 However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments – a single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.

Premises licences –

22.0 Definition of “premises”

- 22.1 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 22.2 This licensing authority attaches particular weight to the Gambling Commission’s Guidance for local authorities:
- the third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling
 - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit. The council would expect the plan of the premises to clearly denote entrances and exits.
 - customers should be able to participate in the activity named on the premises licence.
- 22.3 The licensing authority will take account of the following factors when considering whether premises are separate:
- do the premises have a separate registration for business rates?
 - is the neighbouring premises owned by the same person or by someone else?
 - can each of the premises be accessed from the street or a public passageway?
 - can the premises only be accessed from any other gambling premises?

23.0 Access restrictions

23.1 The licensing authority notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows:

Premises Type	Access restrictions
Adult gaming centre	No direct access from any other licensed gambling premises, or from premises with a family entertainment centre gaming machine permit, a club gaming/machine permit, or an alcohol-licensed premises gaming machine permit
Betting (other)	Access from a street or another betting premises only No direct access from any other premises used for retail sale of goods or services
Betting (track)	No direct access from licensed casino or adult gaming centre premises
Bingo	No direct access from licensed casino, adult gaming centre or betting (other) premises
Family entertainment centre	No direct access from licensed casino, adult gaming centre or betting (other) premises

23.2 In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators seeking solely to make use of any additional machine entitlement (for example, holding a bingo premises licence but not making any facilities for playing bingo available in the licensed premises). The Gambling Commission consulted on this issue in 2008, and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary licensable activity (e.g. provision of facilities for non-remote betting in a betting (other) licensed premises), now referred to in the Guidance as offering an appropriate licensing environment.

23.3 Tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. This licensing authority will consider the impact of the licences on the third licensing objective and the need to ensure that entrances to each premises are distinct and that children are excluded from gambling areas where they are not permitted.

24.0 Provisional Statements

- 24.1 A person may apply to the Licensing Authority for a provisional statement in respect of premises:
- they expect to be constructed
 - they expect to be altered or
 - they expect to acquire a right to occupy
- 24.2 Such applications are dealt with in the same manner as applications for premises licences. Once the premises are constructed, altered or acquired the holder of a provisional statement may apply for the necessary premises licence.
- 24.3 Where the holder of a provisional statement applies for a premise licence, no further representations from responsible bodies or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which in the authority's opinion reflect a change in the operator's circumstances.
 - (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. In accordance with the guidance, there must be substantial changes to the plan in order for such a decision to be made, and each decision will take into account the merits of the individual application. The council will discuss any concerns of this nature with the applicants before making a decision

25.0 Buildings to be complete

- 25.1 A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling: The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the

gambling are constructed. It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

26.0 Plan

26.1 The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.

26.2 The Regulations state that plans shall contain the following information:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

27.0 Location

27.1 This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, and to gambling becoming a source of crime or disorder. No areas in East Herts have been identified as areas where gambling premises should not be located, but if this situation changes, this statement will be updated. Any such future policy will not prevent an application being made, and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

27.2 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this document will be updated. It should be noted that any such policy would not preclude any application being made

and each application would be decided on its merits, with the onus upon the applicant to show how the concerns can be overcome. Reference would also be made to the local area risk assessment prepared by the operator.

28.0 Conditions

28.1 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

28.2 Decisions on individual conditions will be made on a case by case basis. Where there is a need this licensing authority will consider;

- the use of door supervisors,
- supervision of adult gaming machines, and a
- appropriate signage for adult only areas.

28.3 This licensing authority will expect the licence applicant to offer their own conditions, where appropriate, to ensure the licensing objectives can be met effectively.

28.4 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

28.5 It is noted that there are conditions which the licensing authority cannot attach to premises licences:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required
- conditions in relation to stakes, fees, winning or prizes.

29.0 Duplication with other regulatory regimes

- 29.1 This authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 29.2 Under section 210 of the Act the licensing authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. The licensing authority will however consider relevant representations from the local planning authority about the effect of the grant of a premises licence on an extant planning permission where this relates to the licensing objectives, a Commission code of practice, or this statement of principles.

30.0 Access by Children

- 30.1 When considering applications for premises to which children may be admitted, in cases where the issue of a licence would authorise the provision of gaming machines of categories C or higher, the licensing authority will expect the operator to ensure that:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 30.2 These considerations will apply equally to single premises and to buildings where multiple, discrete premises licences may have effect (for example, a multi-unit shopping centre, or a mixed use development with a number of retail and leisure units).

31.0 Door Supervisors

- 31.1 This licensing authority will consider whether there is a need for door supervisors to meet the licensing objectives of protecting children and vulnerable persons from being harmed or exploited by gambling, and also to prevent premises becoming a source of crime.
- 31.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The licensing authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 31.3 The Gambling Act 2005 amended the Security Industry Act and door supervisors at casinos or bingo premises need **not** be licensed by the Security Industry Authority. However, the licensing authority strongly recommends that any door supervisors or security staff who are employed should be licensed by the SIA.
- 31.4 This Licensing Authority will require that premises licence holders undertake Criminal Records Bureau checks and evidence of suitable training for door supervisors, or are SIA licensed where this is possible, where this is imposed as a condition. This recognises the nature of the work which may include checking ages, searching individuals and dealing with aggressive persons. This Licensing Authority may require specific requirements for door supervisors, which are shown to be appropriate to individual premises and subject to any codes of practice.

Types of Premises Licences

32.0 Adult Gaming Centres

- 32.1 This licensing authority has specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds cannot access the premises.
- 32.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures or licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- 32.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 32.4 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 32.5 As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.

33.0 (Licensed) Family Entertainment Centres

- 33.1 This licensing authority has specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 33.2 This licensing authority expects applicants to offer their own measures to meet the licensing objectives; appropriate measures / licence conditions may include:
- CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
 - Measures / training for staff on how to deal with suspected truant school children on the premises.
 - Staff are trained to have a full understanding of minimum age limits on participation in gambling
- 33.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 33.4 Measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare will be considered in order to protect children and vulnerable persons.
- 33.5 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.

34.0 Casinos

- 34.1 Under the Act, licensing authorities in England and Wales have the role of issuing premises licences for casinos and monitoring those licences.
- 34.2 New casino premises licences issued under the Act will fall into one of two categories namely large casino premises licence or small casino premises licence. These are subject to separate regulations, involving a two-stage application process.
- 34.3 Licensing authorities whose areas have been chosen for the new casinos should set out the principles they intend to apply when determining the 'winner' of a premises licence competition, in their statement of policy so that it is available to potential applicants before the authority invites applications for the available casino premises licences. The unsuccessful applicants must be informed of the result of the competition.
- 34.4 At the time of publication of this document this district is not an area chosen for a new casino and should the Council decide in the future to adopt a 'no casino' policy under section 166 of the Gambling Act 2005 it will update this document with details of that resolution. Any such decision will be made by full council.

35.0 Bingo premises

- 35.1 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- 35.2 The holder of a bingo operating licence may provide any type of bingo game including cash and prize bingo.
- 35.3 Commercial bingo halls will require a bingo premises licence from East Herts Council.
- 35.4 Amusement arcades providing prize bingo will require a prize gaming permit from East Herts Council.
- 35.5 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, and they are only allowed to game on

category D machines. When considering applications of this type the council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

35.6 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the licensing authority will seek to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

35.7 The licensing authority notes that the Gambling Commission's Guidance states:

18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that „licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises“ in order to prevent underage gambling.

- 18.9 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 18.10 Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content.
- 18.11 An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines.
- 35.8 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 35.9 Operators' attention is also drawn to paragraph 18.25 – 18.32 concerning primary gambling activity and the location of gaming machines.

36.0 Bingo in clubs and alcohol-licensed premises

- 36.1 Bingo may be provided on alcohol-licensed premises and in members' clubs and miners' welfare institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if

that limit is breached. Stakes or prizes above that limit will require a bingo operator's licence and the corresponding personal and premises licences.

37.0 Betting premises

- 37.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council. Children and young persons will not be able to enter licensed betting premises.
- 37.2 Betting premises may provide a limited number of gaming machines and some betting machines.
- 37.3 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.
- 37.4 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 37.5 The Council has the power to restrict the number of betting machines, their nature, and the circumstances in which they are made available. It will not generally exercise this power unless there are good reasons, taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.
- 37.6 This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the gaming machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature or circumstances of betting machines an operator wants to offer

- 37.7 The licensing authority will expect applicants to be able to comply with any mandatory conditions imposed on their premises licence through regulations made by the Secretary of State. The licensing authority will expect applicants to be able to comply with any default conditions similarly imposed. Applicants seeking to remove or amend default conditions must demonstrate that there will be little or no risk to the licensing objectives or the licensing authority's statement of principles by removing the default conditions.
- 37.8 Each application will be considered on its own individual merits.

38.0 Primary Gambling Activity

- 38.1 Operating licences issued by the Commission provides that gaming machines may be made available for use in licensed betting premises in combination with the named activity on the operating licence.
- 38.2 The licensing authority must be satisfied that the a premises applying for a premises licence to permit betting, or a premises which is already licensed to provide betting, is or will operate in a manner which a customer would reasonably expect to recognise as a premises licensed for the purposes of providing facilities for betting.. In this respect, the authority would expect such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any winnings. Where betting facilities are provided only by betting machines the number of betting machines must exceed the number of gaming machines made available for use.
- 38.3 The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements on operators. To assist operators of betting premises the Commission has published a document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.
- 38.4 Should the licensing authority receive an application to vary a premises licence for bingo or betting in order to extend the opening hours, the authority will satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. (i.e. the need for operating licence holders to ensure that there are still sufficient facilities available to participate in the gambling activity appropriate to the licence type („the primary activity“ or „the principal activity“) at those premises and not replaced by the making available of gaming machines). Therefore, the

applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.

39.0 Tracks

- 39.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site where races or other sporting events take place.
- 39.2 Track operators are not required to hold an 'operator's licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 39.3 Although there will, primarily, be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place on specific parts of the premises. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 39.4 In accordance with the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 39.5 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 39.6 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Location of gaming machines
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Staff are trained to have a full understanding of minimum age limits on participation in gambling

39.7 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

39.8 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.

40.0 Gaming machines on tracks

40.1 The licensing authorities needs to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to have four gaming machines, these machines are locate in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines at a track.

41.0 Betting machines on track premises

41.1 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.

41.2 This licensing authority will, in accordance with the Gambling Commission's guidance, take into account the size of the premises and the ability of staff to

monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

42.0 Condition on rules being displayed

- 42.1 It is a mandatory condition of premises licence that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks. The licensing authority will adopt the approach in line with guidance from the Gambling Commission that it may be disproportionate and unnecessary to display betting rules at each distinct betting location. The licensing authority will expect betting rules to be accessible to all customers, regardless of which area of the track they are in, and the track premises licence holder should make necessary arrangements to ensure to achieve this aim. This could include displaying rules at various parts of the track if certain areas are restricted to specific customers, or that other measures are taken to ensure that they are made available to the public, such as being could printed in the race-card or made available in leaflet form from the track office.

43.0 Travelling Fairs

- 43.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it is a statutory requirement that the facilities for gambling are no more than an ancillary amusement at the fair. This licensing authority decides whether that requirement is met and whether the applicant falls within the statutory definition of a travelling fair.
- 43.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

44.0 Reviews

- 44.1 Responsible Bodies and Interested Parties may apply to the Licensing Authority for a review of a premises licence.
- 44.2 However, it is for the licensing authority to decide whether to accept any application for review of a licence, after considering whether the application is:
- frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or substantially the same as previous representations or requests for review;
 - in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 44.3 In the interest of fairness, responsible authorities (including the licensing authority) are encouraged to give an early warning of concerns about problems identified at premises concerned and of the need for improvement, although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to apply for a review.
- 44.4 Any enforcement action taken by the licensing authority, including considering a review, will be undertaken in accordance with our compliance policy. The Licensing Authority may reject an application if it thinks that the grounds on which the review is sought:
- do not raise an issue relevant to the principles listed below;
 - are frivolous or vexatious;
 - will certainly not cause the Licensing Authority to wish to alter, revoke or suspend the licence;
 - are substantially the same as previous representations or requests for review.
- 44.5 Licensing authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted.
- 44.6 The licensing authority may review premises licences of its own volition on the basis of any reason which it thinks is appropriate. This may be on the

grounds that a premises licence holder has not provided facilities for gambling at the premises. A referral to a Licensing Sub-Committee of a set of premises for a review will be first approved by the Head of Housing & Health.

- 44.7 This can extend to a review of a class of licences where it considers particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head of Housing and Health in consultation with the Executive Member for Planning & Growth.
- 44.8 The purpose of a review is to determine whether the licensing authority should take any action in relation to the licence. If action is justified the licensing authority may:
- add, remove or amend a licence condition (other than a mandatory condition)
 - exclude or amend a default condition imposed by regulations
 - suspend the premises licence for a period not exceeding three months
 - revoke the premises licence.
- 44.9 In determining the appropriate course of action the licensing authority must have regard to the principles set out in section 153 of the Act as well as any relevant representations.
- 44.10 The Gambling Commission will be a responsible authority in premises licence reviews.
- 44.11 The licensing authority must have reasonable grounds in order to take action to amend, refuse, suspend or revoke a licence. In every case, an evidentiary basis for the review will need to be laid before the licensing authority.
- 44.12 It is noted that as per the Gambling Commission's guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except when concerning any 'no casino resolution) and also that unmet demand is not a criterion for a licensing authority. This may not be the case with respect to gaming permits.

Permits, Temporary & Occasional Use Notices

45.0 Unlicensed Family Entertainment Centre gaming machine permits

- 45.1 Where premises do not hold a Premises Licence but wish to provide only category D gaming machines, it may apply to the licensing authority for this permit. It should be noted that under section 238 of the Gambling Act, the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 45.2 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act.
- 45.3 Accordingly this licensing authority will also have regard to the licensing objectives when considering applications relating to unlicensed FEC permits.
- 45.4 An FEC gaming machine permit cannot be granted unless the chief officer of Police has been consulted, and no conditions may be imposed upon the grant of a permit. Therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.
- 45.5 Statement of Principles
This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures or training for staff to deal with suspected truant school children on the premises, measures or training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.
- 45.7 This licensing authority will also expect, following Gambling Commission guidance, that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
 - that they have no relevant convictions (those that are set out in Schedule 7 of the Act)
 - and that staff are trained to have a full understanding of the maximum stakes and prizes.
 - an awareness of local school holiday times and how to identify the local education office should truants be identified.
- 45.8 Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.
- 45.9 Applicants must submit with their application with a plan of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers.
- 45.10 The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

46.0 (Alcohol) Licensed premises gaming machine permits

- 46.1 The Act provides that premises licensed to sell alcohol for consumption on the premises, are automatically authorised to have 2 gaming machines, of categories C and/or D. These premises merely need to notify the authority and the notification process is prescribed under the Gambling Act.
- 46.2 Under section 284 the licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (for example the gaming machines have been made available in a way that does not comply with the requirements on the location and operation of gambling machines)
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises

- 46.3 Should it be necessary to issue a section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests.
- 46.4 If a premises wishes to have more than 2 machines, then it must apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and 'such matters as they think relevant'.
- 46.5 Statement of Principles
This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 46.6 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons this applicants may wish to consider the provision of information leaflets or helpline numbers for organisations such as GamCare.
- 46.7 A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- 46.8 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an application for a new premises licence.
- 46.9 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached.

46.10 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

46.11 Administrative matters

Notifications for two or less machines shall be dealt with by the officers of the licensing authority under delegated authority.

46.12 Applications for three or more machines will be referred to a Licensing Sub-Committee of Councillors.

47.0 Prize Gaming Permits

47.1 Prize gaming may be provided in bingo premises as a consequence of their Bingo Operating Licence. Any type of prize gaming may be provided in Adult Gaming Centres and licensed Family Entertainment Centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

47.2 The Licensing Authority can only grant a permit if they have consulted with chief officer of Police. Therefore, the Licensing Authority will consider the suitability of the applicant in terms of any evidence provided by the Police that would make them unsuitable to hold a prize gaming permit.

47.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives, but may wish to do so, but must have regard to any Gambling Commission guidance.

47.4 Applicants should set out the types of gaming they are intending to offer and should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations
- and that the gaming offered is within the law.

47.5 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions to a permit.

- 47.6 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.
- 47.7 Statement of Principles
The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 47.8 This Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to unequal chances prize gaming. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 47.9 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.

48.0 Club Gaming and Club Machines Permits

- 48.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.
- 48.2 The licensing authority notes paragraphs 25.44 – 25.49 of the Commission’s Guidance as to matters to take into account when determining that a club meets the statutory qualifying requirements. These include:
- the clubs constitution;
 - the frequency of gaming; and
 - ensuring that there are more than 25 members.
- 48.3 The club must be conducted “wholly or mainly” for purposes other than gaming, unless the gaming is in bridge and whist clubs covered by regulations made by the Secretary of State. A members’ club must be permanent in nature, not established to make commercial profit and be controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

48.4 The Licensing Authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police

48.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

48.6 Club gaming permit

A club gaming permit allows the premises to provide:

- up to three machines of categories B, C or D
- equal chance gaming and
- games of chance as set out in regulations.

48.7 Club gaming machine permit

A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.

48.8 The licensing authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Act. Clubs which hold a club premises certificate under the Licensing Act 2003 are entitled to benefit from a fast-track application procedure.

49.0 Lotteries

49.1 The Gambling Act 2005 regulates almost all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.

49.2 While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on – in short, any arrangement in which a payment is made for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.

49.3 Broadly speaking, there are two categories of lottery established under the Act –

- Licensed lotteries include those run by societies that aim to raise more than £20,000 in a single draw, or £250,000 in a calendar year, as well as any lotteries promoted by a local authority. An operating licence must be held by the promoter(s) of these lotteries.
- Exempt lotteries fall into one of four sub-categories, each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run. These sub-categories comprise Incidental Non-Commercial Lotteries, Customer Lotteries, Private Lotteries, and Small Society Lotteries

49.4 Licensed Lotteries

The administration and enforcement of licensed lotteries is the responsibility of the Gambling Commission, although local authorities may provide information and intelligence to assist in the exercise of these functions.

49.5 Exempt Lotteries

Of the four sub-categories of exempt lotteries, only Small Society Lotteries require registration with a local authority – no authorisation is required for the other three categories. Both the Commission and local authorities may carry out compliance checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.

49.6 Registrations will remain in force indefinitely, incurring an annual fee in each year that they remain in force. Societies may request the cancellation of their registration, in writing, at any time. The licensing authority may also revoke a registration or cancel a registration for non-payment of annual fees. Revocation may only occur after the applicant has been given the opportunity to lodge representations.

49.7 Free prize draws & skill competitions

The Gambling Act 2005 does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the

outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the licensing authority will not become involved in any matters relating to such schemes.

- 49.8 However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries or prize gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling Commission, licensing authorities are obliged to monitor the boundaries between lotteries and skill competitions, and will provide basic advice on ensuring that any competitions are run in compliance with the relevant laws. However, the licensing authority will not offer advice or approval of individual schemes, nor will it offer in depth advice as to the legality of a particular activity. It is ultimately the responsibility of the promoter to ensure that a scheme is compliant with statutory requirements, and to seek independent confirmation of this from a legal adviser where appropriate.
- 49.9 This licensing authority notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and will expect the promoter of any such scheme to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that will:
- prevent a significant proportion of people who wish to participate from doing so; or
 - prevent a significant proportion of people who participate from receiving a prize.
- 49.10 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in Section 19 of the Gambling Act 2005. A society is non-commercial if it is established and conducted:
- for charitable purposes
 - for the purposes of enabling participation in, or of supporting sport, athletics or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.
- 49.11 All applications for registration must be in the form specified by the Secretary of State and accompanied by supporting documentation that the Licensing Authority will need to assess the application.
- 49.12 This Licensing Authority, when considering an application for registration may request additional information as deemed appropriate, this may include a declaration from the governing body of the society stating:

- the application is on behalf of a genuine non-commercial lottery
- that all persons connected with the promotion of the lottery have no relevant convictions or cautions against them
- briefly explaining the purpose of the society and; the reasons for the fund raising
- confirmation of the appointment of 2 members of the Society who have the authority to sign and complete the necessary returns
- and where a society intends to employ an external lottery manager, evidence that person holds an operator's licence issued by the Gambling Commission.

49.13 The licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exhaustive, could affect the risk status of an operator:

- submission of late returns (returns must be submitted within three months of the date that a lottery was drawn)
- submission of incomplete or incorrect forms
- breaches of the limits for small society lotteries.

49.14 If the Authority is minded to refuse an application, the applicant will be notified in writing the reasons why it is considering refusal and the evidence on which it has based the preliminary conclusion. The applicant will be given the opportunity to provide further evidence in support of the application or to make representation regarding these matters.

50.0 Temporary Use Notices

50.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence.

50.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

50.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005

(Temporary Use Notices) Regulations 2007) state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. There can, however, be more than one competition with a single winner held at the individual event covered by a specific temporary use notice. The facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

- 50.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities and at paragraph 14.10 of the Guidance. As with “premises”, the definition of a “set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls with the definition of a “set of premises”, the licensing authority need to look at, amongst other things, the ownership/occupation and control of the premises.
- 50.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance to Licensing Authorities.

51.0 Occasional Use Notices

- 51.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will need to consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

52.0 Administration, Exercise and Delegation of Functions

- 52.1 The Licensing Committee will consist of between 10 and 15 councillors, sitting at least annually to discuss this Statement of Principles, review delegated decisions and administrative matters. The Council will review this Statement of Principles at least every three years. Any changes to the Statement of Principles will include full consultation of all interested parties and responsible authorities.
- 52.2 Sub-committee(s) of three Councillors will determine applications where representations have been received from interested parties and responsible authorities.
- 52.3 The Licensing Committee may also deal with other matters not associated with the Gambling Act 2005.
- 52.4 Each decision of the Licensing Committee or its Sub-Committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory register required to be kept by the Council.
- 52.5 The Council's authorised officers will deal with all other licence/permit application where either no representation/objection(s) have been received, or where representations have been received and it is agreed by all parties that a hearing is not necessary.
- 52.6 Council officers will make decisions on whether representations or applications for reviews should be referred to the Licensing Committee or Sub-Committee(s) and upon whether representations are frivolous, irrelevant, vexatious or repetitious. Where representations are rejected, the person making that representation will be given written reasons.
- 52.7 Where appropriate the Council will seek to delegate decision making so far as possible in the interests of speed, efficiency and cost effectiveness.
- 52.8 The Council will seek to integrate this Statement of Principles with its various other strategies/policies, having regard to the licensing objectives and will utilise its collaborative and partnership working arrangements and networks that engage with responsible authorities, interested parties and key stakeholders.

53.0 Contact Point

- 53.1 For further information about this statement or to discuss an actual or future applications, please contact:

Licensing Team
East Herts Council
Wallfields, Pegs Lane
Hertford, Hertfordshire
SG13 8EQ

Telephone: 01992 531503

E-Mail: community.protection@eastherts.gov.uk

Appendix 1 - Consultation

The consultation on this Statement of Gambling Principles was open to the public and was been widely publicised. Anyone who wanted to make comment was welcome to do so during the 4 week consultation. Below is a list of individuals, organisations and / or representatives directly consulted in the preparation of the Statement of Principles. The list is not exhaustive but gives a good indication of the scope of the consultation exercise.

- The responsible authorities designated under the Act
- Holders of licences, permission, notices, etc. issued by the Licensing Authority under the Gambling Act
- Solicitors and agents that have previously submitted applications
- Representatives of residents associations in the area
- Gambling Commission
- East Herts Councillors
- Town Councils
- Parish Councils
- Community Voice
- Hertfordshire County Council
- Neighbouring Local Authorities
- Chamber of Commerce
- Local Community Safety Partnership
- Hertfordshire Environmental Forum
- Hertfordshire Local Enterprise Partnership (LEP)
- Bishop's Stortford Business Improvement District
- Federation of Small Businesses
- Spectrum Drug & Alcohol Services
- East Herts Licensed Taxi Trade
- Community Safety Partnership (CSP)
- Safety Advisory Group (SAG)
- Hertfordshire Safeguarding Children Partnership
- Local planning authority
- Environmental Health
- HM Revenue & Customs
- Hertfordshire Modern Slavery Partnership Coordinator, Shiva Foundation
- Gambling support services both locally and nationally

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East Herts Council Report

Executive

Date of meeting: 23 November 2021

Report by: Councillor Linda Haysey – Leader of the Council

Report title: Harlow and Gilston Garden Town (HGGT) – Rolling Infrastructure Fund Memorandum of Understanding – for agreement

Ward(s) affected: Hunsdon and Sawbridgeworth

Summary

- This report recommends that the HGGT Rolling Infrastructure Fund Memorandum of Understanding (RIF MoU) can be agreed. The MoU represents a high level agreement amongst the Garden Town partners in relation to how funds secured from the repayment of Housing Investment Grant (HIG) will be managed and how decision about their future use will be made. There is a requirement for the GT partners to establish these initial arrangements in relation to the reuse of the government HIG grant as one of the conditions of the grant funding.

RECOMMENDATIONS FOR EXECUTIVE:

- A. To agree the Memorandum of Understanding relating to The Harlow and Gilston Garden Town Rolling Infrastructure Fund (attached as **Appendix 1** to the report) and to agree its submission to Homes England by the end of November 2021 as required of the Harlow and Gilston Garden Town Authority partners and specifically Hertfordshire County Council (as

accountable body for the Housing Investment Grant funding to which the Memorandum of Understanding relates).

- B. To agree to the set up and operation the Rolling Infrastructure Fund 'in principle' subject to more detailed work and approval of the appropriate governance and operational arrangements for its management.
- C. To agree that the Rolling Infrastructure Fund is governed initially in accordance with the approved Memorandum of Understanding as required by Homes England as a condition of the Housing Investment Grant funding and subsequently in accordance with any further governance arrangements that may be put in place following further agreement between the HGGT partners.
- D. To agree that the Head of Planning and Building Control, in consultation with the Leader of the Council, be authorised to agree any further non-material amendments.

1.0 Introduction

- 1.1 The HGGT partnership submitted a bid in 2019, led by Hertfordshire County Council (HCC), for government funding under the Housing Investment Fund to "forward-fund" the transport infrastructure works in the Stort Valley to support growth at Gilston and the wider Garden Town and to deliver the North to Centre Sustainable Transport Corridor (STC) linking the Gilston Area with Harlow town centre. The Stort Valley Crossings and STC are essential infrastructure necessary to unlock the planned housing and economic growth in accordance with allocations in the Local Plans of the relevant partner councils, and to support the planning proposals in the Gilston Area. The Stort Valley Crossings and the STC will be crucial to the achievement of the modal shift objectives set out in the HGGT Vision and Transport Strategy

for active and sustainable modes of transport like, walking, cycling and public transport. The bid was successful and funds have been allocated under the Housing Investment Grant (HIG) programme.

- 1.2 As a key part of the bid, it was proposed that the initial government money for the infrastructure would forward fund the works ahead of when they would have been built under the traditional developer obligations / contributions route secured through Section 106 Agreements. Under the latter method the developer would be under contractual obligation to provide the infrastructure by the time an agreed number of housing units are completed. By securing the HIG funding, the time difference for delivery between these two approaches has been estimated at 2-3 years. By the HIG funded route the aim is to ensure that the Crossings and STC are in place in time to influence new resident travel choices. The HIG funding has to be spent within a specified availability period, before April 2025.
- 1.3 As indicated, the bid has been successful, and in March 2020 HM Government awarded £171.18 million in HIG to HCC. The requirement to ensure a Rolling Infrastructure Fund (RIF) was enshrined in the terms and conditions related to the award, which also required a Recovery & Recycling Strategy (RRS) as a condition of the HIG funding. The RRS demonstrates to Homes England how the HIG funding will be recovered from developers such as those promoting the housing schemes for the Gilston Area and the Stort Valley Crossings infrastructure, in the form of developer contributions under Section 106 Agreements, how these contributions will be brought into the RIF, and how the RIF will be recycled into other qualifying projects.
- 1.4 The RRS establishes the concept that the recycling will be achieved by the effective operation of RIF. The Recovery

element of the RRS is based on a payment schedule of section 106 contributions which will be concluded between the Local Planning Authority (LPA) and developers as part of the Section 106 Agreement related to the Gilston Area outline housing applications and similarly for other strategic sites in the Garden Town. The RRS when completed and agreed will be submitted by HCC (as the accountable body for the HIG) to Homes England to satisfy the HIG funding conditions. HM Government indicated through Homes England that if a satisfactory RRS was implemented, the HIG money would not need to be repaid back to Homes England and therefore it has the potential to be continually recycled for appropriate HGGT infrastructure subject to relevant considerations.

- 1.5 Beyond the Gilston Area housing applications, the RIF will continue to receive the future Section 106 contributions from the other strategic sites such as East of Harlow, Latton Priory and Water Lane. The contributions will be collected by the relevant LPA in the first instance and would subsequently flow through all five partners. It is critical that all HGGT partners maximise the collection of these contributions and are supported by consistent policy and evidence across HGGT via the HGGT Infrastructure Delivery Plan and Section 106 Contributions Policy or other policy mechanisms.
- 1.6 Homes England will require evidence that there is a clear consensus between the HGGT Authority partners as to how the RIF will be set up, managed and governed. Homes England have been supplied with an advanced draft of the RIF MoU and their comments have been considered in the final version.
- 1.7 Decisions about funding the delivery of vital infrastructure for the Garden Town from the RIF are strategic matters which would influence the potential to deliver the growth planned for the Garden Town. Therefore, individual and incremental decisions by any one or more of the partner authorities

without effective strategic oversight and management of the RIF could present risks to delivering the HGGT Vision, planned growth, infrastructure and modal shift objectives. This is why the RIF needs a clear collective decision making governance structure, endorsed by the HGGT Authority partners, to ensure strategic, transparent and equitable allocation of RIF funds towards suitable projects. An early estimate of the value of contributions that form the RIF is approximately up to £270 million.

- 1.8 The RIF is therefore a powerful tool and potential source of infrastructure funding to help the HGGT Authority partners to fulfil the HGGT Vision and bring about transformational change to the whole Garden Town area. If the infrastructure spend is controlled and if sufficient developer contributions and tariffs can be collected as envisaged by the Infrastructure Delivery Plan and relevant policy to secure future streams of funding, the RIF could “roll” a number of times. The future sources of infrastructure funding into the RIF will be dictated by the relevant policy context and would benefit from clear evidence base and policy requirements for identified infrastructure.
- 1.9 There is a high likelihood that there will be insufficient funds in the RIF at the point when it is needed to forward fund future projects. Innovative finance options will need to be considered as soon as possible including the potential to borrow in advance of the developer contributions reaching the RIF. It is essential that RIF governance progresses at pace to provide those options to partners.
- 1.10 The HIG award necessitated a governance and consensus seeking process for the establishment of the RIF and a Memorandum of Understanding was agreed as the appropriate mechanism. Following the initial drafting of the MoU, legal and finance colleagues across the partnership have

provided input to subsequent versions. The level of engagement has been high and many of the comments concern the detailed arrangements that will be dealt with in the next phase of the RIF set up.

- 1.11 The RIF MoU was considered by the HGGT Board on 12 October 2021 and, following some final detailed amendments has been agreed by the GT partners for submission to the East Herts District Council Executive; the Epping Forest District Council Cabinet; the Harlow District Council Cabinet and the relevant portfolio holders of Essex and Hertfordshire County Councils for agreement before submission to Homes England.

2.0 RIF MoU

- 2.1 The purpose of this report is to enable Executive to consider the final version of the RIF MoU and to formally confirm its approval. The finalised document is attached as **Appendix 1**.
- 2.2 With the amendments set out above following the engagement between the HGGT Authority partners it is now considered that a robust final document has been produced and one which can be approved.
- 2.3 Once approved by all of the HGGT Authority partners, the RIF MoU will be submitted to Homes England by the end of November 2021 to articulate the collective agreement and set out the mechanism through which the HGGT Authority partners will initially agree how to operate the RIF.
- 2.4 Following agreement to approve the MoU, the Council will continue to work with the wider HGGT Authority partners around detailed work to set up and govern the RIF.

2.5 The Memorandum of Understanding sets out the terms under which the RIF will be set up. It does not go into detail but sets out the guiding principles. These are:

- Unanimous approval of all partners is required to set up the RIF;
- The RIF will be brought into one fund as soon as practicable;
- The RIF will be managed and governed by HGGT as a partnership of the five local authorities;
- The setting up of the RIF will take any new governance arrangements into account.

2.6 The establishment of the RIF needs unanimous approval, support and potentially resourcing from all the HGGT Authority partners. Detailed work is currently underway to reshape the HGGT governance which is considering delegations and arrangements for dealing with the future management and allocation of funding from the RIF. If the recommendations of the governance review are agreed and include delegation from the partners to manage the RIF, a more formal, transparent and democratic governance system could be put in place. If this is the case its features, in terms of how collective decisions and strategic management of the RIF are handled will determine the future governance and administration of the RIF. As part of these new governance arrangements mutual resourcing of the RIF and risk share in relation to it will need consideration by the partners, especially if the RIF is brought into and managed as a single fund as soon as possible as advised by Homes England.

2.7 Once all the HGGT Authority partners have ratified the RIF MoU it will be submitted to Homes England (Via HCC) to get

sign off of the condition which will impact ability to draw down on HIG funds. The milestone for satisfying this condition by submitting an agreed/signed MoU is the end of November 2021.

- 2.8 The RIF will be the mechanism for recycling a multi-million-pound fund of public money and its decisions must be transparent, represent value for money and be robust to legal challenge.

3.0 Risks

- 3.1 Agreement to the RIF MoU is considered to mitigate risks that would otherwise be apparent in relation to the drawdown of HIG funding, the potential reuse of funding and in relation to how funds are managed and decisions around the use of funds are made. The MoU represents an element of risk sharing in relation to the HIG funding and is considered an appropriate way forward given the significant benefits that the ability to drawdown the HIG funding represents.

4.0 Implications/Consultations

- 4.1 As indicated above in the report, the evolution of the MoU has taken place through a consultative approach amongst the GT partners supported by legal advice.

Community Safety

No direct implications, but the MoU supports the drawdown of funding to be used to ensure safe and accessible transport infrastructure initially and potential other projects with community safety benefits in the future.

Data Protection

No specific implications in relation to the agreement of the MoU.

Equalities

No requirement for EIA identified

Environmental Sustainability

No direct implications, but the support the drawdown of funding to be used to delivery transport infrastructure which supports sustainable transport objectives.

Financial

As a condition of the HIG funding agreement, the ability to agree to the MoU has a direct impact in relation to the drawdown and use of the funding.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Legal advisors have been involved in the preparation of the MoU to ensure it is robust and suitable for the purpose.

Specific Wards

Yes – Hunsdon and Sawbridgeworth (part)

5.0 Background papers, appendices and other relevant material**Contact Member**

Councillor Linda Haysey – Leader of the Council
linda.haysey@eastherts.gov.uk

Contact Officer	Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656. Email: sara.saunders@eastherts.gov.uk
Report Author	Kevin Steptoe, Garden Town Lead Officer, Tel: 01992 531407. Email: kevin.steptoe@eastherts.gov.uk

APPENDIX 1

FINAL DRAFT

MEMORANDUM OF UNDERSTANDING

relating to

**THE HARLOW AND GILSTON GARDEN TOWN ROLLING INFRASTRUCTURE
FUND**

PARTIES

- (1) EAST HERTFORDSHIRE DISTRICT COUNCIL
- (2) EPPING FOREST DISTRICT COUNCIL
- (3) ESSEX COUNTY COUNCIL
- (4) HARLOW DISTRICT COUNCIL
- (5) HERTFORDSHIRE COUNTY COUNCIL

each a “Council”, and together “the Councils”.

INTRODUCTION

- A The Councils are collaborating to facilitate the delivery of the Harlow and Gilston Garden Town (“Garden Town”).
- B HCC, on behalf of all the Councils, successfully submitted a bid to the Ministry for Homes, Communities and Local Government (acting through Homes England) for approximately £171 million funding of the Housing Investment Grant to forward fund infrastructure in the Garden Town area. HCC subsequently entered into the Grant Determination Agreement in respect of the funding.

- C In the Grant Determination Agreement, HCC committed to the establishment of a Rolling Infrastructure Fund (“RIF”), through which the HIG Funding would be recovered from developers and made available for forward funding of and completing the wider Garden Town sustainable transport corridor network and other infrastructure in the Garden Town area; where possible that funding would also be recycled, creating a rolling basis for infrastructure investment.
- D The Councils are entering into this Memorandum of Understanding (“Memorandum”) to record and set out the basis on which they will collaborate with each other to establish and operate the RIF.
- E The Councils acknowledge that the arrangements described in this Memorandum will require development over time, to reflect both changing circumstances and the further detail the parties will need to agree in due course in respect of operation and governance of the RIF. Any such development will be subject to agreement of all the Councils.

1. DEFINITIONS

In this Memorandum, the following terms shall have the meanings given below:

“Agreed Proportions”	has the meaning given in paragraph 5.2
“CIL”	means a community infrastructure levy or similar
“District Councils”	means, together, East Hertfordshire District Council, Epping Forest District Council and Harlow District Council (and “District Council” means each of them)
“Garden Town Board”	means the board established by the Councils, and including a representative from each Council, to promote and facilitate cooperative working to oversee delivery of the Garden Town
“Garden Town Development”	means a development or proposed development within the area of the Garden Town for which a planning application is (or has been) submitted
“Grant Determination Agreement”	means the agreement dated 31 March 2021 and entered into between HCC and Homes England relating to provision of the HIG Funding
“HCC”	means Hertfordshire County Council

“HIG Bid”	means the bid for the HIG Funding, as referred to in paragraph B of the Introduction to this Memorandum
“HIG Funding”	means the funding made available or to be made available to HCC by Homes England under the Grant Determination Agreement secured by the Councils from the Housing Investment Grant towards the Initial Projects, which as at the date of this Memorandum is expected to be in the region of £171 million
“Infrastructure Delivery Plan”	means the infrastructure delivery plan developed jointly by the Councils in relation to Garden Town infrastructure, as updated from time to time
“Initial Projects”	has the meaning given in paragraph 4.1
“Section 106 Obligations”	means planning obligations imposed by a Council under section 106 of the Town and Country Planning Act 1990
“STC”	means the Sustainable Transport Corridor network intended to be created at the Garden Town

2. ESTABLISHMENT OF THE ROLLING INFRASTRUCTURE FUND

- 2.1 Each Council agrees to the establishment of the RIF.
- 2.2 Each Council agrees that the RIF will be built from payments secured by the Councils from developers of Garden Town Developments in contribution to the cost of the STC and other Garden Town infrastructure, in accordance with this Memorandum. The first such payments will arise in respect of the Initial Projects, which will be unlocked by the HIG Funding.
- 2.3 For practical reasons, the RIF will not initially be held by a single entity. Each Council that receives relevant payments from developers will hold those sums as a separately-identifiable interest-bearing fund. The aggregate of all such funds will constitute the RIF.
- 2.4 The Councils acknowledge that they will seek, over time, to put governance arrangements in place that will allow these disparate funds to be brought together and held and managed by a single entity for the benefit of and on behalf of the Councils. Development of such arrangements will form part of the ongoing review of the RIF to which paragraph 9 refers. This Memorandum does not commit any Council to this arrangement which shall be subject to a separate decision.

3. ROLLING INFRASTRUCTURE FUND GOVERNANCE

- 3.1 If any decision is required in relation to the RIF (in particular in relation to expenditure from the RIF) which impacts a Council, such Council shall follow its own decision making process to determine the decision to be taken. The Garden Town Board may make a non-binding recommendation to such Council(s). Such Council(s) shall consult with the remaining parties to this Memorandum prior to taking such decision to the extent that such decision impacts on the recovery of the HIG Funding.
- 3.2 Any amendment to the terms of this Memorandum will require the unanimous approval of all five Councils.
- 3.3 Any decisions taken in respect of the RIF shall take due account of any relevant provisions of the Grant Determination Agreement and the Delivery Agreements.

4. INITIAL PROJECTS – FORWARD FUNDING

- 4.1 In accordance with the Grant Determination Agreement and subsequent discussions, the HIG Funding will be used to fund delivery of the following projects:
- 4.1.1 the expansion of Central Crossing (5th Avenue) to extend the STC between the Gilston Area and Harlow Town Railway Station and Burnt Mill Roundabout;
- 4.1.2 the Eastern Stort River Crossing, comprising:
- (a) realignment of the Eastwick Road and new junction allowing access to Terlings Park and Pye Corner;
 - (b) Pye Corner bypass including junction between north-south section and east-west section;
 - (c) remainder of Eastern Crossing including River Way Bridge;
- (Note: It is proposed that funding is provided for the Eastern Stort Crossing both directly and indirectly, through being made available to the relevant developer to fund on-site works within the Gilston Area thereby allowing the developer to prioritise development cash flow for the completion of delivery of the Crossing works. This has been agreed due to the time constraints of the HIG funding availability)
- 4.1.3 the extension of the STC from Burnt Mill Roundabout through to the Town Centre; and
- 4.1.4 the new Cambridge Road/River Way junction,

(together, the “**Initial Projects**”).

- 4.2 The Councils acknowledge that HCC has entered into the Grant Determination Agreement with Homes England and that HCC is the contracting body in respect of the HIG Funding.
- 4.3 The Councils further acknowledge that, in order to secure delivery of the Initial Projects, HCC has entered into delivery agreements with:
 - 4.3.1 Places for People, pursuant to which Places for People will be obliged to deliver the projects referred to in paragraphs 4.1.1 and 4.1.2; and
 - 4.3.2 Essex County Council, pursuant to which Essex County Council will be obliged to deliver the projects referred to in paragraphs 4.1.3 and 4.1.4,

(each a “**Delivery Agreement**”).

- 4.4 HCC hereby confirms its intention to draw down the HIG Funding in accordance with the Grant Determination Agreement, to pay such funding to the relevant counterparty in accordance with each Delivery Agreement, and to enforce its rights under each Delivery Agreement to secure delivery of the relevant infrastructure.
- 4.5 In the event of any conflict between this Memorandum and either the Grant Determination Agreement or any of the Delivery Agreements, the Grant Determination Agreement or Delivery Agreement (as relevant) shall take precedence.

5. INITIAL PROJECTS – RECOVERY OF CONTRIBUTIONS

- 5.1 The Councils acknowledge that it is their collective intention:
 - 5.1.1 to seek to recover 100% of the HIG Funding, for inclusion in the RIF;
 - 5.1.2 that such amounts will be recovered from developers promoting relevant Garden Town Developments, pursuant to section 106 of the Town and Country Planning Act 1990; and
 - 5.1.3 that such amounts will be recovered from developers in the Agreed Proportions.
- 5.2 The “**Agreed Proportions**” are (as applicable):
 - 5.2.1 those set out in the Infrastructure Delivery Plan or other associated evidence (as updated from time to time);

- 5.2.2 those set out in any “Developer Contribution Guidance” or related policy applicable to the Garden Town that is developed and agreed by the Councils; or
 - 5.2.3 (if relevant) the proportions required by the relevant District Council’s planning policy.
- 5.3 In respect of Section 106 Obligations (whether by way of bilateral agreement or unilateral undertaking) relating to a planning application for a relevant Garden Town Development, each District Council will:
 - 5.3.1 use its reasonable endeavours to ensure that the Section 106 Obligations require the relevant developer to make financial contributions towards the cost of the Initial Projects in the Agreed Proportions (either directly or by reference to a separate agreement under which the developer is obliged to repay the applicable portion of the Initial HIG Funding over time);
 - 5.3.2 use its reasonable endeavours to enforce the terms of such Section 106 Obligations in order to recover monies due from the developer in respect of the Initial Projects; and
 - 5.3.3 retain the contributions received from developers pursuant to Section 106 Obligations (or related agreements) which form part of the RIF as separately-identifiable funds.
- 5.4 Each District Council agrees to work with the other Councils and the Garden Town legal advisers to develop standard clauses for use within section 106 agreements and undertakings in respect of the payment of contributions. To the extent such clauses are developed and agreed, each District Council agrees to use reasonable endeavours to ensure the clauses are included in relevant section 106 agreements /undertakings.
- 5.5 If a District Council, in negotiating Section 106 Obligations, considers that it would be appropriate to agree with a developer an amount lower than the Agreed Proportions (such that there would be a shortfall in payments back to the RIF), that Council shall consult with the other partner Councils and have due regard to their representations before coming to a decision. The Councils acknowledge that this should be avoided wherever possible and that the recovery of contributions for the RIF should be treated in accordance with the importance set out in the Infrastructure Delivery Plan.
- 5.6 The Councils recognise that adoption by a District Council of a CIL could affect the value of contributions sought from development and the process for agreeing how collected CIL monies are allocated and spent for the funding of infrastructure and other projects. Any Council that considers the adoption of a CIL will consult with the other partner Councils and have due regard to their representations before coming to a decision

regarding the adoption of a CIL charging schedule and how collected CIL monies are allocated to the Initial Projects and subsequent projects.

- 5.7 If the existing Planning Bill introduces new Infrastructure Levy arrangements, the District Councils will work cooperatively with the other Councils to put measures in place which ensure that contributions continue to be made to the RIF in line with the principles set out in this Memorandum.
- 5.8 Without prejudice to the preceding provisions of this paragraph 5, in the event of any conflict between this Memorandum and any agreement entered into by a Council pursuant to section 106 of the Town and Country Planning Act 1990, the section 106 agreement shall take precedence.

6. SUBSEQUENT PROJECTS

- 6.1 The Councils acknowledge that, at the present time, the following projects (listed in no particular order of timing or priority) have been identified in the HIG Bid as priorities for future RIF funding as set out in Schedule 1:
- 6.1.1 replacement of Central Crossing Rail Bridge (excluding such works included within the widening and subject to outcome of structural assessment indicating it as necessary and according to the timescale of that necessity);
 - 6.1.2 Eastern STC between Town Centre, Enterprise Zone and East Harlow Garden Community;
 - 6.1.3 Western STC between Town Centre, National Institute for Health Protection/Pinnacles and Water Lane Garden Community;
 - 6.1.4 Southern STC between Town Centre and Latton Priory Garden Community; and
 - 6.1.5 to the extent not covered by paragraphs 6.1.2 to 6.1.4, the Town Centre STC and any associated interchange and hub.
- 6.2 The Councils acknowledge that the STC network, where located outside of the allocated new garden community sites, is treated in the Infrastructure Delivery Plan as a single item of infrastructure (as represented by the schemes referred to in paragraph 4.1.3 and parts of those referred to in paragraphs 6.1.2 – 6.1.5). The total cost of this off-site STC infrastructure will exceed the total of the contribution provided by HIG for the STC and the amount recovered into the RIF. The Councils each agree to cooperate in an effort to close this funding gap including using reasonable endeavours to secure developer contributions for this purpose (including by way of section 106 or Community Infrastructure Levy contribution from Garden Town Developments both referred to and those not referred to in the Infrastructure Delivery Plan). The Councils agree that such

Developer Contributions will be allocated to the RIF and will seek to act in accordance with paragraphs 5.3.2 and 5.3.3 in respect of the same.

- 6.3 The Councils agree to use reasonable endeavours to secure additional grant or revenue funding for the delivery of the STC network and, where appropriate, to allocate such funding to the RIF, subject always to any terms and conditions attaching to such funding.
- 6.4 The Councils commit to work together to develop an investment strategy to guide future decisions about which projects should benefit from RIF funding beyond the Initial Projects including but not necessarily exclusive to those set out in paragraphs 6.1.1 to 6.1.5. The Councils acknowledge that the projects funded by the RIF may vary from those listed in paragraphs 6.1.1 to 6.1.5.
- 6.5 The Garden Town Board will be responsible for recommending to the Councils infrastructure schemes for funding from the RIF in future. In making any recommendation the Garden Town Board will principally seek to use the RIF for measures to achieve the active and sustainable mode share targets of the Garden Town and to unlock the provision of further new homes, and will have regard to the Infrastructure Delivery Plan (as updated from time to time) and other associated evidence, the investment strategy agreed by the Councils and the amounts available in the RIF.
- 6.6 Unless otherwise agreed by all the partner Councils in any particular case, RIF funding will only be allocated to projects if arrangements are put in place for the recovery of the funding from developer contributions (or other sources) over time, in line with the principles in paragraph 5, with the aim of ensuring that the RIF is continually replenished.
- 6.7 Any proposal for expenditure from the RIF beyond the Initial Projects will require the unanimous approval of all partner Councils (unless otherwise agreed by the Councils).

7. FUND HOLDERS' OBLIGATIONS

- 7.1 As noted in paragraph 2.3, initially the RIF will not be held by a single entity. Each Council that receives relevant payments from developers will hold those sums as a separately-identifiable fund. The aggregate of all such funds will constitute the RIF.
- 7.2 Specifically:
- 7.2.1 in respect of the infrastructure referred to in paragraphs 4.1.1 and 4.1.2, HCC will receive and hold the payments made by the Gilston Area Villages 1–6 landowners (Places for People and/or any successors) pursuant to HIG recovery payments secured through s.106 obligations assumed by those parties associated with relevant planning consents;

- 7.2.2 each of the District Councils and/or County Councils may receive and hold payments made in respect of section 106 obligations (or, if relevant, the Community Infrastructure Levy) in relation to the infrastructure referred to in paragraphs 4.1.1 and 4.1.2 and the STC network, which includes the infrastructure referred to in paragraphs 4.1.3 and 4.1.4, and that referred to in paragraphs 6.1.2 to 6.1.5; and
 - 7.2.3 any of the Councils may receive and hold payments made in respect of section 106 obligations (or, if relevant, the Community Infrastructure Levy) in relation to subsequent infrastructure projects funded by the RIF.
- 7.3 Each Council that receives payments from developers in relation to the Initial Projects or any subsequent projects funded by the RIF will:
 - 7.3.1 retain such payments as a separately-identifiable interest-bearing fund, acknowledging that relevant funds form part of the RIF and can be used only in accordance with this Memorandum and the purpose for which they were provided;
 - 7.3.2 provide to the other Councils full transparency of all such amounts received, and all amounts held as part of the RIF at any particular time; and
 - 7.3.3 not permit any RIF monies to be expended other than in accordance with this Memorandum and the purpose for which they were provided (and if money is paid out in breach of this commitment, the relevant Council shall replenish the RIF as soon as practicable upon becoming aware of the same).
- 7.4 Any interest earned in relation to RIF monies held by any Council shall itself be considered part of the RIF and each Council shall add any such interest to the RIF monies it is holding from time to time.
- 7.5 As Contracting Authority, HCC will seek to ensure that all costs to administer the HIG programme will be met within the £171m funding envelope. In the event that HCC incurs reasonable and evidenced costs and expenses in respect of its role as contracting body to the HIG Funding beyond the contracted completion date of 31 March 2025, HCC will in the first instance seek additional funding for administrative costs required to maintain a scaled down functional service until the Infrastructure Works as set out in Part 1 Schedule 1 of the Grant Determination Agreement have been completed. If such costs and expenses cannot be recovered via the Grant Determination Agreement (and/or the connected back-to-back agreements) HCC shall be entitled to retain an appropriate portion of any monies it receives from developers in accordance with this paragraph 7 as reimbursement for the costs and expenses it incurs as contracting body to the HIG Funding. Following an assessment of the current administrative requirements, it is

anticipated that as the Works referred to above relate specifically to activities after the funded programme which ceases on 31 March 2025, they will be evaluated over a financial year and be no greater than £80,000 per annum. All requests will be fair and reasonable and supported with appropriate evidence.

- 7.6 HCC shall produce all evidence as is reasonably required by the other Councils to demonstrate the quantum and appropriateness of such retention as detailed in clause 7.5. HCC shall provide the evidence at the request of the other Councils but provided that HCC shall not be obliged to provide such evidence more than twice in any calendar year. Any evidence supplied by HCC shall be presented in accordance with generally accepted accounting standards and practice
- 7.7 Notwithstanding any other provision of this Memorandum, HCC will not be entitled to recover costs or make a claim to recover its costs from the RIF to the extent that it has already recovered them pursuant to any other sources, agreements (including but not limited to Homes England and/or the GDA) or has received or is able to apply for funding in relation to them. HCC will recover its costs from Homes England or alternative sources before seeking to recover them from the RIF; it is acknowledged and agreed that alternative sources do not include HCC's own funding.
- 7.8 In the event that any of the Councils objects to the quantum of the retention made pursuant to paragraph 7.5, such dispute shall be resolved in accordance with paragraph 12.

8. DURATION

- 8.1 This Memorandum shall remain in place until such time as:
- 8.1.1 the Councils agree that it should be superseded by an alternative agreement or arrangement which sets out the manner in which the RIF will be operated by the Councils; or
- 8.1.2 this Memorandum is terminated pursuant to paragraph 8.2.
- 8.2 This Memorandum may be terminated only by unanimous agreement of all five Councils. Any such agreement must specify how funds remaining in the RIF at the relevant time are to be allocated between the Councils. Such funds must be spent in accordance with the Grant Determination Agreement and section 106 of the Town and Country Planning Act 1990 on infrastructure to unlock housing developments.

9. REVIEW AND DEVELOPMENT OF THE RIF

- 9.1 The Councils will request the Garden Town Board to review the terms of this Memorandum and the operation of the RIF on a six-monthly basis (or at such other

frequency as the Councils may agree), and to report its findings and any recommendations to the Councils.

- 9.2 The Councils acknowledge that there is potential to develop the manner in which the RIF is governed and operated in order to improve its effectiveness as a vehicle to enable the forward funding of infrastructure delivery in the Garden Town. The Councils will work together in good faith to explore ways in which this might be achieved, including consideration of the ability to forward fund infrastructure in reliance on future developer contributions.

10. NO FETTER

Nothing in this Memorandum shall fetter the discretion of any Council in the exercise of any of its statutory rights, powers, duties, discretions or functions, including in particular its role as local planning, highway or education authority.

11. STATUS

- 11.1 This Memorandum is not intended to be legally binding and no legal obligations or legal rights shall arise between the Councils as a result of this Memorandum. Each Council enters into this Memorandum intending to honour all of its commitments but shall not be bound by them.
- 11.2 No legal partnership is created or intended to be created by the terms of this Memorandum.

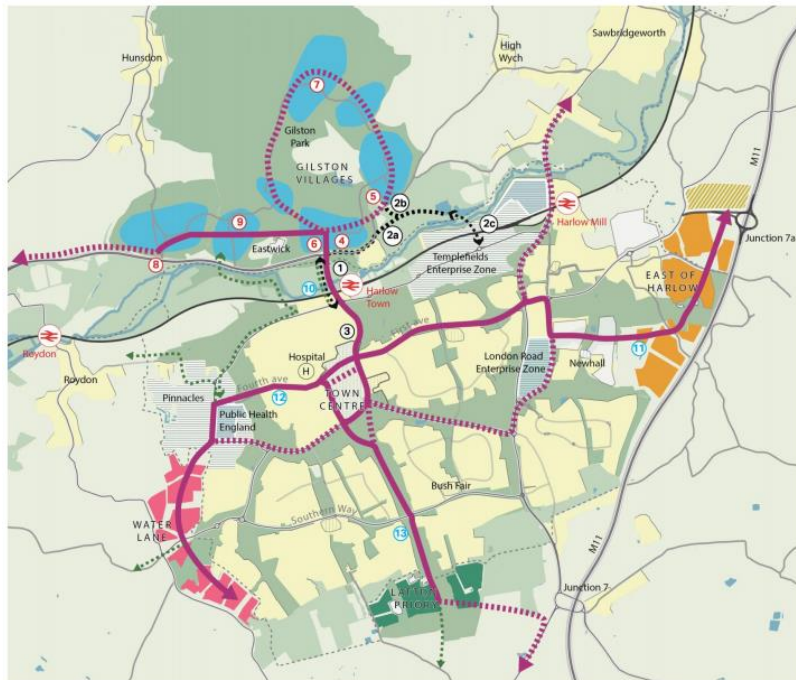
12. DISPUTE RESOLUTION

- 12.1 Any dispute arising in relation to the quantum of the retention made pursuant to clause 7.5 ("Dispute") shall be resolved in accordance with this paragraph 12.
- 12.2 If a Dispute cannot be resolved by the Councils within 10 working days of the dispute arising, any Council can, by written notice to the other Councils, require the Dispute to be escalated. In such circumstances the Dispute will be referred to the respective Chief Executives of the Councils who shall consult in good faith in an attempt to come to an agreement in relation to the disputed matter.
- 12.3 If the Dispute is not resolved by consultation under paragraph 12.2 within 10 working days of the Dispute being escalated, any Council may invite the others to attempt to resolve the dispute through mediation. The other Councils shall act reasonably in deciding whether or not to accept such invitation. A mediator will be selected by agreement of the Councils.
- 12.4 If:

- 12.4.1 the consultation required by paragraph 12.2 has taken place and the dispute remains unresolved;
- 12.4.2 the Councils are unable to reach agreement to proceed with mediation; or
- 12.4.3 following such mediation the dispute remains unresolved,
- any Council may refer the matter for expert determination.
- 12.5 An expert ("Expert") is a person appointed in accordance with paragraph 12.6 to resolve a dispute arising in relation to the quantum of the retention made pursuant to paragraph 7.5.
- 12.6 The Councils shall agree on the appointment of an independent Expert and shall agree with the Expert the terms of their appointment.
- 12.7 If the Councils are unable to agree on the identity of the Expert or the terms of their appointment within seven days of a Council serving details of a suggested expert on the others, any Council shall be entitled to request the President of the Chartered Institute of Arbitrators to appoint an Expert with experience in determining the quantum of costs.
- 12.8 The Councils are entitled to make submissions to the Expert and will provide (or procure that the other Councils provide) the Expert with such assistance and documents as the Expert reasonably requires for the purpose of reaching a decision.
- 12.9 The Expert shall act as an expert and not as an arbitrator. The Expert shall provide to all the Councils his written decision on the dispute, within 28 days of appointment (or such other period as the Councils may agree). The Expert's written decision on the matters referred to them shall be final and binding on the Councils in the absence of manifest error or fraud
- 12.10 Each Council shall bear its own costs relating to the reference of the Dispute to the Expert. The Expert's fees and any costs properly incurred by them in arriving at their determination (including any fees and costs of any advisers appointed by the Expert) shall be borne by the Councils equally or in such other proportions as the Expert shall direct.
- 12.11 The Councils shall continue to comply with, observe and perform all their obligations hereunder regardless of the nature of the Dispute and notwithstanding the referral of the Dispute under this paragraph 12 and shall give effect forthwith to every decision of the Expert.

DRAFT, CONFIDENTIAL & WITHOUT PREJUDICE

SCHEDULE 1 – Extract from HIG Bid - Plan indicating the infrastructure to be funded by the HIG, Developer and the RIF



1. Expansion of Central Crossing to extend Sustainable Transport Corridor (STC) between Gilston Area and Railway Station and Burnt Mill Roundabout.
2. Eastern Stort River Crossing (comprising Items 2a, 2b and 2c below)
 - 2a. Realignment of the Eastwick Road and new junction allowing access to Terlings Park and Pye Corner.
 - 2b. Pye Corner bypass including junction between north-south section and east-west section
 - 2c. Remainder of Eastern Crossing including River Way Bridge
3. Extension of STC from Burnt Mill Roundabout through the Town Centre.
4. Enhanced sustainable transport hub in Village 1.
5. Access to Gilston Area Village 2.
6. Access to Gilston Area Village 1 (north of Eastwick junction) and creation of STC link within Village 1.
7. Gilston Area STC "inner loop" connection to Villages 3, 4, 5
8. Access to Village 7.
9. Gilston Area STC "inner connection" opening up sustainable access and highway between Village 7 and Village 1.
10. Replacement of Central Crossing Rail Bridge.
11. Eastern STC between Town Centre, Enterprise Zones and Harlow East Garden Community.
12. Western STC between Town Centre, PHE/Pinnacles and Water Lane Garden Community.
13. Southern STC between Town Centre and Latton Priory Garden Community.

- Funded by the HIF
- Funded by the Developers
- Funded by rolling infrastructure fund

East Herts Council Report

Executive

Date of meeting: 23 November 2021

Report by: Councillor Linda Haysey – Leader of the Council

Report title: Harlow and Gilston Garden Town Transport Strategy – final document for endorsement

Ward(s) affected: Hunsdon and Sawbridgeworth

Summary

- This report recommends the Harlow and Gilston Garden Town (HGGT) Transport Strategy can be sent to Council for endorsement. The HGGT Transport Strategy is crucial in meeting the ambitions for sustainable movement set out within the HGGT Vision. The Strategy will be used in the masterplanning process and to secure funding from developers, central government and other bodies.
- The HGGT Transport Strategy establishes a clear Mode Share Objective and set of Principles which align with the growth strategies (including the planned delivery of 23,000 homes within the Garden Town) within the respective Local Plans. The Strategy sets out how this planned growth can be achieved through modal shift towards sustainable and active travel and details a number of measures to achieve this modal shift and the ambitious targets proposed for sustainable travel.

RECOMMENDATIONS FOR EXECUTIVE:

- A.** That Executive recommends to Council that the HGGT Transport Strategy can be endorsed as a material

consideration in the planning process for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purpose for sites within the Garden Town area;

- B.** That delegation is given to the Head of Planning and Building Control, in consultation with the Director of the Harlow and Gilston Garden Town, to make any minor text or design amendments to the Transport Strategy prior to its publication should there be necessity for clarification or changes proposed by the respective decision makers of East Herts, Harlow and Epping Forest Districts and Essex and Hertfordshire Counties in order to ensure a consistent document.
- C.** That Executive acknowledge that the ambition, mode share objective and principles in the Transport Strategy should help shape existing and future work programmes of the Highway Authorities across the Garden Town, and can provide supporting justification for funding submissions and spending commitments in relation to transport.

1.0 Introduction

- 1.1 The HGGT Transport Strategy is included in Appendix 1. It was developed to deliver the HGGT Vision in respect of the key principles for Healthy Growth through a focus on Sustainable Movement to support the ambitious scale of housing and economic growth set out in the Local Plans of the three partner local planning authorities (including the East Herts District Plan).
- 1.2 This investment in travel choice for residents, workers and visitors, to achieve the Mode Share Objective, reduces the impact on the existing public highway from all new developments and from the existing town, preserving capacity

in the network. This allows the new developments to be delivered without negatively impacting on the ability of the public highway to operate safely and acceptably, whilst also contributing positively to health, wellbeing and environmental quality across the Garden Town.

1.3 The Transport Strategy is consistent with the principles and indicators within the HGGT Vision, HGGT Sustainability Guidance & Checklist and the Local Planning Authorities adopted and emerging Local Plan policies. The Strategy is also consistent with the principles set out in the Town and Country Planning Association Garden Community guidance including the ambitious Modal Shift Objective at the core of the Transport Strategy (detailed below).

1.4 Since the publication of the draft Strategy the Government has released three important national transport strategy documents:

- Gear Change – A bold policy for walking and cycling – July 2020
- Bus Back Better – National Bus Strategy for England – March 2021
- Decarbonising Transport - A better greener Britain – July 2021

The HGGT Transport Strategy aligns with these documents including setting an ambitious mode share target; development of a Local Cycling and Walking Infrastructure Plan to invest in the active travel network; the development of the Sustainable Transport Corridors to enhance public transport operation; development of Enhanced Bus Partnerships in response to 'Bus Back Better' and developing strategies to introduce electric vehicle charging.

- 1.5 The Transport Strategy is intended to be used by applicants (for planning permission on sites located in the Garden Town) and partner Authorities when preparing and discussing masterplans, pre-application proposals, determining planning applications, considering Section 106 obligations and discharging conditions attached to planning permissions. This will ensure a consistent and integrated consideration of the key sustainable transport principles, objectives and priorities at the early stages of schemes and masterplans across the Garden Town.
- 1.6 A high level programme for delivery of the Strategy is set out in Appendix 2. Further work will need to be undertaken to refine this programme as schemes come forward for delivery and funding becomes available. This programme will be greatly informed by the HGGT Infrastructure Delivery Plan which will be regularly reviewed.

2.0 The Objectives, Principles and Actions

- 2.1 The Strategy proposes one overarching Mode Share Objective, three Principles and is supported by five key actions. These are set out below:

The Objective

- 2.2 Mode Share Objective – 50% of all trips starting and/or ending in the existing settlement area of Harlow Town should be by active and sustainable travel modes and 60% of all trips starting and/or ending in the new Garden Communities of Harlow & Gilston Garden Town should be by active and sustainable travel modes.

The Principles

- 2.3 Principle 1 – User hierarchy: Decisions should be shaped by following the user hierarchy which gives priority to reducing unnecessary travel, then to walking, cycling and public transport.
- 2.4 Principle 2 – A culture of active and sustainable travel: The Garden Town should be an environment where active and sustainable travel is valued, prioritised, and supported to ensure that the associated social, environmental, wellbeing and economic benefits are available to everyone.
- 2.5 Principle 3 – Accessibility and Inclusion: Infrastructure should be designed for everyone and with consideration of those with the greatest need first. Everyone should have the opportunity to choose more sustainable and active modes of travel.

The Actions

- 2.6 Action 1: Enabling Choice ...means creating connected communities that offer local facilities and travel options for everyday activities.
- 2.7 Action 2: Streets for People ...means making our streets and neighbourhoods places that are safe, sociable and enjoyable – for everyone – by creating attractive places that people want to walk and cycle in.
- 2.8 Action 3: Quality Public Transport ...means connecting people to the places they want to go, providing independence and mobility to those who need it most, while reducing air pollution and congestion. The development and delivery of the Sustainable Transport Corridor network will facilitate this.
- 2.9 Action 4: A Network that Works ...means providing reliable, high-quality alternatives to private vehicles.

- 2.10 Action 5: Maximising Opportunities ... means exploring and introducing new and innovative transport technologies as they develop.
- 2.11 Achieving the Mode Share Objective will require a generational change. It also has some interdependencies with progression of other policies and infrastructure at national and local levels, including the availability of funding. It is therefore recognised that it will be an incremental process but one that will require an extensive range of measures from the outset in the new Garden Communities and as soon as possible within the existing town. Appendix 2 presents a high level programme showing the mix of projects anticipated including discrete one-off proposals such as the Sustainable Transport Corridor network and rolling programmes of behaviour change incentives.
- 2.12 Funding is required to develop schemes and initiatives through to delivery. Funding will be sought from a variety of sources such as developer contributions and Government grants e.g. the Housing Investment Grant (HIG), the Active Travel Fund, Levelling Up Fund, Capacity and Capability funding. Partners have already been successful in securing HIG funding, and the Towns fund with submissions recently made for Levelling Up and Active Travel Funding pending.
- 2.13 Securing the HIG grant enables the early delivery of essential transport infrastructure and sustainable transport corridors which have the potential to unlock planned growth in the Garden Town. The mechanisms associated with the HIG and Section 106 obligations associated with strategic schemes coming forward in the Garden Town area will enable the creation of the Rolling Investment Fund (RIF). The initial RIF is estimated to amount to circa £129m (subject to index linking) comprised of developer contributions towards the STCs, other potential infrastructure, initiatives, measures and mitigations

associated with HGGT developments. In this way, all five partners (comprising three local planning authorities and two local highway authorities) have a vested interest in effective management of developer contributions comprised in the RIF and collective decision-making protocols and governance will be required to determine prioritisation of funding into the future HGGT transport infrastructure, projects, initiatives or measures as envisaged by this Transport Strategy.

- 2.14 The Strategy acknowledges that there will be continued use of private motor vehicle (i.e. 50% for the existing town and 40% for new Garden Communities, based on the Mode Share Objective) but reliance on high levels of private car use is not sustainable in the context of the levels of growth set out in the Local Plans. Continuing to do so will result in increased congestion, which is likely to impede planned growth and will have negative impacts on quality of life in the Garden Town, especially to deliver quality places to live and work.
- 2.15 The Strategy does not advocate increasing highway capacity as the default 'predict and provide' response, taking instead a 'vision and validate' response – developing schemes that align with the HGGT Vision rather than continued provision of extra road capacity. Through this approach the Strategy promotes redesigning the transport network and supporting residents and businesses to bring about a modal shift towards active, sustainable and inclusive modes of travel.

3.0 The Sustainable Transport Corridor (STC) Network

- 3.1 A key element of the Garden Town Vision and a critical enabling factor of planned growth is the ambition for new and existing residents to adopt active and sustainable travel behaviours.

- 3.2 To meet this ambition and support the planned growth, the Strategy includes the development of a network of sustainable transport corridors (STCs) (p.37) and a rapid bus transport system (a high-quality, frequent and fast bus service) which will help new and existing residents travel quickly and sustainably in and around the Garden Town. The sustainable transport corridors will also improve the facilities for those walking and cycling.
- 3.3 Design work continues on the network with the North to Centre section being the most advanced and to be funded by HIG grant. It is anticipated that further details of the design of this will be available in the near future.

Enhanced Bus Partnership and Operation

- 3.4 An essential part of the STCs is the delivery and management of the public transport services and potentially other initiatives for the benefit of the customer. The Government's "Bus Back Better" strategy proposed a number of options for Local Highways Authorities to adopt to improve public transport. Both Essex and Hertfordshire County Councils have decided to introduce Enhanced Bus Partnerships, Hertfordshire building upon its existing quality partnership. Through an Enhanced Partnership, services can be controlled and regulated including quality, level of service, ticketing and branding for a future HGGT service. Further work is required on the scope and extent of the enhanced partnerships covering the HGGT area and consultation will be required with users and operators at the relevant time.

4.0 Consultation

- 4.1 The draft Transport Strategy was subject to public consultation in early 2020 (including exhibitions, Member briefings, village hall meetings and workshops with key

stakeholders) and results were presented to the Board in June 2020. Further consultation was requested to secure input from unrepresented groups – specifically young people, businesses and local organisations – and to increase the overall consultation response. A second round of consultation was therefore conducted over 4 weeks in late 2020. This consultation focused on young people, businesses, charities and internal Officers through a series of workshops.

- 4.2 In total there were 154 responses to the survey, over 150 workshop attendees and over 900 comments were received from all engagement undertaken. This was enhanced through a more effective use of social media which was significantly developed following the first round. A HGGT Member Briefing was also held on 20 September 2021. Further detail on the consultation process and results can be found in Appendix 3.

Key Consultation changes

- 4.3 As a result of both rounds of consultation and the large amount of feedback received there have been several changes to the content and design of the Strategy, with further detail in Appendix 3.
- 4.4 The updated Strategy has now been simplified to incorporate a single Mode Share Objective with three principles which incorporate the former Objectives 2 (The user hierarchy) and 3 (A culture of active and sustainable travel) from the first draft Strategy. In addition, there is a further principle around accessibility and inclusion which was absent from the earlier draft versions. The number of Actions has been condensed from 8 to 5 to avoid repetition and consolidate information.
- 4.5 Significant design changes have been made to the formatting of the Strategy to improve engagement, interactivity and accessibility for use online.

Zero Emission Vehicles (ZEVs)

- 4.6 Greater clarity has been provided in the Strategy on the future role of ZEVs in the Garden Town after requests from Members. The market share of ZEVs is likely to increase substantially given the ban on sale of new petrol and diesel cars by 2030.
- 4.7 ZEVs are a powerful tool in the transition to a sustainable transport network and there is a clear need for additional infrastructure to support uptake. ZEVs will be particularly important to ensure that the 50% (existing town) and 40% (new Garden Communities) of journeys in the Garden Town which do not utilise active and sustainable modes have a reduced impact on the environment and society.
- 4.8 However, ZEVs are not considered sustainable within the HGGT active and sustainable transport modes definition. There are several reasons for this, although within the context of the Garden Town there are two primary concerns:
1. It is essential that Developers deliver on the HGGT Principles for healthy growth and provide the financial support for active and sustainable transport services and infrastructure. Including ZEVs in the Mode Share Objective would greatly increase the risk that the financial support needed for meaningful modal shift is not provided due to overreliance on ZEVs.
 2. Including ZEVs as a sustainable transport mode will place a significant additional burden on highway capacity that does not align with the growth agenda supported by the HGGT Partner Councils. ZEVs do not address the issues of congestion, space and severance that can only be achieved through modal shift.

5.0 How the Strategy will be used – next steps

- 5.1 The Strategy will be embedded as a material planning consideration into the masterplanning and planning processes for the new Garden Town communities, neighbourhoods and developments through ongoing work with the relevant partner Councils, site developers and planning applicants to ensure that the ambitious sustainable mode share objective, as set out, is being achieved.
- 5.2 The Transport Strategy will provide a base of evidence and best practice which will be used to inform the planning and design processes, behaviour change programmes, further evidence commissions, business plans, guidance notes etc. The evidence base that underpins the Transport Strategy will continue to evolve and be taken into consideration when developing transport schemes.
- 5.3 A monitoring framework will be established to ensure alignment with this Strategy. This Framework will be based recommendations from an earlier piece of work that the garden Town partners have undertaken regarding the monitoring of travel and transport patterns. Policies and schemes will also be monitored internally through the HGGT Board approval and oversight process. The Transport Strategy will be reviewed every three years to ensure evidence and measures are still relevant.
- 5.4 With regard to next steps, the below are anticipated following endorsement by the District Cabinets/Executives and County Councils and publication of the Strategy (early 2022):
- Ensure the Strategy is hosted on the HGGT Website and Partner District Council websites as a key material planning consideration in assessing planning applications.

- Ensure the Strategy guides the masterplanning decisions for, or impacting upon, the HGGT;
- Secure Public Sector funding for infrastructure and measures identified in the programme;
- Maximise developer funding/contributions, without which the Strategy cannot be delivered;
- Identification of resources to develop a monitoring and evaluation strategy, building on the Strategy's target.
- Develop a detailed delivery plan to produce a funded and prioritised programme as part of the HGGT annual business planning for delivery of actions:
 - Consideration of details such as timescales, funding sources, delivery options, locations and priorities.
 - Alignment of principles, particularly the transport hierarchy, and speed of achieving the 50 and 60% modal share target.

6.0 Options

- 6.1 The alternative option available is to not agree the HGGT Transport Strategy or endorse it as a material consideration in the planning process. This would mean that there would be no transport related guidance specific to the Garden Town objectives and Vision to support the delivery of development proposals.

7.0 Risks

- 7.1 Recommendation to Council to endorse the HGGT Transport Strategy is not considered to present any significant element of risk. The absence of endorsement would present a set of risks around the ability to ensure that the garden Town Vision and objectives for development in the HGGT area are achieved.

8.0 Implications/Consultations

- 8.1 Details of the consultation undertaken are set out in the main body of the report above. The approach set out in the Strategy has significant positive implications in relation to the future of transport policy for the Garden Town. It sets out the ambitious aspirations of the GT partners to achieve significant shift in travel patterns and enable growth to take place in a sustainable manner.

Community Safety

Yes – the Transport Strategy includes an action seeking to ensure that streets and public spaces are safe and accessible to all.

Data Protection

No specific implications in relation to the endorsement of the Strategy. All data gathered in the preparation of the Strategy has been processed in accordance with the relevant data security policies. When further actions are undertaken in relation to the implementation of the Strategy, consideration will be given to any data protection issues at the relevant time.

Equalities

Yes – Equalities Impact Assessment has been undertaken

Environmental Sustainability

Yes – the Strategy has a beneficial impact in relation to achieving sustainability objectives.

Financial

Not in relation to the endorsement of the Strategy. The resource to support the HGGT Transport Strategy at masterplanning and planning application stage, to be viewed alongside the emerging Local Plan policies, would be delivered through the planning team. The Strategy will require resource to plan, deliver and monitor the infrastructure schemes, and to deliver behaviour change measures.

These will be primarily undertaken by Local Highways Authorities with support from HGGT. However further actions to deliver active travel behaviour change within local communities will require resource from the relevant authority partner, in partnership with Local Highway Authorities and the HGGT team.

Health and Safety

No

Human Resources

No

Human Rights

No implications through the endorsement of the Strategy – with further consideration to be given to any implications associated with the implementation of it.

Legal

No specific implications.

Specific Wards

Yes – Hunsdon and Sawbridgeworth (part)

9.0 Background papers, appendices and other relevant material

EHDC Approval of the HGGT Vision:

<http://democracy.eastherts.gov.uk/documents/s46995/Harlow%20and%20Gilston%20Garden%20Town%20Vision%20and%20Design%20Guide.pdf?J=7>

East Herts District Plan (October 2018):

<https://www.eastherts.gov.uk/planning-building/planning-policy/east-herts-district-plan-2018>

[Gear Change, A bold policy for walking and cycling \(July 2020\)](#)

[Bus Back Better, National Bus Strategy for England \(March 2021\)](#)
[Decarbonising Transport, A better greener Britain \(July 2021\)](#)

Contact Member Councillor Linda Haysey – Leader of the Council. linda.haysey@eastherts.gov.uk

Contact Officer Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656
sara.saunders@eastherts.gov.uk

Report Author Kevin Steptoe, Garden Town Lead Officer, Tel: 01992 531407. kevin.steptoe@eastherts.gov.uk

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HGGT

HARLOW & GILSTON
GARDEN TOWN

TRANSPORT STRATEGY

SUMMER 2021

*Interactive PDF: best viewed
on a computer screen*



Garden Town Introduction

Harlow and Gilston was designated as a Garden Town by the Ministry for Homes, Communities and Local Government (MHCLG) in January 2017 and will comprise new and existing communities in and around Harlow.

Set in attractive countryside, with transformative investment in transport and community infrastructure, new neighbourhoods to the east, west and south and new villages to the north (collectively referred to as the new Garden Communities) will be established and integrated with the existing Harlow town.

The Harlow and Gilston Garden Town (HGGT) Partnership describes the cross boundary joint working arrangements between East Herts District Council (EHDC), Epping Forest District Council (EFDC) and Harlow District Council (HDC) working together with Essex County Council (ECC) and Hertfordshire County Council (HCC) to ensure plans for the Garden Town deliver on their agreed HGGT Vision.

Revision	Date
01	January 2019
02	XXXX 2021



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Further information is provided via [links](#) embedded within the text, or in **pop-outs** in the interactive pdf. All supporting information will be included in the Appendices. Please see the Glossary for definitions of all technical words.

TRANSPORT STRATEGY IN BRIEF

MODE SHARE OBJECTIVE

50% of all trips starting and/or ending in the existing settlement area of Harlow Town should be by active and sustainable travel modes and

60% of all trips starting and/or ending in the new Garden Communities of Harlow & Gilston Garden Town should be by **active** and **sustainable** travel modes.

PRINCIPLES

USER HIERARCHY

Decisions should be shaped by the transport hierarchy shown here, to provide an equitable, balanced, safe, coherent, healthy and efficient transport network that promotes modal shift and sustainable travel.

A CULTURE OF ACTIVE AND SUSTAINABLE TRAVEL

The Garden Town should be an environment where active and sustainable travel is valued, prioritised, and supported to ensure that their social, environmental, health and economic benefits are available to everyone.

ACCESSIBILITY AND INCLUSION

Infrastructure should be designed for everyone and with consideration of those with greatest need first. Everyone should have the opportunity to choose more sustainable and active modes of travel.



“Harlow and Gilston will be a joyful place to live with sociable streets and green spaces; local centres accessible by walking and cycling; and innovative, affordable public transport. It will set the agenda for sustainable living. It will be adaptable, healthy, sustainable and innovative.”

ACTIONS

ENABLING CHOICE

...means creating connected local communities that offer local facilities and travel options for everyday activities.



STREETS FOR PEOPLE

...means making our streets and neighbourhoods places that are safe, sociable and enjoyable – for everyone – by creating attractive places that people want to walk and cycle in.

QUALITY PUBLIC TRANSPORT

...means connecting people to the places they want to go, providing independence and mobility to those who need it most, while reducing air pollution and congestion.



A NETWORK THAT WORKS

...means providing reliable, high-quality alternatives to private vehicles whilst ensuring the network effectively supports those that depend upon it for essential journeys and services.

MAXIMISING OPPORTUNITIES

... means exploring and introducing new and innovative transport technologies as they develop



HOW TO USE THIS STRATEGY

WHY

This Transport Strategy has been prepared to help deliver the HGGT Vision against the backdrop of the challenges of future travel demand linked to planned growth. The Local Plans of East Hertfordshire, Epping Forest and Harlow District Councils include shared commitments to secure the delivery of sustainable growth through cooperative cross-boundary working. The growth strategies of these Local Plans emphasise the need for an integrated Garden Town that promotes the use of active and sustainable travel.

The HGGT Transport Strategy establishes a clear Mode Share Objective and set of Principles which aligns with the growth strategies (including the planned delivery of 23,000 homes within the Garden Town) within the respective Local Plans. The Strategy sets out how this planned growth can be achieved through modal shift towards sustainable and active travel and details a number of measures to achieve this modal shift and the ambitious targets proposed for sustainable travel.

WHO

The **HGGT Partner Councils** has developed this Strategy to ensure openness and accountability with all stakeholders, including existing and future communities, which it will achieve through engagement, consultation and partnership working.

Residents and Local Interest Groups:

This document can be used by residents and local interest groups to understand how transport is being prioritised and incorporated into the existing town and new developments. It can be used to hold Developers, and the HGGT Partner Councils to account in terms of alignment of designs and investment with the Mode Share Objectives and Principles in this strategy.

Stakeholders and Businesses

HGGT will support and work with businesses,

transport operators, service providers and other stakeholders by using this Strategy to inform discussions, designs and projects to help align the transport needs of these stakeholders with the Mode Share Objective and Principles outlined here.

Local Authority Officers and Decision-Makers:

This document will be endorsed by the Garden Town Partners as a material planning consideration and will help to guide the assessment of planning applications for developments coming forward within the Garden Town area. It will inform pre-application discussions and assist decision-makers in transport matters.

In addition to cross-boundary working through the HGGT partnership, the Councils are committed to working with relevant organisations, service providers and community groups to ensure proposals are developed collaboratively and with consideration of local priorities.

Developers:

The document is to be used by developers and their agents, design teams, consultants and contractors in shaping development proposals and transport measures based on the transport hierarchy. This strategy will guide the design of proposals and ensure coordinated and integrated consideration of active and sustainable transport principles and mode shift targets at an early stage.

WHEN

Ongoing Provision and Maintenance

The ambition, Mode Share Objective and Principles in this Strategy should help shape existing and future work programmes of the Highway Authorities across the Garden Town, and can provide supporting justification for funding submissions and spending commitments in relation to transport.

Pre-Application

This Strategy and its supporting evidence base should

inform pre-application discussions to incorporate sustainable transport measures from the outset that will uphold the mode share targets outlined here.

Masterplanning

This Strategy should be used to inform the early stages of masterplan designs to embed the transport hierarchy, prevent abortive work at later stages, and shape a holistic approach to building strong and integrated communities.

Planning Application

Planning applications will be scrutinised by the local planning authorities for the Garden Town to ensure they demonstrate a close alignment with the Mode Share Objective and Principles in this Strategy and the planning applications will achieve the sustainable mode share targets.

Post-Planning

Planning conditions and Section 106 obligations will be utilised where appropriate to ensure that active and sustainable transport measures are secured to ensure delivery of transport infrastructure and associated measures and mitigations connected with any planning applications for development in the Garden Town. Monitoring of the Mode Share Objective set out here on a regular basis is key, and it is expected that any adopted measures will be regularly reviewed to ensure the aspirational mode share targets are being met.

HOW

The Strategy should be used to inform and guide decisions on planning applications for new developments, regeneration, infrastructure and development of services to ensure designs and schemes are brought forward in accordance with the transport user hierarchy and will support progress towards the Mode Share Objective.

The Strategy outlines how growth in the Garden Town can be enabled through the Mode Share Objective and Principles, and signposts users to

supporting evidence and best practice. It is not intended to provide the detailed action plan or timeline for proposed measures. However, a high level programme can be found in the supporting information.

Further information is provided via links embedded within the text, through interactive pop outs or through the supporting information provided on the website

WHAT

This Strategy has been approved by the Garden Town Member Board, and had formal Cabinet/Executive endorsement from Councillors from East Herts District Councils, Epping Forest and Harlow. It has had approval by the relevant portfolio holders of Essex and Hertfordshire County Councils.

Local Plan policies and allocations for each of the District Councils, and the transport policies of the County Councils, will continue to be used to shape and assess development proposals across the Garden Town.

The HGGT Vision and HGGT Design Guide (November 2018), and this Transport Strategy, will be material planning considerations ensuring the Garden Town is delivered in a co-ordinated, inclusive and sustainable way. This Strategy should also be read in conjunction with the HGGT Sustainability Guidance (2021) and Infrastructure Delivery Plan (April 2019).

MONITORING AND REVIEW

This Strategy will be reviewed and updated periodically to reflect new information and progress in relation to planning and delivering the targets, and to take account of feedback from stakeholders.

Supporting evidence and 'How To' Guides may periodically be reviewed, please check the HGGT website for the latest version of all HGGT resources.

CONTEXT

HGGT GROWTH

Significant Garden Town growth is planned for housing and employment on development sites both within the boundaries of East Hertfordshire Districts and Epping Forest, and within the existing town of Harlow, where further regeneration, renewal and changes of use are anticipated during the period of the relevant Local Plans.

In total, approximately **23,000 new homes** are anticipated to be delivered across the Garden Town area over the next 15 years and beyond. This Strategy has a critical role to play in bringing together established and new communities as a fully integrated Garden Town with an effective transport network.

NATIONAL POLICY CONTEXT

The framework of national policy and guidance requires that growth achieves and delivers a significant mode shift. The UK Government recently released the [Decarbonising Transport report](#) (July 2021) which reaffirmed and set out a number of ambitions in this regard including:

- Investing £2 billion over five years in cycling and walking with the aim that half of all journeys will be cycled or walked in towns and cities by 2030.
- Supporting the delivery of 4,000 zero emission buses and associated infrastructure while exploring a phase out date for the sale of new non-zero emission buses/coaches.
- A ban on the sale of petrol and diesel cars by 2030 and support for the electrification of vehicles and their supply chains.
- By the end of October 2021, all Local Transport Authorities will be expected to have published a local Bus Service Improvement Plan, detailing how they will use either a franchising model or a [Quality Bus Partnership](#) to improve their services.

The Town and Country Planning Association (TCPA) have created [9 Garden City Principles](#) which form an indivisible and interlocking framework for the delivery of high-quality places. One of these principles clearly states the need for:

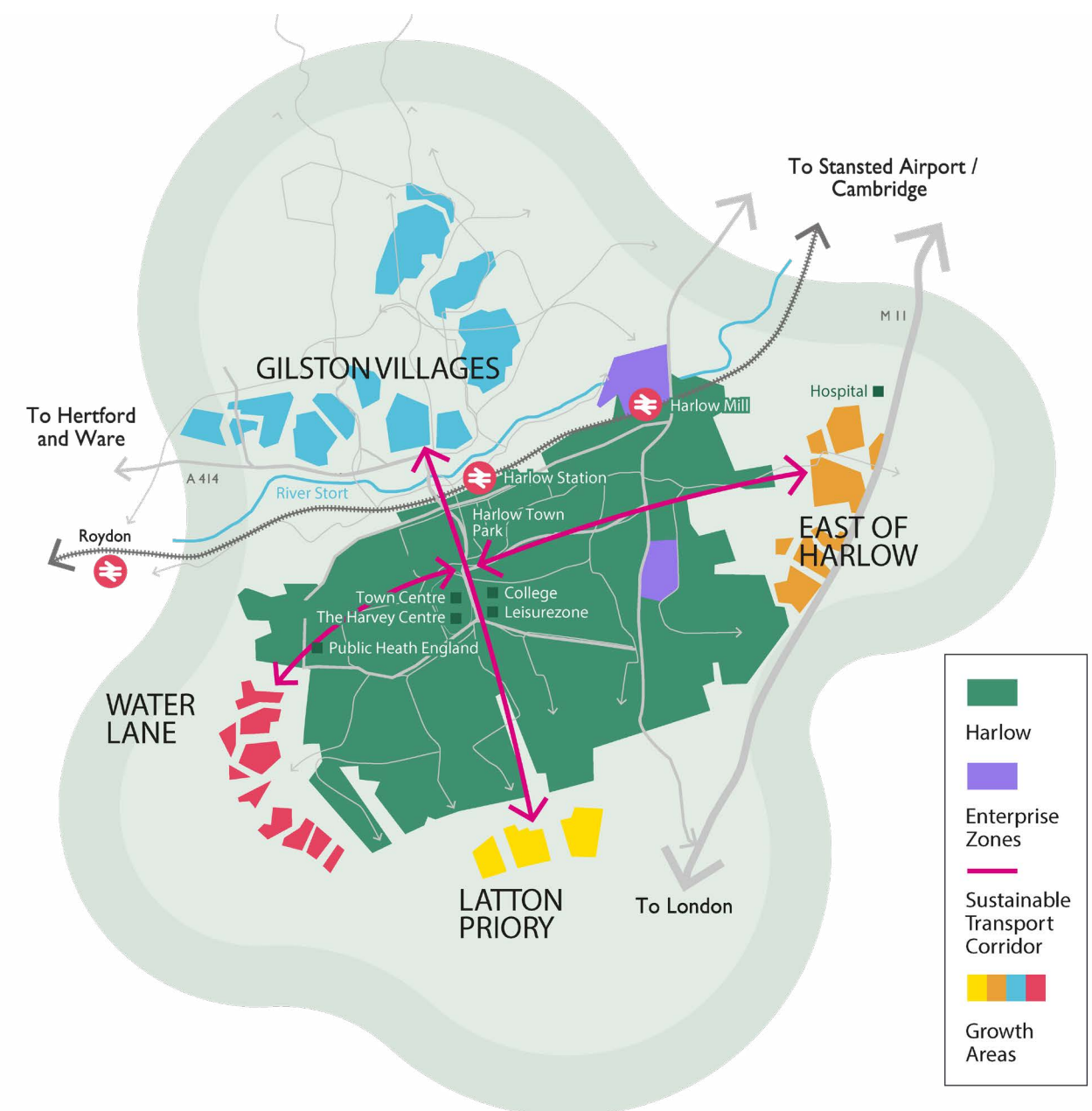
“Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport”.

These Garden City Principles are woven into the HGGT Vision and partner Councils Local Plans. These Principles and further work from the TCPA has also been used to inform this Strategy.

The National Planning Policy Framework (NPPF) requires that “the planning system should actively manage patterns of growth in support of the [objectives](#) set out below”:

- Impacts of development on transport networks can be addressed.
- opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised.
- opportunities to promote walking, cycling and public transport use are identified and pursued.
- environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.
- patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

The Town and Country Planning Association (TCPA) Garden City ambition states that “walking, cycling and public transport designed to be the most attractive forms of local transport”.



LOCAL POLICY CONTEXT

This Strategy brings together the policies of adopted and emerging development plans of East Herts (Adopted, October 2018), Epping Forest (Submission version 2017) and Harlow (Adopted, December 2020) District Councils. In planning to meet their growth needs, the District Councils have **acted co-operatively**, supported by their respective Hertfordshire and Essex County Councils.

The transport strategies for the counties are set out in their respective Local Transport Plans for Hertfordshire and Essex. Find out more about how this Strategy conforms with District and County transport policy in the supporting information.

All five HGGT Partner Authorities have declared a Climate Emergency or committed to Climate Action. This Strategy supports the highest commitment across the Garden Town Authorities: to become Carbon-Neutral by 2030.

NATIONAL TRANSPORT CONTEXT

The UK has an advanced transport network which operates across the country and includes a wide range of modes. This network is increasingly road-centric however, with a continuing rise in the ownership and use of private vehicles and movement of freight by road. However, only 4% of road transport fuel was renewable and there are limited numbers of electric vehicles (55,000 fully electric, 145,000 hybrid). Find out more [here](#).

The current transport system and domination of private vehicles has a number of implications:

- Road transport is a major source of air pollution, linked to around [40,000 premature deaths](#) in the UK each year.
- Physical inactivity costs the NHS [£1bn per annum](#), with further indirect costs calculated at £8.2bn.
- Transport is now the [largest contributor to UK greenhouse gas emissions](#) (28% of domestic emissions, of which 90% is road transport), worsening the climate emergency.
- [Congestion increased](#) by 4% and 1% on the strategic road network and A roads from 2017-18.
- There were [1,784](#) reported road deaths in 2018, which is unchanged since 2012.
- Nine in ten drivers recorded feeling [stressed or angry](#) when driving, up 6% on figures from 2020
- [The cost of buying and running a private vehicle](#) are prohibitive for some and far higher than other modes - average annual cost of using a car (£3,727), bus (£848) and bike (£396).

Covid-19 has impacted travel patterns which relate closely to environmental, social, and economic inequalities. Now more than ever, high quality, sustainable and resilient design and development is needed to ensure that transport solutions are adaptable, sustainable and equitable over the long term.

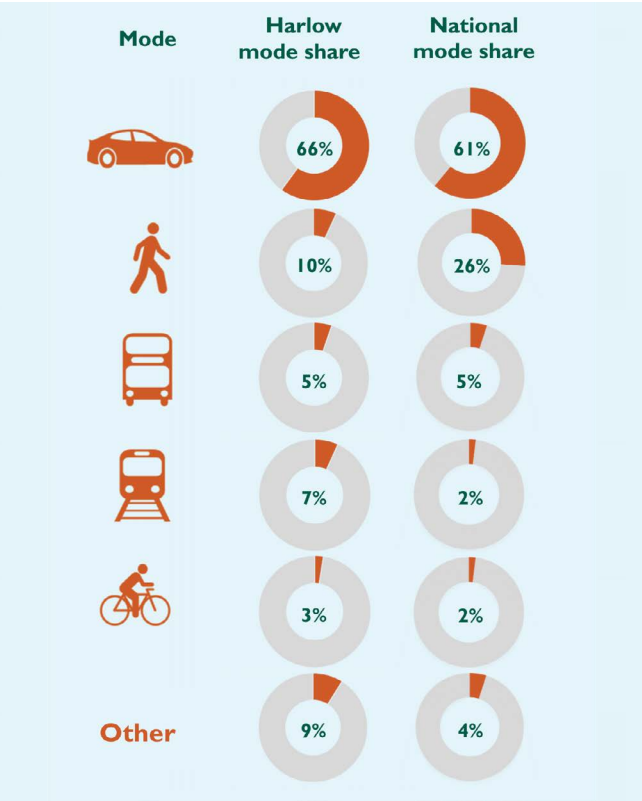
LOCAL TRANSPORT CONTEXT

HGGT Partner Councils are well placed to provide a healthy and well connected environment for the existing and future residents, visitors and workforce of the Garden Town. There is already transport infrastructure across Harlow that can be improved to support delivery of the Mode Share Objective set out in this Strategy. HGGT is a significant development area within the [UK Innovation Corridor](#) (London – Harlow – Cambridge). The M11 motorway to the east, and the West Anglia Main Line to the north, link Harlow to the other key hubs in this corridor. The A414 is a busy east-west arterial connection between Essex and Hertfordshire. To the south, Epping provides a popular connection to London on the underground network. Harlow data indicates that transport is hugely important moving forward:

- There is good town-wide accessibility by all modes, with bus services and bus priority on some routes, extensive segregated footways and cycleways and a pedestrianised town centre.
- Harlow has high levels of private car use (5% greater than the national average).
- 13% of the resident population walks or cycles to work and 84% for any reason (vs. 87% UK average) even though there is a relatively good walking and cycling network.
- Harlow has a comprehensive local bus network, with around 40 daytime bus routes, run by six operators.
- **Health:** 25% of Harlow adults were classified as physically inactive and 37% of Year 6 pupils were classified as overweight or obese – both above county and national averages. Harlow has the highest ratio across Essex for emergency admissions due to Coronary Heart Disease.
- **Deprivation:** Harlow is ranked 2nd across Essex for overall [deprivation](#) and is in the bottom

40% nationally. 29% of Harlow households have an income of less than £20k. 40% of low income households [lack access to a car](#), making alternatives vital.

- **Travel to key services:** Harlow residents have the lowest average travel time (14.5mins), in Essex by walking and public transport for 8 key services including employment, education and food stores.
- **Collision data** indicates that Harlow has relatively few cycle collisions when compared to Essex but the second highest fatalities (2012-17).



Mode share in Harlow, based on Census 2011 travel to work data. 'Other' includes: Working from home (7%), taxi (1%), moped/motorcycle (1%).

MODE SHARE OBJECTIVE

The Transport Strategy is driven by an overriding Mode Share Objective:

50%

of all trips starting and/or ending in the existing settlement area of Harlow Town should be by active and sustainable travel modes and

60%

of all trips starting and/or ending in the new Garden Communities of Harlow & Gilston Garden Town should be by active and sustainable travel modes.

Why 50-60%?

The scale of growth and development proposed for the Garden Town provides the opportunity to deliver a significant step change in active and sustainable travel across the town. Increasing the use of sustainable transport will provide opportunities for new and enhanced public transport services into the future.

This investment in travel choice for residents, workers and visitors, to achieve the Mode Share Objective, reduces the impact on the existing public highway from all new developments and from the existing town, preserving capacity in the network. This allows the new developments to be delivered without negatively impacting on the ability of the public highway to operate safely and acceptably, whilst also contributing positively to health, wellbeing and environmental quality across the Garden Town.

The mode shift targets have been informed by Garden City Principles, evidence and national policy guidance and targets. The Town and Country Planning Association (TCPA) has clearly set out [Design Principles](#) for the creation of Garden Towns:

“A Garden City’s design must enable at least 50% of trips originating in the Garden City to be made by non-car means, with a goal to increase this over time to at least 60%; and the latest best practice in street and transport design should be used as a minimum standard.”

The Department for Transport also set out a [bold vision](#) for a transformation in our transport system, with the objective that:

“Cycling and walking will be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030.”

This Transport Strategy aims to deliver sustainable growth and regeneration through its Mode Share Objective, to mitigate some of the adverse impacts of increasing travel demand, both now and for future generations. The following sections show that embracing Mode Share Objective and Principles in this Strategy captures a vision for a happy, healthy, and economically stable town.



MODE SHARE OBJECTIVE

How long will it take to achieve these targets?

This Strategy outlines the targets to drive ongoing modal shift in the existing town, and even more so in new Garden Communities, given their unique scope and opportunity to embed sustainable transport measures through design and positive travel habits from day one. The targets will be achieved incrementally and will require the implementation of complementary policies, plans, infrastructure and associated services over a number of years. However, with the right planning and policy, the 60% mode shift target for the new Garden Communities should be achieved as early as possible from occupation and across the whole Garden Town by 2033.

How?

Currently about **20% of trips** are made sustainably into, out of and within Harlow. Increasing this will be a challenge but is achievable, particularly in the new communities where complimentary measures, such as those found in the image opposite, will be in place from occupation. The five Action chapters following this will provide more detail on how this target can be met.

The HGGT Partner Councils are not starting from scratch and there is much we are already doing – it is clear that investment is having a positive impact but barriers remain. In this strategy, we set out what those barriers are, and what steps we are going to take to tackle them. In order to really deliver a step-change in the Garden Town, we must go further, faster. Bold action will help to create places we want to live and work – with better connected, healthier and more sustainable communities.

This is a graphical illustration of the various measures needed to achieve the mode share targets and is not a representative timeline of implementation

PATH TO ACTIVE AND SUSTAINABLE TRANSPORT

Wayfinding + Placeshaping
Green and pleasant places

Last Mile Delivery
Cargo bikes, electric vehicles and distribution centres

DRT
Demand Responsive Transport

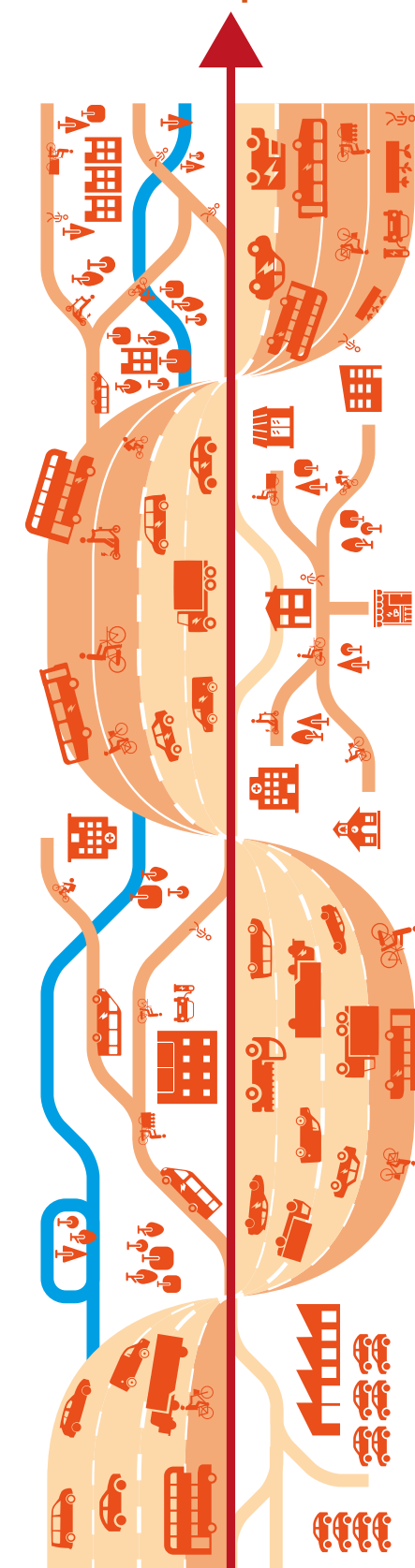
STCs/Highway Infrastructure
Build sustainable transport infrastructure

Zero Emission Vehicles
Provide infrastructure for zero emission vehicles

Hubs
Local transport and community hubs

Traffic Controls
Town wide speed limit review

50/60% Sustainable Transport



Shared Mobility
Bike share, scooter share and car clubs

Liveable Neighbourhoods
Liveable streets. Pleasant neighbourhoods that encourage healthy travel

Co-working Spaces
Places to work and network close to home

Behaviour Change Programmes
Activities and measures to help encourage active and sustainable travel

Enhanced Bus Partnership
Negotiate for high quality and innovative bus services

LCWIP
Walking and cycling improvements

Communication + Engagement
Let people know how and why to travel sustainably

Demand Management
Reduce unnecessary journeys

PRINCIPLES

The Mode Share Objective will be achieved by applying the following principles to all aspects of transport policy within the Garden Town:

- 1 User hierarchy
- 2 A culture of active and sustainable travel
- 3 Accessibility and inclusion

The user hierarchy

This Strategy recognises the need to deliver transformational change, not only to reduce unnecessary journeys, but to make sustainable travel modes a first choice for most journeys for most people. It is also about ensuring that streets are designed to be as effective as possible in bringing communities together, providing leisure opportunities and enhancing people's lives.

All scheme designs should follow the user hierarchy below to deliver the HGGTVision:

- Reduce unnecessary travel
- Walking and cycling
- Public transport
- Private vehicles

Prioritising local journeys based on this hierarchy of importance will ensure that:

- First, we minimise demand
- Then we enable modal shift
- As a last resort, we increase capacity based on these transit priorities.

This hierarchy recognises that, whilst some streets have a significant movement function, and others are enjoyed for their sense of place, all streets should promote safety, accessibility, and inclusion, and prioritise the most vulnerable road users.

This hierarchy is not meant to be rigidly applied in all circumstances and does not necessarily mean that pedestrians and cyclists are more important than the other modes. However, the hierarchy should be applied to design and planning and to masterplans and planning applications for development proposals and a clear rationale should be provided for any exceptions that are made. This helps to ensure that the Garden Town will serve all of its users in a balanced way.

A culture of active and sustainable travel

The Garden Town is committed to developing a cultural shift amongst residents where choosing active and sustainable travel is the norm. This means creating an environment where active and sustainable travel is prioritised, valued and supported by all, to ensure the Garden Town is a place where people are empowered to understand, experience and promote the benefits these transport choices bring.

Encouraging new ways of thinking is a challenge and this sort of behavioural change takes time and meaningful engagement to embed. The Garden Town Partners will examine carefully how planning of the built and natural environment, together with a developing programme of behaviour change interventions and effective engagement, can make this achievable. In practice this could mean upgrading a cycleway linked to a school and then offering cycle lessons, bike maintenance and activities at the school to encourage active journeys to school. To support this, the mode shift target has been embedded in wider policy making, such as Local Plans and Strategies.

Improving the built infrastructure and services for existing residents and communities in Harlow is paramount. The aim is to encourage communities to take ownership and become custodians of the Garden Town for future generations, whilst also welcoming new communities who will share the same vision of a sustainable, active and healthy Harlow.

Accessibility and inclusion

Sustainable and active travel options make access to key services and amenities more resilient and equitable. Everyone should have the opportunity to make sustainable and active travel choices and enjoy the benefits these bring (e.g. less congestion and air pollution, and improved health and wellbeing).

Walking and cycling are not vulnerable to energy and fuel price variations and help to reduce discrimination through socio economic factors including income, ability, gender, disability or race among other relevant factors. People's health depends on the places and conditions in which they live. Therefore, to reduce health inequalities, development and infrastructure should be designed with consideration to those with most need first.

However, take-up in sustainable and active travel can be low despite a large appetite from different demographic groups. [For example](#), 85% of people aged over 65, 78% of disabled people, 76% of women, 75% of people at risk of deprivation and 74% of people from ethnic minority groups never cycle.

It is crucial that the needs and concerns of marginalised groups, disabled people, women and non-users are factored into design and decision-making process in respect to masterplans and planning applications for development. If infrastructure is to be designed for everyone, then genuine representation is needed.

Investment, policy and delivery should be designed to help reduce the health, economic and societal inequities many people encounter throughout their lives. It is essential to remove barriers to peoples' experience of, and interaction with, transport systems and travel.

Diverse stakeholders must be actively included in all processes, from conception, to design, to monitoring outcomes. The interconnectedness of transport means decisions will impact all residents of the Garden Town and therefore a broad range of views should be sought to ensure local expertise, knowledge and input is incorporated from concept and masterplan stages of projects.

ACTIONS

- 1 Enabling Choice
- 2 Streets for People
- 3 Quality Public Transport
- 4 A Network that Works
- 5 Maximising opportunities



ACTION 1: Enabling Choice

OVERVIEW

Enabling travel choices means creating connected local communities that offer local facilities and active and sustainable travel options for everyday activities. This gives people the freedom and ability to choose shorter, more sustainable trips and reduces the number, or length, of journeys needed.

Enabling choice starts with policy, place-making and master-planning. Incorporating high quality design, effective technologies and best practice can lessen the demand for long, unnecessary, or motorised journeys. Providing vibrant and local centres that offer everyday activities such as education, retail, health and community facilities, leisure destinations, recreation and open spaces will enable and encourage active lifestyles. Improving facilities, and access to them, key transport interchanges will allow for a range of choices to be provided for different needs, circumstances and seasons.

The original Harlow masterplan had this in mind through the creation of distinct neighbourhoods each with their own local facilities - their hatches. This approach will be replicated in the new communities and we will work to improve the offer and vibrancy of the existing hatches.

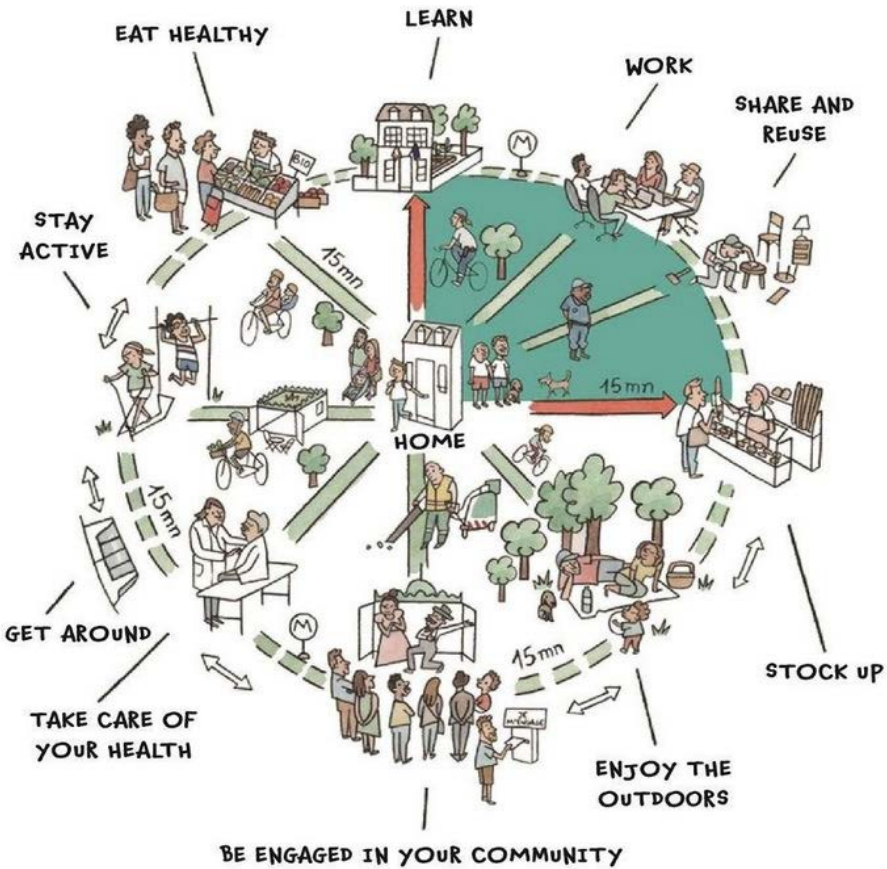
ACCESSIBILITY AND INCLUSION

Enabling choice will address social equality, improve digital connectivity, open up job opportunities and provide greater flexibility for people. Travel time will be reduced, encouraging investment in personal development activities and valuable time with family and friends.



What Enabling Choice Should Look Like In The Garden Town

CURRENT CHALLENGES	FUTURE OPPORTUNITIES
Low number of people working from home (about 7%)	Provide digital technology, such as “Better Digital” superfast Fibre broadband and 5G coverage, and local co-working spaces among other solutions as they develop, to improve improve the options for remote and flexible working.
Proximity to services	Vibrant town and neighbourhoods offering a wide range of local services and amenities such as shops, schools and healthcare which promotes shorter, more active, journeys.
Long Commutes	More opportunities to live and work within the Garden Town or local neighbourhoods to reduce travel distances.
Poor connectivity	Co-locate multi-modal transport interchanges and co-working spaces with local amenities and services and design them into new builds. Improve connectivity through effective street design, clear signage and innovative wayfinding.



Artistic example of the connections within a 15 minute neighbourhood. Source: 15 minute city by Prof. C. Moreno, Paris Sorbonne IAE, Illustration by Micaël

NEXT STEPS

- Continue work to investigate how the Garden Town can evolve to harness key advancements within the digital sector.
- Futureproof new infrastructure to adapt to new technologies and advancements in digital enablement.
- Collaborate closely with internet and service providers to ensure the Garden Town is best placed to provide high speed internet connections to new and existing communities.
- Trial innovation on the Garden Town around shared and public transport platforms.
- Develop existing work on hubs, ensuring they provide for the needs of local communities and include co-working spaces and digital connectivity.
- Continue discussions with Developers to ensure all new communities are based on 15-minute neighbourhood principles to encourage local journeys.

CASE STUDIES



Zedify Deliveries

Zedify provides last mile delivery using a range of cargo bikes and electric vans in multiple UK cities



Leuven Hubs

The Belgian City of Leuven plans to introduce 50 mobility hubs over the next three years to improve multimodality in the city.



Melbourne 20 minute neighbourhoods

Melbourne has tested 20 minute neighbourhoods with great success and aims to roll them out across the city

ACTION 2: Streets for People

OVERVIEW

Creating Streets for People is about designing and making our streets and neighbourhoods places that are pleasant to travel in, safe, healthy, inclusive, accessible, community centred and enjoyable – for everyone. It's about ensuring existing and future residents of the Garden Town are healthier, happier and better connected.

HGGT will build upon, and enhance, Harlow's existing path network to ensure it's accessible, safe and attractive for all users. HGGT will support and actively encourage a culture of multi-modal mobility where people are inspired and motivated to travel actively and sustainably. Pedestrians and cyclists will be prioritised through seamlessly incorporating active and sustainable travel opportunities and infrastructure. If it is necessary to reallocate roadspace from parking or traffic to achieve this, it should be done.

ACCESSIBILITY AND INCLUSION

Streets for people put vulnerable users at their heart by designing infrastructure accessible, safe and inclusive for everyone including those on bikes, mobility scooters, adapted bikes, wheelchairs, walking or with a pushchair. Making it easy, safe and enjoyable to travel actively for all users, improves the health, fitness and quality of life of diverse resident groups so that they have the confidence to travel actively whatever their circumstance.



What Streets For People Should Look Like In The Garden Town

CURRENT CHALLENGES

Harlow is currently car-centric

Cars dominate Harlow's streetscape

Excessive school time traffic

Travelling actively feels unsafe

Parts of the town are not well served by the network, including the more recent growth areas, neighbouring settlements, and villages.

Existing infrastructure has missing links, outdated facilities, poorly maintained or missing infrastructure and severance.

Protect Green Spaces

Homes and destinations lack suitable facilities

FUTURE OPPORTUNITIES

Encourage a transition to active and sustainable travel through infrastructure design and behaviour change programs.

Create attractive local streets through measures such as walkable neighbourhoods, planting and parking controls.

Implement behaviour change measures, School Streets, education programmes, training and street improvements.

Design new infrastructure to prioritise vulnerable users such as physically separating cyclists from pedestrians and motor traffic,improving lighting, upgrading crossings, and providing paths that are overlooked.

A fine-grained network of walking and cycling routes that connect the new communities with the existing town.

Maintain, enhance and expand the active travel network and its associated infrastructure in line with best practice.

Enhance and protect Harlow's green spaces, including green wedges and green fingers, and street planting, to support a wide variety of of functions such as sustainable movement and biodiversity corridors. Build in community stewardship of these assets.

Provide secure cycle parking, shower and changing facilities, e-bike/ wheelchair/ mobility scooter charging, and storage at homes and destinations.Access must be at least as convenient, if not better, than for private motor vehicles.

NEXT STEPS/ACTION PLAN

- Work with highways and local planning authorities on all highways schemes and active travel infrastructure enhancements to ensure consistency across the Garden Town and alignment with best practice.
- Develop a Parking Strategy and standards for the Garden Town which supports the Vision for healthy and sustainable growth, walkable neighbourhoods, reducing the reliance on the private car and high levels of sustainable and active travel.
- Develop a cycle hire scheme throughout the Garden Town and beyond, with intuitive and flexible payment systems and shared platforms, supported by education and training activities, to ensure bikes and parking are located to maximise opportunities for residents, workers and visitors. Find out more about how cycle hire schemes work [here](#).
- Develop and deliver on the Local Cycling and Walking Infrastructure Plan (LCWIP) for HGGT which identifies gaps and opportunities in the existing pedestrian and cycle network to provide an enhanced, coherent and integrated network of high quality walking and cycling infrastructure which is accessible and attractive for users of all backgrounds, abilities and journey purposes.
- Utilise seamless wayfinding with a unified brand / typography to integrate with, and promote, the HGGT sustainable transport network and active and sustainable travel choices.
- Provide an ongoing, consistent educational and promotional behaviour change campaign to engage and develop partnerships with the community, educational bodies, workplaces and other key stakeholders, and to ensure widespread access to cycle training.
- Actively promote a culture where sustainable transport choices and active travel lifestyles are the norm.
- Develop a Workplace Travel Programme that includes information and initiatives to support and assist workplaces in encouraging a shift to active and sustainable travel.

CASE STUDIES



Levenshulme Bee Network

A flagship community led, active neighbourhood scheme for Manchester.



Waltham Forest

Delivering one of the 'Mini-Holland' schemes to make the borough more vibrant and enjoyable for everyone.



Groningen

The 'cycling capital' of the Netherlands where prioritising pedestrians and cyclists is key to 60% of trips being cycled.

ACTION 3: Quality Public Transport

OVERVIEW

A quality public transport network helps individuals, communities and local economies to flourish. It helps to connect people and places, providing independence and mobility to those who need it most. When designed and managed effectively, local transport provision can reduce congestion, improve air quality and health outcomes, and help make Harlow's diverse communities greener, healthier and more attractive places to live, work, play, and attract inward investment from businesses and other organisations.

Proposals for public transport will need to create opportunities for services and user experiences which promote active and sustainable travel and surpass private vehicle travel. Existing villages and neighbourhoods should all benefit from the enhanced public transport services being delivered as part of the Garden Town's integrated travel network.

ACCESSIBILITY AND INCLUSION

Quality public transport provides the vital connections to those with limited or no alternatives, increasing access to services and opportunities. An effective public transport system will also encourage a shift away from private vehicle use, with the associated physical and mental health benefits.

CURRENT CHALLENGES

The quality, reliability and integration of timetabling for buses in Harlow has been criticised by residents.

Most services travel via the bus station in the Town Centre so bus journeys to the key employment and retail sites on the periphery of the town often require an intermediate change of buses.

There is a lack of integrated ticketing and routes to key locations.

Services to neighbouring settlements such as Epping and Bishop's Stortford are limited.

Fares are considered to be high, especially in comparison to driving.

The train stations are situated relatively far from communities in the south of the existing town and are not easily accessible by sustainable modes.



FUTURE OPPORTUNITIES

Bus & Rapid Transit (BRT)

BRT, is a fast, high quality, integrated bus service, that provides more direct, frequent and integrated public transport services between key locations within and beyond HGGT.

Demand Responsive Travel (DRT)

Digital Demand Responsive Transport (DDRT)

DRT and DDRT both look to provide transport in response to demand by users. DDRT creates a digital platform for joining up travel demand and supply. This would include journey planning and ticket purchasing.

Enhanced Local Bus Services

An Enhanced Quality Partnership (**EQP**) similar to that set up between Hertfordshire County Council and commercial bus operators would improve quality, connectivity, accessibility, integration with other travel options, optimal utilisation of advances in technology and better interchanges. This is a [legally binding arrangement](#) where improvements to services are agreed and implemented by both local authorities and bus operators. This would initially be funded through contributions in Section 106 planning obligations or other mechanisms for collecting infrastructure payments and Government funding with services ultimately becoming financially sustainable through increased passenger turnover due to the attractive nature of a high quality, fast and convenient service. A EQP would positively benefit all bus services in the Garden Town including the new services that will operate on the Sustainable Transport Corridors.

The Government are requiring local authorities to adopt enhanced partnerships or a franchising model in new guidance. The Local Transport Authorities are currently working towards a Bus Service Improvement Plan which will look to implement the measures above.

Public Transport Service Features

- Directly linking key destinations such as the rail stations, town centre, hospital, educational sites and key employment areas.
- Public transport services provided from first occupation in the new Garden Communities (possibly demand responsive in early phases) so that new residents, workers or visitors develop sustainable travel habits from the outset. These services will connect with key destinations and neighbourhoods in the town, so will benefit existing residents, workers and visitors.
- Integrated ticketing with the wider transport network including flexible payment systems and shared digital platforms such as 'Mobility as a Service' (MaaS) (link) whilst ensuring that those without mobile internet access can also enjoy these benefits.
- Travel plans to mitigate the impact of construction traffic through provision of a bus service or similar alternative by developers to reduce single occupancy car use for construction workers on major development sites from key travel interchanges or temporary facilities.
- Up-to-date travel information accessed via online and offline platforms.
- DRT and DDRT, integrated with, and complementary to, the wider HGGT bus network and designed to meet the needs of more vulnerable travellers, rural residents and those unable to make use of other public transport provision.
- Optimising the use of existing and future legislation, regulations and technology to develop an aspirational enhanced local bus network across the Garden Town.
- High quality vehicles that are low emission, electric or hydrogen, have on-board Wi-Fi, charge points, etc.
- Encourage developers to design schemes and highways infrastructure to enable the above at masterplan and application stages.

RAIL

The West Anglia Main Line is a key transport link along the UK innovation corridor, connecting Harlow with cities such as London and Cambridge and Stansted Airport but also providing connections to the South-East and beyond. An Anglia Corridor Study (LINK: Anglia Corridor Study March, 2016) includes proposals for this line, which it identifies as a busy commuter and leisure route that has the potential for significant housing and employment growth. HGGT will support enhancements which include:

Opportunities in Rail

- Line speed improvements to support faster journeys.
- Enhancing Harlow Town and Harlow Mill stations to provide improved access and greater provision for - and connectivity to - sustainable modes.
- Support the development of northern access to Harlow Town station.
- Enable Harlow Mill and Harlow Town rail stations to operate as high-quality interchanges with bus services at station forecourts, including Real Time Information.
- Improving walking and cycling facilities and wayfinding to and at Harlow Town and Harlow Mill rail stations from residential areas and the town centre to encourage active travel access to rail services.
- Lobby for the benefits of four tracking and Crossrail 2 at Broxbourne.



NEXT STEPS/ACTION PLAN

- Develop a Quality Bus Partnership (QBP) to influence and improve service quality and infrastructure. Read more about how to improve bus services here.
- Develop existing work on hubs, ensuring designs provide seamless connection between modes and include suitable accompanying infrastructure and services to make public transport and active travel the first choice for journeys.
- Continue conversations with developers, public transport providers, network operators and other key stakeholders to ensure suitable services which promote active and sustainable transport are provided from first occupation of developments in the new Garden Town communities.
- Facilitate development of ‘Mobility as a Service’ journey planning and travel information mobility platforms to enable travellers to plan, book and pay for end to end journeys using real-time information for any mode.
- Develop a Wayfinding Strategy and a unified brand/typography for the network.
- Champion innovation and optimisation of technological solutions in public transport provision and encourage Garden Town partners, developers and other stakeholders to do the same.
- Developing a platform through which to share data for future service enhancements.

CASE STUDIES



Nottingham's Bus Network

Award winning bus network uses electric, biogas, and Euro VI buses, multiple ticketing options and real time information.



West Sussex Fastway

Bypasses congestion hotspots via guided busways and dedicated bus lanes. 160% increased patronage and 19% decrease in traffic.



Belfast Transport Hub

A multi modal transport hub with bus stands, railway platforms, cycle and taxi provision designed to attract even more people to choose greener and active travel.

ACTION 4: A Network that Works

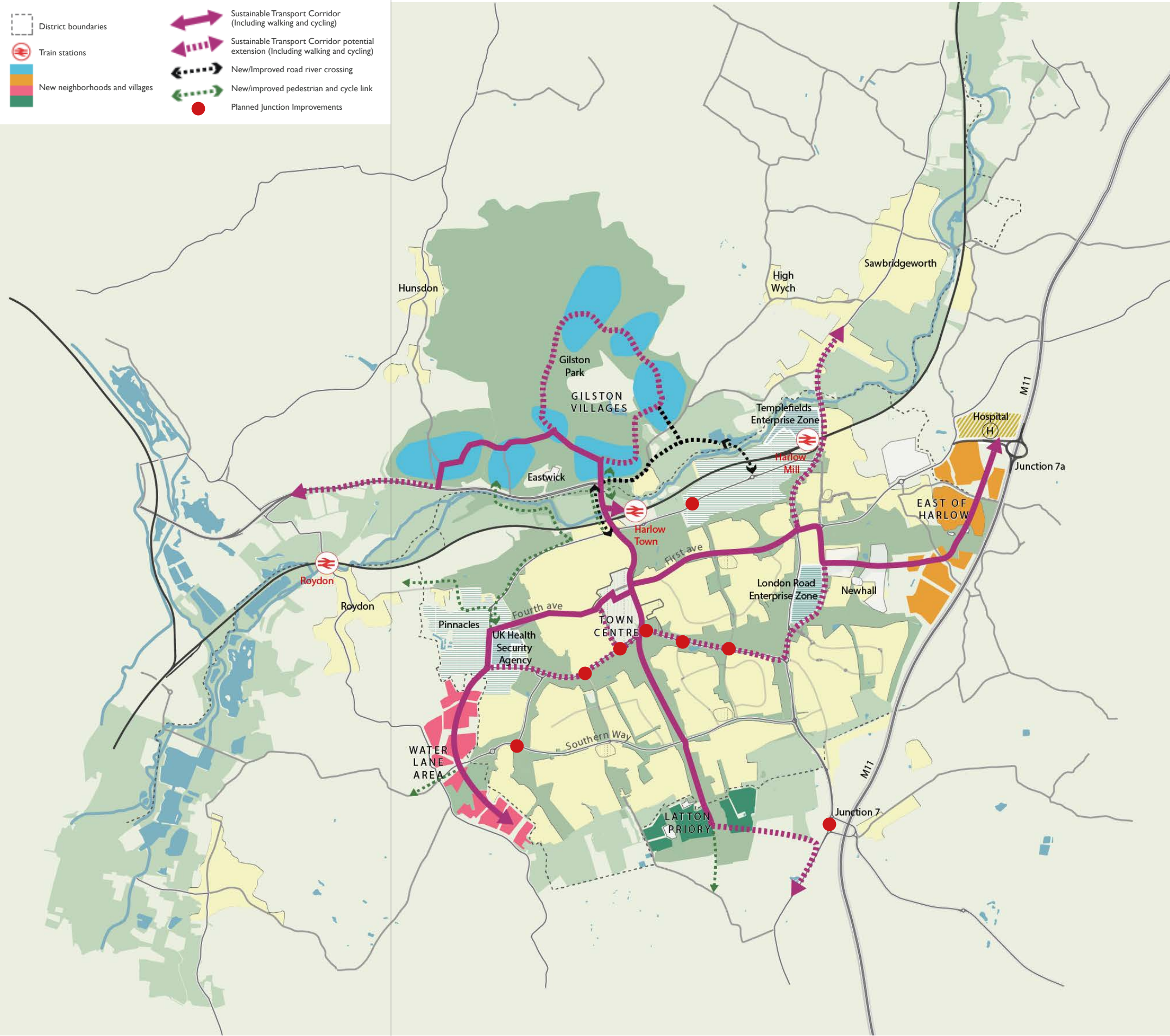
OVERVIEW

A Network that Works, for everyone, is a network that prioritises the most vulnerable, that reduces the reliance on private vehicles by providing credible, high-quality active and sustainable alternative options, that makes best use of the infrastructure we have and is resilient to change. By reducing the reliance on private vehicles this should allow for more reliable operation of the network for the movement of freight to support logistics, distribution, and service sector companies based in Harlow, which are a large part of the HGGT economy.

The HGGT Partner Councils recognise the value of existing transport infrastructure assets such as footways, cycleways, roads, lighting, traffic signals and signage. They also recognise the importance of prudent investment in infrastructure that will help to mitigate current congestion, improve air quality, and facilitate the planned growth across the Garden Town. However, it is acknowledged that extensive expansion in road capacity would conflict with the Vision for the Garden Town and the user hierarchy set out in Principle 1. This would reduce the ability to achieve, or the likelihood of achieving, the required Mode Share Objective.

ACCESSIBILITY AND INCLUSION

By delivering a network with the User Hierarchy at its core, vulnerable users will be considered first, supporting safer and more accessible streets, infrastructure and services. Putting people first instead of private vehicles will improve community cohesion, wellbeing and streetscapes while improving the efficiency of road-based travel for emergency services, public transport and necessary journeys.



What a Network that Works should look like in the Garden Town

CURRENT CHALLENGES	FUTURE OPPORTUNITIES
High levels of car use causing air and noise pollution and congestion – particularly at peak times	Enabling Choice to reduce unnecessary journeys and encouraging a shift toward sustainable and active travel
Bus services often delayed due to congestion	Delivery of Sustainable Transport Corridors and other highway infrastructure improvements should improve the efficiency and reliability of bus services
The A414 presently provides the principal crossing over the River Stort and railway line but suffers from peak period congestion, constraining access to Harlow (and new Gilston area communities) and potentially stifling growth.	Provision of a second Eastern Stort crossing and an upgraded central Stort crossing with dedicated walking and cycling provision and frequent, fast bus priority to encourage modal shift
Residential roads used as rat runs	Traffic and network management measures such as revised speed limits and restrictions to specific routes to ensure motor vehicles remain on designated routes.
Connections to the strategic highway network suffer from peak time congestion	A new motorway junction (Junction 7a – completed in 2022/23) will provide greater connectivity to the new hospital site. Provision of second Stort crossing to enable connections to the Templefields Enterprise Zone and strategic network
High levels of car use for short everyday journeys	Education, training, apps and marketing activities to ensure residents are aware of non-car options available to them, and use the most efficient mode for each journey, particularly for short trips
The walking, cycling and road network can be hard to navigate	Clear and high-quality signage, wayfinding and visibility
Some parts of the network are hazardous or not well used due to disrepair	Effective maintenance and management to maximise longevity of infrastructure and user experience
Some parts of the network feel unsafe for users	Schemes or enhancements which particularly benefit vulnerable users through identifying pinch points, severance issues, or movement conflicts across the network. Developers should design schemes which include infrastructure or public realm features with safety and inclusivity of vulnerable users as priority.

Sustainable Transport Corridors

HGGT provides a significant opportunity to use Harlow’s distinctive spatial layout to facilitate sustainable mobility through the creation of Sustainable Transport Corridors (STCs). These are a series of strategic public travel routes through the Garden Town providing high quality public transport and active travel options that will connect neighbourhoods quickly with key destinations such as the town centre and Harlow Town railway station and primary business areas. The existing networks will feed into the STCs which will provide the standard for exemplary sustainable travel.

The capital funding of the STCs will be initially met through the Housing Infrastructure Grant and then sustained through the Rolling Infrastructure Fund, see Funding (p.48) for more details on these schemes. A stewardship agreement is being negotiated to ensure the infrastructure developed is maintained to a high standard. To see the timing of delivery please refer to the Transport Programme in Appendix X.

STC Features

- High-quality north-south and east-west sustainable movement routes between existing and new communities and key destinations across the Garden Town.
- A network of walking and cycling routes, separated from motor traffic.
- Dedicated space for buses, to help them move freely, avoid congestion and have priority over other traffic.
- Used by modern, high quality, low emission buses, that offer frequent, high quality, seamless, reliable, rapid services with limited stops.
- Fully integrated with other public transport options via high quality hubs providing a range of transport services and community facilities.
- Comfortable, safe, sheltered waiting areas which are provided with Real Time Passenger Information at key stops and interchanges.
- Future-proofed routes that can be adapted to ensure long term sustainability.
- Phased implementation will allow upgrading of services running on the existing roads along identified corridors and the improvement of connections between services.



Parking

The ready supply and low cost of parking in Harlow currently supports extensive use of the car. Addressing this will help to reduce private vehicle trips and support the Strategy's Mode Share Objective.

CURRENT CHALLENGES

Widespread availability of affordable and privately controlled parking provision throughout the existing town encourages private vehicle trips as the easy choice.

High levels of residential on and off-street parking

Consistent parking on (or blocking) footways, cycleways and green spaces.

Low Electric Vehicle uptake and provision of necessary infrastructure

FUTURE OPPORTUNITIES

Improved access for active and sustainable travel to balance the needs of retailers and employers, whilst reducing the attractiveness of car use by making it harder to be certain of a parking space

Where required, residential car parking is to anticipate later conversion to other uses that benefits residents or the wider community.

Provision of car parking at homes should not be to the detriment of active and sustainable travel, it should be just as easy or easier for residents to walk to their local hatch, access a bike or a bus

The Government are exploring options to eliminate [pavement parking](#)

Charging infrastructure for electric vehicles in public and private locations to aid transition to low-carbon, zero-emission vehicle technologies.

NEXT STEPS/ACTION PLAN

- Conduct a town wide traffic management review and place-movement assessment to ensure efficient use of strategic transport infrastructure.
- Plans for the implementation of highway improvements will be developed between the relevant District and County Councils.
- Review options for a Park and Ride facility which links to a mass transit system.
- Continue work on plans to expand the existing Central Stort crossing and provide a new Eastern Stort crossing to improve connections.
- Consider the implications and feasibility of introducing demand management interventions, such as a workplace parking levy or congestion charge, as a revenue used to fund further active and sustainable transport investments.
- Review the supply and utilisation of existing commercial parking space in Harlow, most of which is privately owned.
- Engage with providers, developers and other stakeholders and, where possible, encourage them to consider converting space for conventional cars to electric vehicle charging spaces, autonomous vehicles, car club vehicles, cycle and powered two wheeler parking.
- Manage new parking supply at key destinations through the planning system.
- Work with businesses, retailers and developers to manage car park capacity to create a better balance between parking supply and land use.
- Work with businesses, retailers and developers to manage car park capacity to create a better balance between parking supply and land use.
- Explore the establishment of consolidation centres that can alleviate congestion within the Garden Town and provide last mile delivery services using freight bikes and electric vehicles.

CASE STUDIES



DIY Streets

Aims to improve the neighbourhood by reducing traffic speeds and rat running traffic through community co-design.



Forward Motion

Provides online travel information, advice, services, ideas, competitions and events for residents in South Essex.



Parking Places

In West Yorkshire, 88 rapid-charging points have been installed for taxis and the public, supporting a commitment to reduce harmful emissions.

ACTION 5: Maximising opportunities

OVERVIEW

The Garden Town offers extensive opportunities for innovation in mobility and transport, with its unique urban form and partnerships ready to enable delivery. Emerging technologies and shared mobility solutions have significant potential for helping to change travel behaviours. HGGT partners will lead on exploiting these opportunities as they arise.

The challenge lies in creating a seamless and attractive sustainable transportation network and associated services. Services should maximise infrastructure investments and benefits all members of the community. The Garden Town will have to be flexible and adaptable as technologies currently undeveloped or unknown are made available.

ACCESSIBILITY AND INCLUSION

New mobility technologies and services have the potential to widen the affordability, availability, and accessibility of transport. This would help narrow existing inequalities in transport provision and use. For example, real time information can improve the reliability and confidence around using public transport for older people and those with mobility-related needs.



What Maximising Opportunities Should Look Like In The Garden Town

CURRENT CONTEXT

Wider links already exist in the Garden Town between the technology sector, councils, industry, research and education. By building on this partner collaboration, HGGT can act as the testbed for technological and socially innovative mobility solutions, to enhance the physical and social wellbeing of residents, workers and visitors. These opportunities include:

- The growth in the science, technology, engineering and digital industries at the Harlow Enterprise Zone;
- The arrival of Public Health England in the town and the re-provision of Princess Alexandra Hospital, helping to promote healthy living;
- The University of Hertfordshire Centre for Sustainable Communities and the presence of Harlow College and Anglia Ruskin University;
- Links with Transport Systems Catapult in Milton Keynes.

FUTURE OPPORTUNITIES

New and developing energy innovations such as electric and hydrogen vehicles.

Freight and cargo bikes for last mile delivery.

Shared mobility services reducing the need and expense for personal vehicle ownership.

Mobility as a Service (MaaS) and advanced Rapid Transit options (bus or rail) potentially delivering a significant shift from car ownership and make it easier to travel.

Innovative technology platforms can be used to match the supply and demand for transport in rural areas.

Staff training and technological improvements in public transport to make it safer, quicker and easier for those with disabilities and accessibility requirements.

Enhanced transport data gathering and artificial intelligence to maximize network efficiencies.

Trials of autonomous and connected vehicles.

Drones can be used to address local needs, from supporting emergency services to improving the safety of infrastructure inspections.



ZERO EMISSION VEHICLES

In 2020, the government brought forward the end to the sale of new petrol, diesel and hybrid cars and vans from 2040 to 2030. Therefore, over coming years the market share of zero emission vehicles (ZEVs) will increase substantially.

Benefits of ZEVs:

ZEVs have a number of benefits over conventional fossil fuel vehicles:

- Zero tailpipe emissions and substantially lower greenhouse gas emissions than conventional vehicles, even when taking into account the electricity source.
- Improved local air quality by reducing harmful emissions such as nitrous oxide and carbon dioxide.
- Significantly quieter than vehicles powered by conventional engines.
- Cheaper to run than fossil fuel vehicles for consumers as fuel is cheaper; no congestion charges, reduced/no vehicle tax and Government grants.

Given the current context around infrastructure, transport, society and policy, it is clear that ZEVs will play an important part in the drive to decarbonise transport and are a key transitional tool for supporting the mode share targets outlined in this Strategy.

Charging Infrastructure

Harlow only has eight public charging points – one rapid and seven fast. The uptake of electric vehicles in Harlow is estimated to be 60% by 2033. As such, charging points for BEVs will need to be rolled out rapidly and should comprise a mix of private chargers at homes and workplaces and public on-street charge points, for top-up charging and on the strategic road network for longer distance inter-urban charging. Any standard parking provision developed should be future proofed to ensure provision for later installation of charging with minimal retrofitting cost/ disturbance.

Developers and contractors will be expected to align with guidance from updated parking standards which will include standards for all residential dwellings with parking provision to include a charging unit. There will also be guidance around commercial and public parking.

The Government have committed £500m for EV charging infrastructure to meet future charging demands and funding can also be secured from other areas such as through developer negotiations and regional funding mechanisms.

The Role of ZEV's

ZEVs are a powerful tool in the transition to a sustainable transport network and there is a clear need for additional infrastructure to support uptake. They are part of the solution for our future travel needs alongside prioritising active travel and public transport (as per the User Hierarchy).

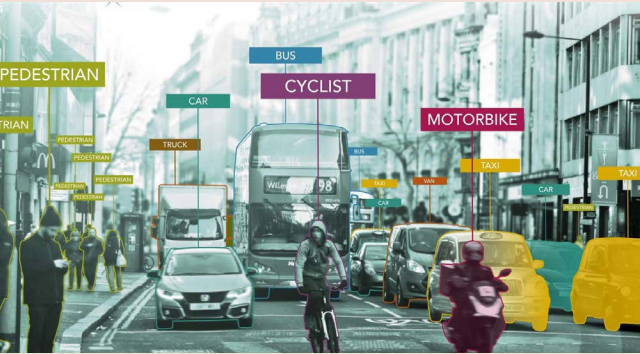
Future Opportunities

Shared mobility services such as car clubs which reduce the need and expense of personal vehicle ownership.

NEXT STEPS/ACTION PLAN

- Support Masterplans which demonstrate flexibility in anticipation of future mobility scenarios, including adaptable parking (for future conversion to other uses), drop off and pick up arrangements and electric vehicle charging points to ensure that communities can readily respond.
- Secure funding and work collaboratively with the partner councils to increase the number of public charge points for electric vehicles.
- Exploit opportunities to trial and develop shared mobility, demand responsive, autonomous and alternatively fuelled vehicle and public rapid transit technologies with partners. HGGT will also be seen as being open to innovation through marketing and lobbying of businesses, institutions and government.
- Facilitate development of 'Mobility as a Service' journey planning and travel information mobility platforms to enable travellers to plan, book and pay for end to end journeys using real-time information for any mode.
- Consider the benefits of adopting an 'open data' approach for transport data to support innovation and investment in data solutions and other technologies which aid mobility, traffic and parking management, enabling real-time advice to users.
- Encourage sustainable deliveries: including low carbon vehicle use, delivery hubs and last mile logistics which use electric vehicles, freight bicycles (typically electric aided), or cargo bicycles to deliver goods to local centres or the final destination.
- Give consideration to shared public transport vehicles being able to use bus priority.

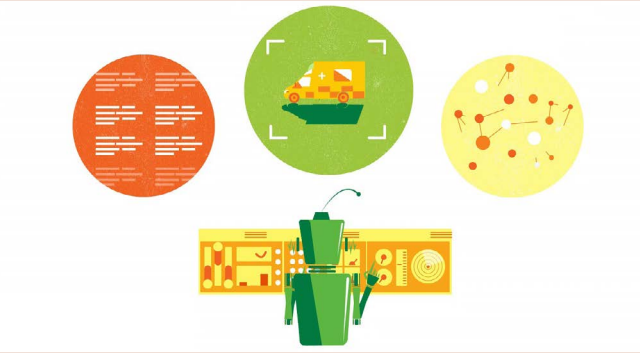
CASE STUDIES



Vivacity Labs
AI sensors and 'Smart Junctions' signal controls gather detailed travel data, to help build a case for strategic transport decisions.



Zipabout
Personalised routing using image recognition avoids stressful environments such as crowded locations or unstaffed stations.



Red Ninja
'LiFE', an intelligent mobility algorithm, uses AI to manipulate traffic along an emergency service vehicle's route in real time, reducing journey times by up to 40%.

NEXT STEPS

By adopting this strategy, the Councils are committing to a unified approach to deliver HGGT as set out in their respective Local Plans and Spatial Vision for the area.

Transport Strategy next steps include:

- 1 Securing developer funding without which the strategy cannot be delivered;
- 2 Developing a detailed, funded programme for delivery of the actions in this strategy;
- 3 Continue to develop and update the Infrastructure Delivery Plan for the Garden Town which prioritises, phases and identifies funding opportunities for sustainable transport schemes;
- 4 Development of monitoring and evaluation strategy, including a set of targets, which we will use to monitor our progress toward meeting our sustainable mode ambition;
- 5 Working with partner authorities to ensure the new Garden Town communities have high quality links with key employment centres.

Working with Developers

The Garden Town will collaborate closely with developers, who are crucial to achieving the sustainable mode share targets within this Strategy. HGGT have the following expectations of developers:

- New development should incorporate the movement hierarchy as a first principle. Development should seamlessly incorporate sustainable travel opportunities and infrastructure.
- Applications for new developments or changes to existing developments will be expected to consider its interaction with the wider transport context and may be required to participate in, and contribute to, wider collaborative proposals to facilitate overall sustainable travel delivery.
- Travel Plans will be required for all development within the HGGT set against the HGGT Travel Plan which will form the basis of expectations for the site, in accordance with the requirements of the National Planning Policy Framework (NPPF), County or District Policies or HGGT guidance.

Masterplans and planning proposals should:

1. Reflect the Mode Share Objective, Principles and Actions of the Transport Strategy and will be expected to demonstrate how they have incorporated Active Design into proposals which promote physical activity and active lifestyles through the built and natural environment;
2. Demonstrate a high level of sustainable mode share and flexibility in anticipation of future mobility scenarios;
3. Ensure properties and co-working spaces enable residents to work from/near home where possible.

Mechanisms to achieve the Mode Share Objective

Developer negotiations: This includes section 106 and or other legal processes through the Highways Act such as section 38 or section 278, where a third party designs and submits a detailed scheme for technical approval by the Highway authority and then delivers a scheme in accordance with the approved design. The exact powers used may vary depending up on the location and design of the proposal. The Garden Town will negotiate with developers to ensure that adequate funding contributions are made from developers to achieve the ambitions of this Strategy.

Local development policy

Local Plans, Local Transport Plans and other adopted transport policy carries planning weight and policies must be conformed to during the planning and design of new developments.

The HGGT Transport Strategy: This Strategy has been approved by the HGGT Board and endorsed by the three District Councils as a material planning consideration. This gives the Strategy weight when making planning decisions.

Monitoring: A monitoring framework will be established to ensure alignment with this Strategy. This Framework will be based on the recommendations from the HGGT Monitoring Framework Technical Note. Policies and schemes will also be monitored internally through the HGGT Board approval and oversight process.

Funding

Developer Contributions

Developer contributions is a collective term mainly used to refer to the Community Infrastructure Levy (CIL) and Planning Obligations (commonly referred to as ‘Section 106’ or ‘S106’ obligations/agreements) or any successor policy, levy or tariff that may be put in place to ensure development proposals contribute to infrastructure needs and effectively mitigate their impacts. These are planning tools that can be used to secure financial and non-financial contributions (including affordable housing), or other works in kind, to provide infrastructure to support development and mitigate the impacts of development.

The Housing Investment Grant (HIG) and Rolling Infrastructure Fund (RIF)

The Garden Town has secured £171 million from Homes England through the Housing Investment Grant Fund to forward fund the provision of transport infrastructure. Whilst this infrastructure is primarily focussed on unlocking delivery of the Gilston Area new garden community development, parts of the infrastructure also support broader growth and regeneration across the Garden Town. The availability of HIG funding will permit the “forward funding” of infrastructure, this will enable developers within the Gilston Area allocation to deliver other additional items of infrastructure required to support development in earlier phases. Delivery of HIG funded infrastructure will unlock planned growth and delivery of homes in the Garden Town, which will generate further financial contributions from developers that can then be used to fund other infrastructure priorities as identified within the Garden Town IDP and/or required by policy. These developer contributions will be managed in a fund called the Rolling Infrastructure Fund (RIF).

The South East (SELEP) and Hertfordshire (Herts LEP) Local Enterprise Partnerships

LEPs work in partnership with central government and its key agencies to pursue and attract major investment into the South East and Hertfordshire to deliver significant economic growth. LEPs identify and support local strategic growth priorities, encourages

business investment and promotes economic development.

In total the SELEP Growth Deal with Government has brought nearly £600m of investment to the region with the aim to deliver 78k jobs and 29k homes. Hertfordshire LEP has secured £204m to deliver 11k jobs and 16.5k new homes.

Transport East

Transport East is the Sub-national Transport Body for Norfolk, Suffolk, Essex, Southend-on-Sea and Thurrock. The partnership provides a single voice for our councils, business leaders and partners on our region’s transport strategy and strategic transport investment priorities, working in close collaboration with the government and the rest of the UK.

Transport East will develop a Transport Strategy and Delivery Plan for the region which ensures that transport fully supports its members shared ambitions for economic growth, quality of life and prosperity.

Department for Transport (DfT)

The DfT allocates a large amount of funding through various schemes such as the Local Sustainable Transport Fund, Sustainable Travel Towns Scheme and the Access Fund among many others. The Garden Town will look to secure government funding through these schemes where and when appropriate and available.

Harlow Local Highway Panel (Harlow LHP) proposals

LHPs are responsible for making recommendations and setting priorities for Highways schemes in their areas. Panels are made up of a representative number of Members from the County and the District. The Panels prioritise local concerns and small scale measures and make recommendations to the Cabinet Member for the implementation of highway schemes that meet the concerns of local people.



Glossary

We recognise that some of the definitions of new mobility services are contested. Within this document we use the following definitions.

Active travel

Active modes are considered to be walking and cycling, but also include micro-mobility options.

Bus Rapid Transit

Bus Rapid Transit (BRT) is a high-quality bus-based transit system that delivers fast, direct, and cost-effective services at metro-level capacities.

Car clubs/car-sharing

Car clubs use electronic systems to provide customers unattended access to cars for short-term rental, often by the hour. Business models can be categorised into round-trips, where the vehicle must be returned to its home station, and flexible, which allows one-way trips. Vehicles may be owned by individuals and lent out on a peer-to-peer basis via an intermediary platform, or form part of a fleet owned by a single organisation.

Commuter and utility walking and cycle routes

Routes that support necessary everyday travel, are located and designed to be direct and convenient in terms of journey time and distance, and are of sufficient capacity, segregated, surfaced and lit to enable safe use at all times by all users.

Demand responsive transport

A flexible service that provides shared transport in response to requests from users specifying desired locations and times of pickup and delivery. Dial-a-ride services scheduled through next day or advance bookings are a traditional example.

Developers

An organisation whose job involves buying and selling buildings/land and arranging for new buildings to be built.

Development site

A parcel of land where land disturbing activities have been or will be initiated to complete a land development project.

Dynamic demand responsive transport

More recent applications of demand responsive transport seek to work dynamically, adjusting routes in real time to accommodate new pickup requests often made minutes in advance.

Electric vehicle

Electric vehicles (EVs) are defined as vehicles that can take on power from an external source and comprise Battery Electric Vehicles (BEVs) and plug-in Hybrid Electric Vehicles (PHEVs).

Four tracking

A quadruple-track railway (also known as a four-track railway) is a railway line consisting of four parallel tracks with two tracks used in each direction. Quadruple-track railways can handle large amounts of traffic, and so are used on very busy routes.

Hub

A facility that provides a convenient interchange between a range of mobility types (public transport, bikes, scooters etc.) for all users and which is co-located with other community facilities such as cafes, shops, parcel drops etc.

Leisure walking and cycle route

Routes that support cycling for health and pleasure purposes, are located and designed to provide a safe and attractive environment where the route itself may be one of the main attractors (as opposed to directness), can be shared with pedestrians and can accommodate places to stop and rest.

Micro-mobility

The use of small mobility devices, designed to carry one or two people, for short trips or 'last mile' deliveries. Rollerblades, tricycles and scooters, as well as wheelchairs and other adapted cycles are examples.

Mobility as a Service (MaaS)

The integration of various modes of transport along with information and payment functions into a single mobility service. Recent services that allow customers to purchase monthly subscription packages giving them access to public transport and private taxi and bike hire schemes are an example.

Modal shift

A modal shift means a change from one mode of transportation for a journey to another. For example, switching from driving a car to walking.

Mode

A transport mode refers to the way in which passengers and/or goods can be transported. For example, train, bus or walking.

Mode share

Mode share (also called mode split) is the percentage of travellers using a particular mode of transportation or number of trips using said type.

Particulate matter (PM)

Small airborne particles. PM may include materials such as soot, wind-blown dust or secondary components which are formed within the atmosphere as a result of chemical reactions. Some PM is natural and some is man-made. PM can be harmful to human health when inhaled, with the World Health Organization classifying it as carcinogenic to humans. In general, the smaller the particle the deeper it can be inhaled into the lungs, and the greater the risk that it is transferred to the bloodstream or body tissues. PM10 is particulate matter 10 micrometres or less in diameter, PM2.5 is particulate matter 2.5 micrometres or less in diameter. By way of comparison, a human hair is about 100 micrometres in width.

Planning application/pre-application

A planning application is a formal request to a local authority for permission to build something new (i.e. shops, homes, schools etc.) or to add something to an existing building.

Ride-hailing

Ride-hailing services use smartphone apps to connect paying passengers with licensed taxi drivers or private hire vehicle operators who provide rides for profit.

Ride-sharing (sometimes known as car-pooling)

Formal or informal sharing of rides between unlicensed drivers and passengers with a common or similar journey route. Ride-sharing platforms charge a fee for bringing together drivers and passengers. Drivers share trip costs with passengers rather than making a profit.

School Street

A School Street is a road outside a school with a temporary restriction on motorised traffic at school drop-off and pick-up times. The restriction applies to school traffic and through traffic.

Shared mobility

Transport services that are shared among users, either at the same time or one after another. Public transport, or mass transit, as well as newer models such as car-sharing, bike-sharing and ride-sharing, are all types of shared mobility.

Sustainable travel

Sustainable modes are considered to be any local bus/tram-based rapid transit and demand-responsive bus services. Active travel modes are also deemed sustainable.

Transport network

A transport network denotes either a permanent track (e.g. roads, rail, and canals) or a scheduled service (e.g. airline, public transit, train). It can be extended to cover various types of links between points along which mobility can take place.

Vulnerable user

Non-motorised road users, such as pedestrians and cyclists as well as motor-cyclists and persons with disabilities or reduced mobility.

Zero emission vehicle

A zero-emissions vehicle (ZEV) is a vehicle that never emits exhaust gas from the onboard source of power.

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Appendix 2

HGGT Transport Programme

Cost

L £0 - £500k

M £500k - £1m

H £1m +

Strategic Development sites	Status	Funding	Cost	2021-2027	2027-2033	Post 2033
Gilston	PA submitted	Developer				
East of Harlow	LP allocations	Developer				
Latton Priory	LP allocations	Developer				
Water Lane	LP allocations	Developer				
Town Centre	LP allocations	Developer				
Enabling Choice	Status	Funding	Cost	2021-2027	2027-2033	Post 2033
Healthy Harlow transport communication campaign	Proposal developed	To be confirmed	L			
Develop co-working spaces and bring forward superfast fibre broadband	Ambition	Subject to s106	M			
Local delivery hubs/last mile delivery	Ambition	Developer	M			
Multi-modal transport interchanges hosting local services and amenities	Ambition	Subject to s106	H			
Streets for People	Status	Funding	Cost	2021-2027	2027-2033	Post 2033
School Streets	ECC trials	To be confirmed	L			
Liveable Streets Programme	Subject to ATF bid	Subject to ATF bid	H			
Local Cycling and Walking Infrastructure Plan	Subject to ATF bid	Subject to ATF bid	H			
Behavioural Change Programme	Work underway	HE Capactiy Fund	M			
Harlow Cycling Action Plan/regional active travel connections	Ambition	To be confirmed	H			
Improve green infrastructure (GI) on streets	GI framework scoping	Stewardship	M			
Provide secure cycle parking, changing facilities and charging	Ambition	ATF/s106/Grants	M			
Quality Public Transport	Status	Funding	Cost	2021-2027	2027-2033	Post 2033
Enhanced Bus Partnership (including integrated ticketing)	Committed	BSIP funding	L			
Develop a single platform for use with all public transport options	Proposal within EBP	To be confirmed	L			
Shared mobility - bike share and car clubs	Ambition	To be confirmed	H			
Demand Responsive Transport/Digital Demand Responsive Transport	Ambition	To be confirmed	M			
Harlow Town Station Northern Access	Subject to s106 (Gilston)	Subject to s106	H			
Park and Ride	Ambition	To be confirmed	H			

A Network that Works	Status	Funding	Cost	2021-2027	2027-2033	Post 2033
STC - Central Stort Crossing	PA submitted	HIG/recovery s106	H			
STC - North to Centre	Detailed design (HIG)	HIG/recovery s106	H			
STC - East to West (east)	In design phase	Subject to s106	H			
STC - East to West (west)	In design phase	Subject to s106	H			
STC - South to Centre	In design phase	Subject to s106	H			
Town Centre (bus interchange hub)	Funding secured	Towns Fund	H			
A1025 Second Ave/Velizy Ave	IDP proposal	Subject to s106	H			
M11 Junction 7a	Under construction	ECC/HE/LEP/DfT	H			
Eastern Stort Crossing	PA submitted	HIG/recovery s106	H			
Cambridge Road River Way Junction	Detailed design (HIG+TF)	HIG + Towns Fund	H			
Gilston Village 1 STC access	PA submitted	HIG/recovery s106	H			
Gilston Village 2 STC Access	PA submitted	HIG/recovery s106	H			
Gilston Village 1 to Village 2 link	PA submitted	HIG/recovery s106	H			
Gilston Village 7 Access	PA submitted	Developer	H			
A414 Edinburgh Way/Howard Way/OI Junction	Subject to s106 (Gilston)	s106	H			
A1025 Second Ave/Manston Rd	IDP proposal	Subject to s106	H			
A1025 Second Ave/Howard Way	IDP proposal	Subject to s106	H			
A1025 Third Ave/Abercrombie Way	IDP proposal	Subject to s106	H			
A1169 Southern Way/Catherines Way	IDP proposal	Subject to s106	H			
Local hubs	Ambition	To be confirmed	M			
Consolidation Centres	Ambition	To be confirmed	H			
20mph roll-out/Street hierarchy changes	Study in progress	ATF	M			
Local wayfinding	Ambition	To be confirmed	M			
Demand management interventions (incl. parking controls)	Ambition	To be confirmed	M			
Maximising Opportunities	Status	Funding	Cost	2021-2027	2027-2033	Post 2033
Electric Vehicle Charging	ECC developing strategy	ECC/OZEV/supplier	M			
Trial of autonomous and connected vehicles	Ambition	To be confirmed	M			
Use of e-cargo bikes, freight bikes and electric vehicles for last mile delivery	Trial in progress	Expansion subject to funding	L			

PA: Planning Application
LP: Local Plan
s106: Section 106
ECC: Essex County Council
ATF: Active Travel Fund
HE: Homes England
GI: Green Infrastructure
BSIP: Bus Service Improvement Plan
EBP: Enhanced Bus Partnership
HIG: Housing Infrastructure Grant
IDP: Infrastructure Delivery Plan
OZEV: Office for Zero Emission Vehicles

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Harlow and Gilston Garden Town

Transport Strategy

Consultation Report

February 2021

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Executive Summary

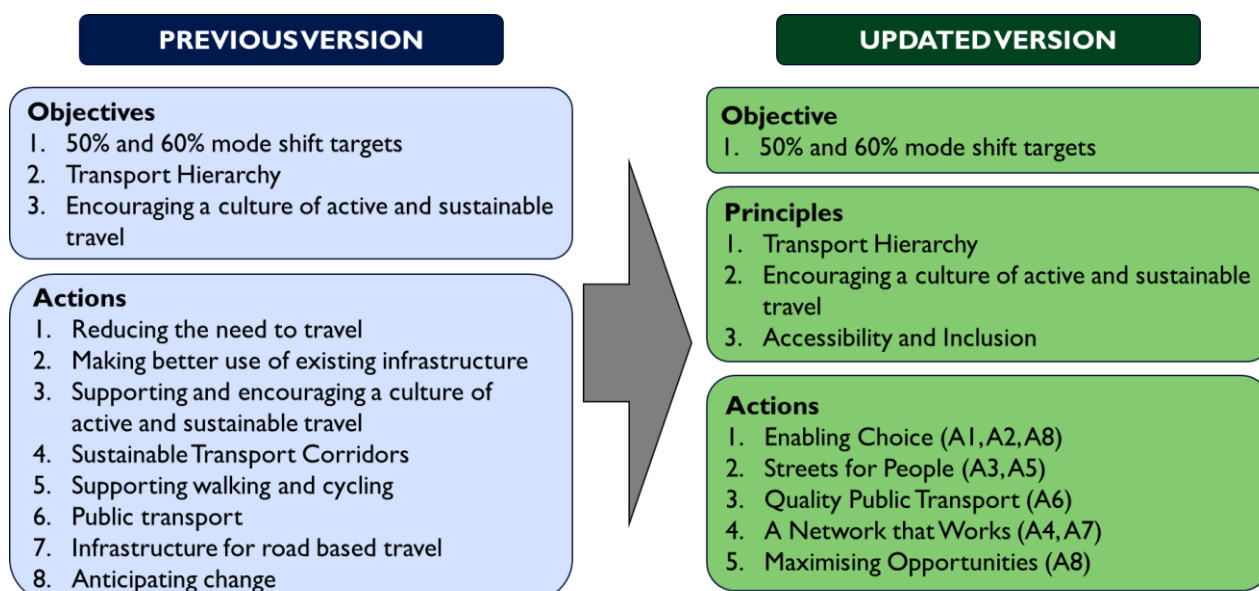
The HGGT Transport Strategy was initially approved for consultation in January 2019. Due to a number of reasons there have been several delays to the process. The Strategy has undergone two rounds of consultation where feedback was taken through a number of various engagement activities. Quantitative as well as qualitative data was collected, analysed and used to inform changes to the document in several areas. This data and key changes are summarised below.

Quantitative survey data

Objectives - Both rounds	Support	Don't know	Oppose
Objective 1 – 50% and 60% mode shift targets	58%	8%	34%
Objective 2 – User hierarchy	49%	10%	41%
Objective 3 – Supporting a culture of sustainable travel	79%	7%	15%
Actions - Both rounds	Support	Don't know	Oppose
Action 1 - Reducing the need to travel	66%	3%	31%
Action 2 - Making better use of existing infrastructure	76%	2%	21%
Action 3 - Supporting a culture of active & sustainable travel	84%	4%	12%
Action 4 - Sustainable Transport Corridors	78%	4%	18%
Action 5 - Supporting walking and cycling	81%	6%	13%
Action 6 - Public transport	89%	1%	10%
Action 7 - Road based travel	73%	7%	20%
Action 8 - Anticipating change	76%	13%	11%

Qualitative survey data

Comment	Changes
Too long	Public facing summary section, consolidation, re-formatting
Too much jargon	Jargon reduced, glossary included, hover boxes included
More detail on:	
Accessibility, disability and inclusion	Included as a principle, incorporated throughout
Funding	Section on funding now included
Phasing	Section on phasing now included
Links with rural communities and villages	Greater detail on DRT, onward connections, links to recreational routes and electric bikes.
Justification of objectives and how they will be met	Expanded justification of Objective and how to achieve this
Impact of measures on networks and existing communities	Greater clarity of impact on network and benefits to existing communities
How people will change behaviours	Detail on behaviour change and measures that benefit communities and individuals
Current bus service/infrastructure improvements	Further detail on improvements to current bus provision
Rail service/infrastructure improvements	Further detail on improvements to current rail provision
Disincentives for driving/parking	Clarity on demand management measures and Parking Strategy



The changes made to the high level Objectives and Actions in the Transport Strategy.

Introduction

The HGGT Transport Strategy was prepared to help deliver the HGGT Vision and the challenges of future travel demand linked to planned growth through sustainable and active travel. The Strategy acknowledges that continued reliance on high levels of single occupancy car use is unsustainable and outlines an alternative way forward for a healthier, more pleasant and more efficient transport network.

Timeline and approach

The Strategy document, initially published in January 2019, was approved by the partner councils at Harlow, Epping Forest and East Herts who make up the three authorities delivering the Garden Town development alongside Essex County Council and Hertfordshire County Council.

Pre-election restrictions around the 2019 Local and General Elections saw the Garden Town Transport Strategy public consultation go live in January 2020 with a six-week engagement period that allowed feedback throughout.

Results from this consultation period revealed a lack of engagement with specific groups (young people, businesses, charities and other local organisations) and also more broadly with a lower number of responses than expected. Due to this a further round of consultation took place in late 2020 to address these shortfalls.

Comments received during both rounds of consultation were reviewed in early 2021 and the Strategy adapted accordingly. The Strategy will be taken to the Garden Town Board in summer 2021 due to the May local elections Purdah.

Through ongoing work and the planning applications that have been received, we are now moving ahead to establish the full detail of transport proposals. This is supported by the announcement of £172 million housing investment grant for Harlow and Gilston Garden Town which will be used to forward fund transport infrastructure.

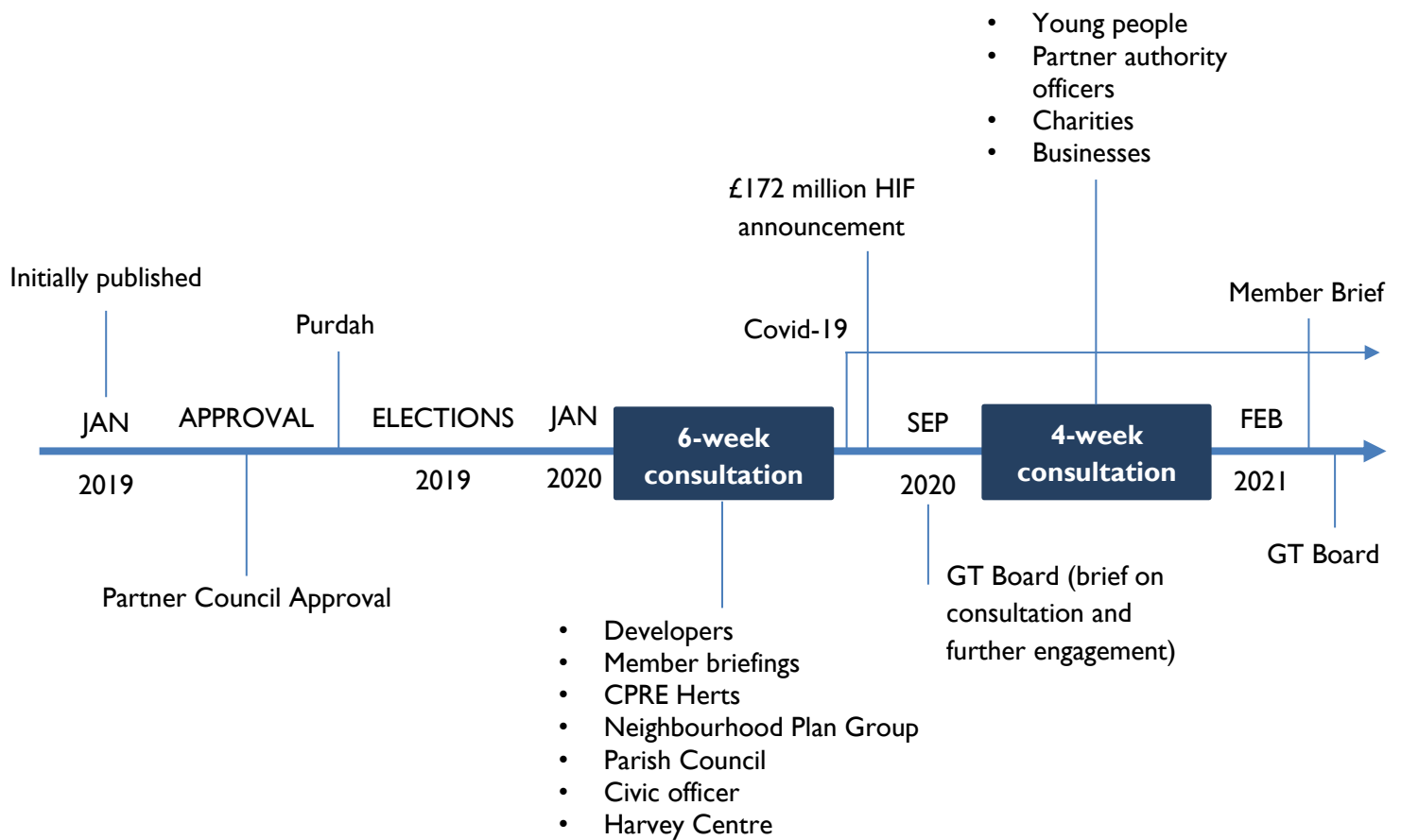


Figure 1. Consultation timeline

Methods of engagement

Public displays

During the first round of consultation HGGT held a number of public displays and stands to answer questions, build momentum and engage with local residents – this was impossible during the second round due to Covid-19 restrictions. We engaged the public through a combination of presentations, pop-up displays, printed promotional material and HGGT/partner Officers speaking with residents (see Figure 2 below). Events included:

- HGGT were present at each of the District Councils;
- Displays at the Harvey Centre and Civic Offices;
- Unmanned displays across the districts;
- Village Hall events.
- Stalls at Harlow College

During these events almost 500 leaflets were handed out, with over 250 leaflets handed out in the Harvey Centre alone.



Figure 2. HGGT Transport Strategy public consultation events.

Social media

Social media was utilised in both rounds of consultation, however, the HGGT social media accounts were relatively new in the first consultation and didn't have the reach or established user base they do at present. A lot of work was given over to growing the efficacy of the social media accounts between the two rounds of consultation.

During the first round of consultation social media was used primarily to promote events and information. During the Harvey Centre engagement day, the announcements on Twitter earned 3,455 impressions and the display day announcement at EFDC earned 1,982 impressions.

During the second round of consultation social media was again used to promote content but was also used to conduct a series of polls (a feature built into Twitter – see Figure 3) to encourage broader engagement. The polls themselves were successful at engaging local audiences with over 1,000 votes, over 2,300 interactions (clicking on links etc.) and over 38,500 views across the 8 polls. A key function of the polls was to direct users towards the full survey and this proved a successful feature. The polls also allowed for comments on each one which generated a good amount of feedback.



Figure 3. Example Twitter poll.

Surveys

During both rounds of consultation a survey was created to collect stakeholder feedback on the Strategy. This held a number of questions on the key elements of the Strategy – Objectives and Actions – alongside attitudinal questions.

In the first round of consultation stakeholders were able to respond to the survey through social media and website links, and paper copies. In the second round there was only a digital version available. The survey content was changed slightly in the second consultation with attitudinal questions on travel broadly removed to make a more concise and approachable survey. The key questions relating to the Strategy content were retained however.

The online survey platform was also changed for the second consultation to a more engaging and user-friendly platform (see comparison in Figure 4). This proved a success with survey responses almost doubling.

3. To what extent do you support the following objectives for mobility in the Garden Town? (see p.10-11 in the Strategy)

	Strongly support	Support	Don't Know	Do not support	Strongly oppose
1. Achieving a target where 60% of all journeys within new Garden Town Communities, and 50% across Harlow, will be sustainable choices.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Prioritising the transport hierarchy: Reducing the need to travel; Walking and cycling; Public transport; Private vehicles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Supporting and encouraging a culture of active and sustainable travel.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Additional comments

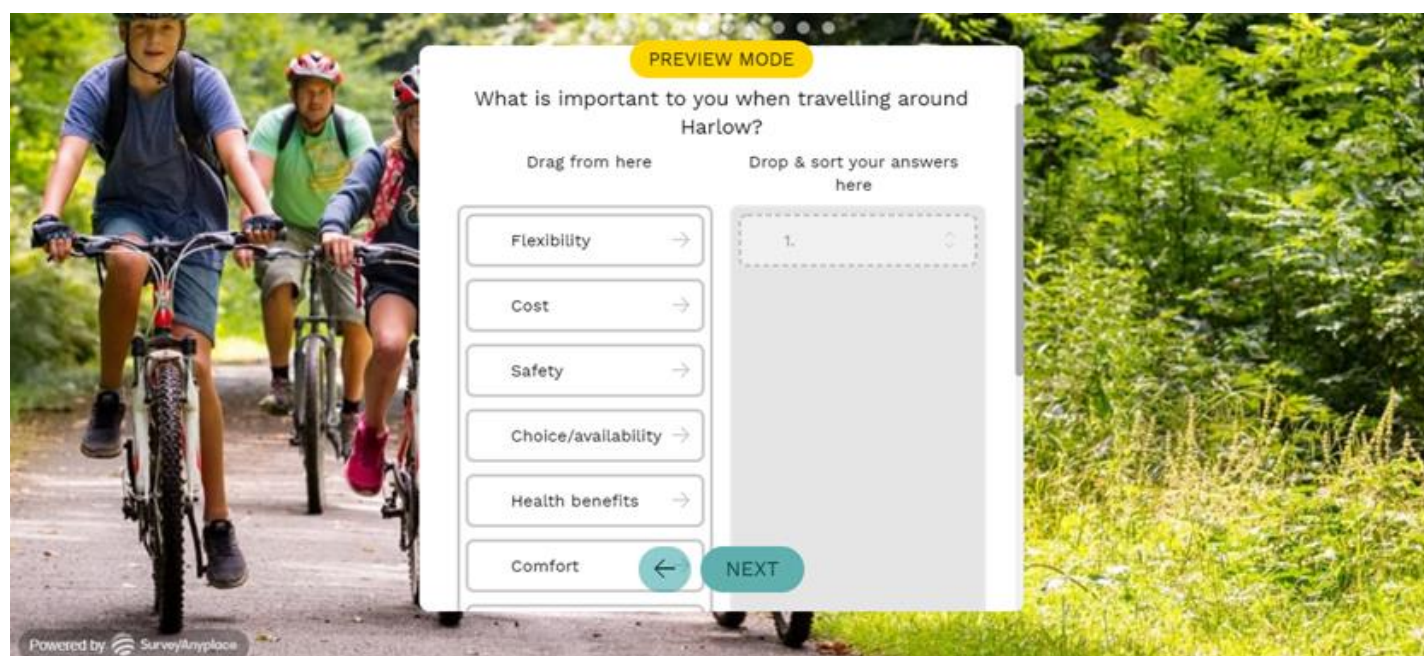


Figure 4. Comparison of the survey platforms used in the first round of consultation (top) and the second round (bottom).

Website page

A dedicated HGGT Transport Strategy consultation website page was established. This hosted the survey link, key documents such as the Strategy itself and supporting evidence, and further information. There were over 1,300 visitors to this webpage, predominantly in the first consultation when the website was more central to the communications.

Focused workshops

For the second round of consultation a series of workshops were organised to target the groups that were unrepresented in the first round. These proved successful at engaging with specific stakeholders and provoked interesting comments and feedback.

Internal workshops were organised with Officers from the five partner authorities. These workshops focused on specific topics and Actions within the Transport Strategy: public transport, road management, planning and technology, and active travel. Continued engagement with Officers has been held through the HGGT Sustainable Mobility Workstream.

External workshops looked at the Strategy more broadly with a focus on the Objectives and Actions. Feedback was gathered through polling and discussions but stakeholders were also signposted to the main survey for further comment. There was a total of 137 attendances at these sessions. Workshops were held with:

- Harlow College
- EFDC Youth Council
- HDC Youth Council
- Harlow Growth Board
- Local charities and third sector
- Local businesses

Members

Members were specifically engaged through a series of briefings detailing progress at various stages and with summary leaflets distributed to each individual. Feedback and comments were received and the Strategy was updated accordingly.

Survey Results

Survey responses

The second consultation was significant in increasing both the survey responses and general comments, roughly doubling both in a far shorter and more limited consultation.

Responses	Round 1	Round 2	Total
Survey respondents	81	73	154

Demographic data

A variety of demographic data sets were collected via the survey. The second consultation had a big impact on increasing the proportion of responses from young people and those in education which was a key focus for this consultation. However, there was a lack of responses from those aged over 75. Whilst

it was difficult to address this in the second consultation due to Covid-19 restrictions, it is a lesson learnt for future consultations.

Demographic data - Age	Round 1	Round 2	Total
24 and under	0%	25%	10%
25-34	6%	9%	8%
35-44	14%	42%	25%
45-54	29%	4%	18%
55-64	26%	15%	22%
65-74	22%	6%	15%
75 or older	3%	0%	2%
Demographic data - Employment status	Round 1	Round 2	Total
Employed	66%	71%	65%
Education	0%	13%	6%
Not working	1%	7%	8%
Retired	33%	6%	20%

Response locations

Overall there was a satisfactory spread of location data across Harlow and the surrounding communities. However, this differed noticeably between the first consultation and the second with the former eliciting responses from nearby settlements and the peripheries of Harlow in comparison to the second consultation which returned responses predominantly within the Harlow town area.

Objectives

The survey highlighted strong support for the Objectives as seen in the table below. There was overwhelming support for the mode shift targets and for supporting and encouraging a culture of active and sustainable travel. There was still majority support for the user hierarchy but this was not as clear as the other two objectives. However, as examined in the comments section below, this may well have been down to confusion and misunderstanding.

Objectives - Both rounds	Support	Don't know	Oppose
Objective 1 – 50% and 60% mode shift targets	58%	8%	34%
Objective 2 – User hierarchy	49%	10%	41%
Objective 3 – Supporting a culture of sustainable travel	79%	7%	15%

Actions

Similarly, to the Objectives, there was strong support for the Actions and again this was focused around active travel – Actions 3 and 5 – but the strongest support was with the action over public transport.

Actions - Both rounds	Support	Don't know	Oppose
Action 1 - Reducing the need to travel	66%	3%	31%
Action 2 - Making better use of existing infrastructure	76%	2%	21%
Action 3 - Supporting a culture of active & sustainable travel	84%	4%	12%
Action 4 - Sustainable Transport Corridors	78%	4%	18%
Action 5 - Supporting walking and cycling	81%	6%	13%
Action 6 - Public transport	89%	1%	10%
Action 7 - Road based travel	73%	7%	20%
Action 8 - Anticipating change	76%	13%	11%

Comments and feedback

The consultation allowed numerous opportunities for the wide range of stakeholder engaged to feed comments back. These comments were predominantly gathered through the survey but also at workshops and events. The second round of consultation, despite being smaller in scope, returned far more unique responses, in part due to the efficacy of the survey and social media.

All comments were inputted into a Comments Tracker and addressed individually. The key questions and comments, and how these have been addressed, have been summarised in the You Said, We Did document appended to the Transport Strategy.

It should be noted that received was feedback from the following respondents:

- Vectos on behalf of Places for People
- Hunsdon, Eastwick and Gilston Neighbourhood Plan Group
- CPRE Herts
- Roydon Parish Council
- Harlow College
- HDC and EFDC Youth Councils

Responses	Round 1	Round 2	Total
Unique comments	394	509	903

Responses

The following sections have consolidated all the comments received to draw out the key themes. Where comments were repeated almost verbatim, it has been noted and only one summary quote has been included. Quotes have only been edited insofar as to change spelling errors and should otherwise be accurately transcribed from the online and paper surveys. Where a significant amendment was made by the author of this report in a quote, corrective braces have been used, or left as is, followed by [sic].

This has aimed to provide as neutral a platform to present the feedback without bias. All respondents have been anonymised and have been treated equally. Some comments were broadly offering an observation or noting a point, and they have been included as useful background information. Where a comment offered a suggestion for additions or revisions to the Strategy, they have been included in **RED** text.

The below table outlines the frequent/key questions and comments and how they have been addressed.

Comment	Changes
Too long	Public facing summary section, consolidation, re-formatting
Too much jargon	Jargon reduced, glossary included, hover boxes included
More detail on:	
Accessibility, disability and inclusion	Included as a principle, incorporated throughout
Funding	Section on funding now included
Phasing	Section on phasing now included
Links with rural communities and villages	Greater detail on DRT, onward connections, links to recreational routes and electric bikes.
Justification of objectives and how they will be met	Expanded justification of Objective and how to achieve this
Impact of measures on networks and existing communities	Greater clarity of impact on network and benefits to existing communities
How people will change behaviours	Detail on behaviour change and measures that benefit communities and individuals
Current bus service/infrastructure improvements	Further detail on improvements to current bus provision
Rail service/infrastructure improvements	Further detail on improvements to current rail provision
Disincentives for driving/parking	Clarity on demand management measures and Parking Strategy

Overall comment

It was expressed a number of times that an overall transport Strategy including all modes of transport, public and private, is very welcome.

The plan for transformative growth in and around Harlow has been in public awareness for many years, and local residents have consistently raised the issue of travel infrastructure as something that needs to be addressed. **Therefore, consultation responses unanimously called for proactive transport provision ‘in sufficient time and at a sufficient level’ to support planned development and address existing barriers to reliable active and sustainable travel.**

Consultation process

There were a number of comments regarding the consultation process, notably that the surgeries were predominantly geared towards HGGT, rather than the outlying villages and towns who would also be impacted by the proposed actions.

There was disappointment expressed around the level of community engagement, and the means of information dissemination. Respondents noted a lack of notices in shops and across the town, rather hearing about the sessions via word of mouth, on Facebook and through local charities. The on-line material prompted some to believe there was a lean towards younger residents, and others felt that the process didn't allow respondents to raise their concerns properly, and key messages were obscured by vague 'political jargon'. This only served to reiterate the feeling that, *'The proposals are clearly based on facilitating private housing developers - much of it really only of benefit residents in the new homes.'*

This has been noted and will help inform future consultation processes for the Garden Town and the relevant Local Authorities, where meaningful and constructive engagement will be a priority.

Strategy timing

A number of residents, notably HEGNPG, enquired why this proposal is coming at this time, dated January 2019 but only being consulted on 12 months later. There was a feeling that as a Strategy document is now too late, coming 12 months behind the main planning applications, and referencing other relatively old documents like the 2016 Anglia Corridor Study.

The transport initiatives are being proposed after major land use planning decisions permitting large releases of open countryside and Green Belt around Harlow have been approved, which was not for this consultation to address.

Maps and diagrams

A number of comments received noted that few detailed plans featured in the Strategy, instead just 'vague arrows on a drawing of the town', which didn't allow them to understand how new plans will directly affect them.

Maps were criticised as being unclear – *'mixing high-level proposals in the text with specific propositions in the diagram'* and didn't have *'roads marked out'*. It was also deemed *'potentially misleading'*, since it indicates that only some of the Gilston villages will need to deliver a Sustainable Transport Corridor, limited cycle provision and no links to the three Harlow area rail stations (for example *'a cycle link from Water Lane to Roydon and East of Harlow to Harlow Mill'*).

A *'current situation diagram and a strategic transport diagram would be clearer and preferable'*, which also addresses *'essential strategic requirements in new developments and the identification of current issues that development should seek to improve'* while *'setting the principles for future mobility across the wider area'*.

Similarly, the anecdotal evidence of high car modal share, etc. in the Challenges and Opportunities section *'should be integrated with a more complete presentation of the challenges faced today'* through *'strategic diagrams of current and expected future transport by all modes'*.

Policy context

A concern raised was that *'the plan appears to lack references to all updated national and regional transport policy'*. This could be further strengthened with further reference to HGGT's Vision as a significant component within *'the wider Strategy or plans for the whole of Essex/Herts particularly in relation to the A414 corridor'*, and *'the M11 growth corridor'*.

Governance

It was acknowledged that the key challenges for the success of this Strategy and its ambitious targets will be getting funding in advance of developments and to ensure delivery across all local authorities and developers 'through adequate resources and long-term programmes'.

Respondents requested more clarity on the particular roles of developers and the transport authorities, noting that, 'some measures such as parking levies, town wide cycle hire schemes etc. can only be taken forward by the local authorities and County Councils'.

Recent transport projects that were apparently poorly delivered, caused significant disruption and took far too long were used to call for a competent delivery authority for HGGT. There is no fallback position outlined in the Strategy if the developers do not comply. The Garden Town Board have no means of enforcement as they are not a statutory planning authority or a 'development corporation' with significant powers. *For some, a unified tier of transport planning for HGGT would be preferred to deliver the Strategy rather than provision by five different authorities, two whom plan transport and three of whom are responsible for land use planning. A valuable suggestion was for the Strategy to assess critical success factors, risks or alternative strategies, if for example the proposed bid for funding is not successful or if the owners of the site are resisting contributing to the infrastructure.*

Respondents suggested that developers must provide a clear approach for the prioritisation of infrastructure and specific actions for the proactive promotion of sustainable travel at the point of outline applications. *New developments should be required to link up to the wider network, in Harlow and beyond, and connect new key destinations with clear cycle and pedestrian priority networks plans, as part of the Parameter Plans and transport assessments. Similarly, 'funding towards sustainable modes should be a condition for all planning consents.'* A standard approach to transportation ('*vague commitments to bus provision, contributions towards off site cycle route whose deliverability is unconfirmed etc.*') should be discouraged in HGGT as it is '*clearly incompatible with the delivery of substantial sustainable transport infrastructure*'.

The Infrastructure Delivery Plan and viability assessments are the point of reference for more detailed and specific expectations from developers.

Costings

It was acknowledged that '*to achieve modal shift will take monitoring, significant resources and commitments for spending on walking and cycling infrastructure*'. As such, residents wanted a better understanding of the financial implications and funding priorities to demonstrate how this Strategy will be achieved. It was questioned whether '*the officer teams and budgets (will) be provided to ensure the Strategy is followed through over the long term?*'

Several respondents suggested ways of providing other income streams to support enhanced public transport investment and STCs, such as road user pricing, localised congestion charging, or reprioritised from road schemes. For example, '*how much better would it have been for funds to be directed towards sustainable travel instead [of the new M11 junction 7a (£71m)]. This junction can be expected to increase the amount of traffic in town... The highway spending seems completely at odds with the aspirations of the HGGT Transport Strategy.*' Additionally, '*research has suggested an average spend at local government of only £2 - £6 per person on active travel when Sustrans is calling for 5% of highways budgets, rising to 10%, to be for walking and cycling. This would equate to £17 - £34 per person or an annual budget for Harlow alone of £1.45 to £2.9 million. The sums not only increase people's choices; they... will also pay for themselves as improvements in personal health reduce demands on Health Services and improve Work productivity.*'

Land use planning

The impact of these plans on the landscape appeared a number of times in the responses to the survey, because it is perceived that the 'Gilston Villages sprawl across wide areas of Green Belt and in their location and layout do not lend themselves to being well served by efficient public transport routes'. However, *there is potential for 'the increased economic opportunity and potential of the town centre and other sites for improved use with the enhanced transport accessibility.'*

It was suggested this could be mitigated if there was 'a different form of land ownership for the Garden Town expansion'. 'This would have encouraged brownfield land reuse, urban regeneration, place- making and reduced congestion and carbon emissions, would make the existing hospital site and town centre far better connected for public transport use increasing options to flexibly redevelop existing car parking and for the hospital to remain in its current central location'. *Therefore, 'Land use planning and sustainable transport must be integrated and planned together'.*

There is fear the proposal, 'destroys Harlow's green belt, drives wedges across green spaces in the town, destroys allotments'. There are 'concerns about the N-S transport corridor using the green wedge as a route. *This needs careful thought and execution and must not have any car use or other developments.'* However, constructive feedback included the suggestion to 'Protect pedestrians from air pollution by planting hedgerows between pavements and busy roads', 'Include pocket parks in as many locations as possible that include trees', 'plant low level bee friendly plants and mow minimally' on roundabouts, and 'plant wildflowers', 'low level hedges, or flowerbeds with bee friendly planting' on verges.

Geography

For some, it was felt that 'the proposal is very short-sighted for Harlow only and nowhere else', it 'fails to view the town in the context of its surrounding environment, population and infrastructure.' This sense of limited relevance to communities outside the bounds of the Garden Town was repeated again and again. 'You seem to present Harlow & Gilston Town as a self sufficient area with no need to consider its impact on the surrounding area.'

The Strategy was deemed to have a 'Total ignorance of villages like Nazeing, Sheering & Roydon', and 'only passing reference to links to neighbouring settlements such as Epping (tube station).' There are 'No transport proposals to travel north of HGGT and proposed villages. People will also want to travel to Bishop's Stortford and surrounding villages.' A repeated concern is that 'Living in Hunsdon you have to travel by car as the buses are practically non-existent', 'and the rural roads are used as rat-runs.'

The Strategy must address this lack of a sense of ownership of the plans: 'You may have created an idyllic travel plan within your garden city, but you certainly have not considered any issues at all once they leave the confines of Harlow and Gilston Town!' 'There has to be a Strategy that looks at mitigating the impact of the existing non-Harlow generated traffic as well. Harlow is not an island!!!'

Therefore 'the focus needs to be on transport links across all areas of the Town and to surrounding towns.' 'Drawing a red line around the Garden Town is restricting the Strategy to policy guidance on new development only.' Additionally, the wider impact on Harlow could be mitigated if the Strategy did 'extend ideas and options to the travel to/from Harlow area to reduce peak traffic inflows and outflows.'

From the extensive feedback received, it seems necessary to 'include a comprehensive approach for the existing villages surrounding the main urban area of Harlow and to put forward proposals to improve the modal share of these communities.' Additionally, it is important to mention key trip attractors such as Stansted, which is 'expanding as an airport serving London but with almost no transport improvements', and 'important features within Harlow e.g. SSSI at Eastwick', and 'Access to Harlowbury Chapel.'

Challenges and opportunities

Many of the comments received were along the lines of the following: *'Be realistic and... recognise that there is a significant proportion of journeys which will always be made by car, as no sensible public transport alternative exists.'* Therefore, the following section has grouped comments related to barriers to walking, cycling and sustainable transport according to travel patterns and demographics. *This might help the Strategy tailor itself to the existing context and address the challenges we are likely to face with regards to behaviour change.*

Specifically, 'text referring to 'trials' (2.14), potential for Mobility as a Service, walking for health appears to imply that these are mere desirables, rather than essential for daily movement. The whole section should be strengthened.'

Commuting

Some respondents felt the Strategy *'fail[ed] to address the very real requirements for people to get to work, with a poor infrastructure being in place.'* *'It doesn't address or incorporate measures to accommodate the massive influx of commuters in the mornings or their exit in the evenings.'* Again this *'daily challenge'* is because, *'Unreliable public transport makes it impossible to get to the station at a time for me to get the morning train into work and the evening train home'*, and is *'impractical for child care and quality of life.'*

The Strategy needs to include 'Support by survey data on how people will travel to work.' Particularly since *'The DWP requires job searchers to travel 90 mins to a place of work.'* Additionally, echoing the proposed transport hierarchy, *'this will only work if business allows people to work from home or remotely. the knock-on effect... would be the smaller need for larger office space in the town.'*

Elderly/mobility impaired

Some respondents felt the Strategy *'does not meet the need of our ageing population.'* *The 'ageing demographic needs better connectivity to key parts of the town'*

Public transport is key to providing for people with mobility restrictions, including designing them with *'no high steps'*: *'The bus service is a vital resource for the elderly.'* Buses can also provide additional connection with other people: *'There is a community bus from Churchgate street which provides real fellowship for those who use it - an added bonus that is so important for the elderly.'* *It was also noted that, 'Better road transport is needed in order to support those with caring requirements who have a need to make multiple journeys in one day.'*

The Strategy needs to make it clear that it understands that *'many individuals face physical constraints on their capacity to use such active modes.'* *'The elderly generation do not cycle & walk long distances. By significantly reducing available parking you will reduce their access to shops etc. They will be "driven" to surrounding communities which remain car friendly. Another "nail" in the High St.'* As such, how do we cater generously for those that *'rely heavily on public transport, have walkers, also lots of mobile scooters are used.'* Additionally, *'Many elderly people do not own expensive mobile phones, so 'apps' are of no use.'* *It is an imperative that HGGT is 'providing for the increasingly elderly population and for disabled people to travel within the town who cannot physically use public transport or cycle or afford taxis.'* One suggestion was for *'Special facilities and exceptions /permits for disabled commuters.'*

Shopping

'Apart from residents needing to travel out of town it seems that most people travel to Harlow for the hospital, the leisure centre, but mostly shopping.' *Therefore, it's important to 'Invest in Harlow's local shopping facilities and promote them as convenient local choices.'*

However, a common concern raised was that *'There has been no obvious consideration for what will replace the car to do the weekly supermarket shop when several heavy bags of shopping need to be transported to home with as little extra effort and cost as possible (bus or taxi would not be an attractive option)', 'People can't carry a*

weekly shop or anything other than light items on public transport and taxis, paying for delivery is costly.' Similarly, 'Cycling and walking is not so appropriate for shopping and the buses don't go around the shops.' **HGGT must prioritise social equity, and therefore identify if there will be 'assistance for people shopping at the major supermarkets with heavy bags full of shopping, to and from the buses?'**

School

A number of questions were raised along the lines of: 'How will you prevent parents from running their children to school in a car? School allocations are not necessarily made with transport for the children in mind', School runs were deemed 'a major cause of bottle-necks and especially when the weather is bad.' **In response, suggestions included 'School bus routes', and 'Get school runs off the road and make them accessible for walking/cycling or provide suitable safe transport.'**

The delivery of school is particularly critical since 'families will need to travel outside the area to secondary schools until more schools are built later in the development phase.' It was noted that there are 'already oversubscribed schools in Sawbridgeworth and Bishops Stortford and the villages.'

Leisure

Since 'the town is not just about people getting to work or visiting the shops', it is important the Strategy addresses leisure travel. For some, 'Most... leisure is London based', but others, it will be encouraged more locally. HGGT could learn from the existing 'Community Transport bus', however on occasion, 'it costs £8 return journey which added to my exercise fee is too expensive.'

Servicing/deliveries

'There are numerous people who travel for their employment and need a van or car to transport their goods e.g. Builders, engineers, visiting Salespersons, health professionals etc.' Some respondents felt that the Strategy had 'little regard to deliveries and increasing road usage by van and lorries.' **Since 'this had multiplied in recent years and continues to expand', and 'home delivery by supermarkets involves a much greater journey length in a larger and more polluting vehicle (probably diesel)', this must be addressed in the Strategy.**

Hospital

Pertinent questions regarding essential travel to the hospital and medical centres must be addressed. For example: 'Will you be making the elderly and the ill ride bicycles to the hospital?' And 'With 3,500 staff and 100,000 patients a year how does locating the hospital to a less well connected site on the eastern fringe of town accord with the transport hierarchy and reduce the need to travel? How does it reduce carbon emissions or help staff and visitors to easily reach the hospital?' 'The positioning of the new hospital means there will be many more journeys by public transport and or cars.'

Objectives

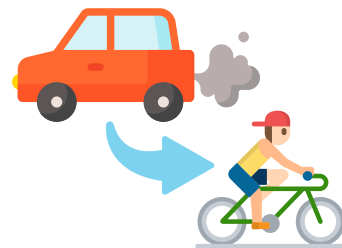
The Transport Strategy Objectives



Nearly 80% of people would like more support and encouragement for active and sustainable travel – the most supported objective.



49% of respondents agree with prioritising the transport hierarchy – the least supported objective.



Over half support the 50% and 60% modal shift targets.

The aims and objectives were largely perceived as admirable and positive – ‘A good set of objectives’.

A couple of people indicated that ‘the hierarchy should start with public transport’, particularly in terms of the ‘older population’.

However, despite the Strategy containing ‘promising aspirations on sustainable travel’, it was apparently ‘short on solutions that will deliver aims’ and needs ‘significantly more detail’. A common theme emerged, with respondents saying the Strategy ‘Sounds like a fairy tale’, ‘sounds like an unobtainable utopia’, ‘an unrealistic solution’, ‘too far reaching’, ‘admirable in theory’, ‘not a solution that will work in practice’ and a ‘wish list without any firm evidence to suggest that what is being proposed is at all possible’: ‘Of course these are all supported - but how? Nothing in the Strategy. No policies. No money. No teeth.’ If this is true, then it poses the risk that people will ‘fall back on car-based travel’.

This shows that the Transport Strategy needs to be more convincing in its evidence base, so that we can expel doubt in whether these are practical solutions to the problems at hand (*‘can it be achieved? Probably not!’*). We need to ‘provide real achievable solutions’ that present an ‘evaluation of options and environmental impacts’ that are ‘carefully prioritised’ and supported by ‘information on how this will be achieved’ to ensure these targets don’t appear as a ‘naïve assumption’.

The structure of the Objectives was also questioned with comments (particularly from Officers) that ‘a simple and defined single objective would make communication easier’. Having a single Objective that everything else hung off was considered more effective and this could be supported by Principles that supported the achievement of this Objective.

Targets

On a similar vein, the response to the Strategy Targets were largely deemed ‘unrealistic although laudable’. A number of concerns and questions were raised around the sustainable mode share targets, since it ‘doesn’t account for people travelling to and from the villages for work or servicing and deliveries’, ‘for people moving outside of the developments into the surrounding areas’ or what happens ‘either side’ of travelling through the town. For some, this ambition is not ambitious enough:

'This is a very low figure for people travelling within the villages, given they should be extremely sustainable places to live. For example, local shops, schools and health should all be within walking or cycling distance. This means that 40% of people will still need to travel by car for access to key services. That could be over 10,000 car trips being made within peak times.'

For others, the targets *'might be achievable for journeys within the bounds of the villages on a warm sunny day'*, but other than that are unattainable. *Therefore 'targets need to be made compulsory rather than an ambition', since there will always be a desire for 'individual forms of transport and the Policy does not take that fully into account'.*

It was noted that the targets are not the same as the TCPA's in their *'Garden City Standards for the 21st Century – Practical Guides for Creating Successful New Communities – Guide 3 – Design and Masterplanning'* – *'A Garden City's design must enable at least 50% of trips originating in the Garden City to be made by non-car means, with a goal to increase this over time to at least 60%.'* *There is a need for an explanation of 'the origins of the targets and how the Strategy seeks to achieve those targets in a holistic and town wide way.'*

A number of comments questioned *'what happens if people don't meet the 60% target'* and the fact that *'this cannot be done overnight - it will take generations to carry out the change that is being predicted.'* As such, the Strategy should show that it will *'cater for a progressive change'* through *'intermediary targets'*, and *'with plans in place to deal with the interim lower levels'*. *There were calls for 'a study... to show what will happen to the traffic if only 30%, 40% and 50% is achieved', and 'how the existing roads will be able to cope with the extra traffic from new housing developments' in the meantime. 'Data is needed to support either the model shift or proposed projections.'*

'The implementation of this Strategy should be closely monitored and adapted in the light of experience.' For example, it was noted that, *'Places for People has made commitments to 'monitor the effectiveness of the Travel Plan and provide additional funding if the Garden Town target of 60% of travel by sustainable modes is not achieved' and 'to liaise with local communities over the impact of the proposals and to provide an Unforeseen Impact Fund to address and issues identified'.* *Residents want all applicants to make the same commitment. Respondents questioned, 'are the best technologies being chosen that will most likely achieve modal shift?' and 'what other incentives or measures can be employed to achieve the targets?'*

Action plan

With reference to the Action Plan, there was a hope that it would be more detailed, offering 'a clear comprehensive approach for movement in the HGGT'. Additionally, there was a suggestion that 'some actions, currently presented as simple aspirations (e.g. Para 4.4 a), b) and c)), could be moved to 'Objectives' and replaced with more detailed actions or requirements.' Other comments, however, noted that *'the actions should be condensed and reformatted as there is too much crossover'.*

The Transport Strategy Action Plan



Almost 90% of respondents want better public transport – the most supported measure.



66% think the need to travel should be reduced – the least supported measure.



Over 80% of people support walking and cycling improvements.

Action 1 – Reducing the Need to Travel

Employment

It was observed that a ‘joined up Strategy on employment’ is required ‘to ensure transport is minimised’ by integrating employment into the developments, otherwise there is a danger the developments become ‘dormitory towns for commuters travelling in to central London’; people will ‘commute to London or need to drive outside the area in order to access employment.’ One respondent claimed, ‘There does not appear to be anything in the Policy or in the recent applications for Gilston Garden Villages that will reduce the need to travel. No industrial or commercial estates being proposed and nothing that will provide additional local jobs.’

Therefore, the Strategy should be ‘clearer on the range of desirable changes in new and old communities in addition to fast internet connectivity (so things like business support facilities, shared meeting rooms, flexible rooms within houses to be used as live-work spaces, etc.) and, in consequence, what developers are expected to deliver.’ This would help answer the question on whether there is, ‘any indicative expectation of what percentage of flexible working should take place in new communities.’

Community

A number of comments around this action were summarised by the following: ‘Many of today’s concerns over mental and physical health can be related to ‘isolationism’, so ‘reducing the need to travel’ would only exacerbate those problems. Society is built on the ability to interact with others.’ Here, a reliance on walking, cycling and public transport was seen to be limiting mobility rather than improving it: people ‘do not want to be isolated as they rely on walking and cycling.’ ‘To prevent loneliness and isolation a great number of elderly people rely on buses, taxis and car-share to get to and from various clubs/shopping etc, so here again your proposed action does not tell us what can be expected.’ A clarity of this definition is therefore required to assuage these fears. ‘We need to improve mobility not limit it.’

Action 2 – Making better use of existing infrastructure

Comments regarding challenges posed by existing infrastructure to travelling by active and sustainable means have been addressed under other Actions that are mode specific.

The HGGT has committed to support actions to make better use of existing infrastructure, and, it was noted that communication is key to this, ‘so that visitors as well as residents can know how to get around

easily.' This includes up to date 'bus stop signage', 'a website that has all the travel information in one place rather than having to google busses, cycle routes, walking routes separately', and 'leaflets too for those who don't use smart phones (not just the elderly)'.

Action 3 – Supporting and encouraging a culture of active and sustainable travel

The HGGT has committed to support and actively encourage a culture of multi-modal mobility where people are inspired and motivated to travel actively and sustainably. There was concern this 'social engineering' will, "force" people to use public transport/cycles/walking.' Such an approach was deemed 'Stalinist to say the least' by one contributor. However, others accepted that 'cultural change is hard', 'this addiction with car use has to be broken' and 'business and people's mindsets need to change to fit this'. Hopefully as a result, 'this would encourage a healthier lifestyle.'

Suggestions for addressing this included the proposal to 'get people out of their cars for short journeys i.e. school runs, local shopping runs, and work runs.' Similarly, another appealed to 'include demand management measures, including discouraging short trips by car (for example making journeys to school very short by sustainable modes and longer and convoluted by car) while recognising the rights of existing residents.' To be successful, 'it should be made clear that Travel Planning should be implemented for existing as well as new communities (e.g. 4.4 k).' This is reliant on the requirement for 'good alternatives to car in advance/in parallel with new developments to make it easier for people to change', as well as an attractive town centre 'for people to move to and work in', and 'affordable housing and a place with activities and things to do in evenings.'

Action 4 – Sustainable Transport Corridors

Gilston Villages

Respondents requested that 'expectations for sustainable transport corridors in new development should be clearly set out, as these are at present an elusive concept.' 'the expectation for the Gilston 'ring road' (a sustainable transport corridor? - a car route with additional cycle lanes?) and for sustainable connections between Gilston and Harlow should be very clear. The HGGT will be aware that the Gilston main spine road has been presented as a 30-50mph multi-lane partially dualled road: hardly compatible with the concept of a sustainable corridor and an integral part of the villages. The spine road serving the new development should clearly prioritise sustainable transport modes and discourage car use: if designed as a (even landscaped) ring road, it will achieve just the opposite. (There will also need to be facilities to maintain the access to existing residents).' This was further reiterated in other comments: 'the northern 'circuitous loop' around Gilston Villages 3 and 4 does not provide convenient or effective public transport but by its nature promotes car dependency', and there is, 'no need for a large road to be built through an existing village and nature reserve'.

Regarding the construction of the STCs, there is 'concern of the new route being diverted through Village 7 and all the traffic which will go with it. It will be detrimental to the village of Hunsdon. The skips and container lorries, the pollution - do you really want all this going through the new town.' Additionally, 'The roadway through Gilston to the proposed second crossing is not Dual Carriageway meaning HGVs will be directed through the village of Gilston.'

Harlow

The design of the STCs came under criticism, since one respondent believe the 'N S E W routes [are] fundamentally flawed: it focuses congestion towards the centre in the mornings to 4 exit points in the evenings and thus will suffer most of the faults and flaws of the current and past systems.' *Instead, 'A motorway standard ring road with at least 4 park and rides... would effectively solve these problems and enable the NSEW corridors to function without being overloaded.'*

Transport Offer

A range of ideas were put forward as to what the STCs could offer. One included, 'public fleet of all electric mini-buses (on major routes) and shared electric taxis', 'instead of traditional sized buses.' This would apparently provide 'economy of scale', a 'more frequent/convenient system' and would be 'cheaper to run than diesel'. This could 'within a carbon free community zone covering the centre of town to provide a door to door service for the price of a bus fare.' Additionally, 'Shuttles from the station to neighbourhoods linking to train arrivals must be considered.'

Alternatively, a tram or light rail was proposed because it 'has a proven record of changing travel behaviour with a greater propensity to attract car users and achieve modal change.' They are perceived to be 'clean and efficient and part of the wider regeneration.' They have potential to 'deliver more successful enhancement of the public realm', 'result in the best air quality and quietest form of public transport', and 'can realise greater long-term capacity to meet future demand.' Interestingly, light rail is being considered as an option 'east west across the County of Hertfordshire as part of the A414 corridor Strategy work which could potentially link all the way to Harlow.' *The Strategy should state a position on whether the STCs will be 'tramways which take people through the centre of town and round the hatches and connect them to the new towns being created on the northern side of Harlow' or will be designed 'for future adaptability to light rail / tram.'*

See Action 5 and 6 for further comments on walking, cycling and public transport.

Action 5 – Supporting Walking and Cycling

It was acknowledged by several people that 'Harlow has a large cycle network already although it is still underutilised.' A number of these reasons are expanded upon below, such as safety, maintenance, weather, and facilities. Many of these are in HGGT's scope to influence, as 'the cycle network needs remedial investment' and 'a fundamental rethink of the council's attitude towards cyclists.' Other elements are a matter of personal perception since some said the 'shops in Harlow are far to ride', 'I do not have time to cycle or walk', while others said 'Living within the Harlow boundary I can walk to more or less any destination.'

'Walking and cycling routes should be encouraged, this will reduce emissions and exposure to highly polluted areas, reduce congestion and make travel using public transport more accessible & convenient.'

Safety

In terms of safety, Harlow's existing 'cycle ways are perceived as unsafe'. More than one commentator claimed, 'people are attacked robbed and stabbed on these routes and although such instances are few the public's behaviour is strongly affected.' 'Residents are worried about safety, lack of police on the streets', therefore, *'more effective policing would help this, ensuring that there are PCSOs on the streets.'*

However, safety goes beyond just antisocial behaviour, into the quality of infrastructure: in Harlow, 'the lanes are unlit', and there are, 'raised paving stones', 'underpasses' and a lack of 'street lighting or other safety provisions.'

As such, it seems, 'the cycle networks in Harlow are in dire need of an upgrade'. HGGT needs to, 'Prioritise walking and cycling (segregated cycle lanes) and people will walk/cycle if they can do it in an environment that feels pleasant and safe.' To this end, a number of suggestions have arisen about the type of infrastructure needed to ensure there is a perception of safety and comfort: 'ensure that every development has segregated, Dutch style cycle routes included & paid for by the developer, at point of build', 'walking and cycling should be prioritised over car use', 'ensure that each school has Street for Schools approach', add 'zebra crossings on the B183', and remove 'striped brickwork round roundabouts and triangle islands at junctions', 'minimise road signs and railings', improve 'connectivity, the surfaces, the visibility of users and security using CCTV', and consider "quietways" which are relatively low cost and simple provisions. These can provide safe and attractive corridors away from heavy traffic

which benefit from better air quality, reduced noise and disturbance from traffic.’ In addition, there was a request for ‘regular compulsory safety checks for tyres, efficient lights, brakes etc.’

Maintenance

Regarding maintenance, ‘Harlow’s cycle network is excellent but fails in many respects through historic lack of investment and neglect.’ ‘Some bike routes are very good, other routes have significant gaps such as Newhall to Old Harlow.’ According to local residents, ‘cycle paths are infrequently cleaned, and the rest of the time are covered in mud, branches, slippery leaves and broken glass’, ‘some are in an absolutely appalling state with potholes’, ‘subways... [are] completely flooded due to blocked drains for most of the winter’, ‘some cycle routes are broken up by roads’. This demands an answer to the question of, ‘If you expect people to walk will the footpaths be repaired?’

Weather

Weather was raised as a major barrier to achieving the targets. Since, ‘the UK is prone to poor weather, that’s why residents of Harlow, already blessed with good cycle ways, don’t use them more.’ Making sure walking and cycling is attractive all year round is important, otherwise it will be true that ‘the weather and winters simply won’t permit it.’ HGGT must ‘Give people an incentive to use existing and new sustainable routes.’

Cycle Parking

Unfortunately, across Harlow, many locations have inadequate cycle parking: ‘There are no such facilities outside the community centre, doctor surgery or pub.’ A key location identified a number of times as lacking sufficient facilities is Harlow Town Station. Here, ‘the cycle facilities are very good, but not enough space.’

A lack of adequate cycle parking has a number of issues: ‘bikes are getting stolen every day’ and ‘leaving a bike out in the rain drastically increases the amount of maintenance required and it’s unpleasant to arrive at a water-soaked seat’. Similarly, ‘Many locations for cycle parking only have bars that allow the rear wheel only to be locked. Modern bikes have quick release wheels, allowing the rest of the bike to be stolen. Properly waist-height bars are not ubiquitous.’

Therefore, HGGT needs, ‘many more SECURE bicycle parking facilities in all shopping and transport interchange centres around the town.’ For example, ‘If 20 car spaces in the undercover part of the Water Gardens were converted to cycle parking, it would be amazing.’ Workplaces should also be encouraged to consider ‘adding showers and changing facilities’.

Stort Valley

A number of responses related to walking and cycling in the Stort Valley, ‘particularly a further cycle/pedestrian bridge over the Stort near Briggins Park to give direct access to West Harlow and the Pinnacles employment area’, and the ‘two different routes proposed from village 7 to Roydon Station, one through Briggins Estate Golf Club and one which is actually the towpath on the Stort River and which may form part of the proposed Stansted – Harlow – Lea Valley Cycle corridor.’

Issues and complexities were flagged here including, ‘issues regarding access at Roydon Station’, ‘a low clearance railway bridge which abuts the flood plain’, ‘there is often flooding here and the route made impassable’, ‘lighting and... bridge issues’, ‘widening the towpath from 1 metre to 2.5 metres is not supported by the Herts and Middlesex Wildlife Trust because of its impact on biodiversity’, and proposals ‘would encroach on the SSSI of Hunsdon Mead which is contrary to Policy NE1 of the East Herts District Plan.’ Therefore, ‘The environmental impact of this work needs to be considered in detail’.

Additional Links

There were requests for additional links to be provided as part of these proposals. Firstly, *'a proper fit for purpose dedicated cycle highway running alongside the A1184 from Harlow into Sawbridgeworth and through to Bishop's Stortford - this may involve narrowing the road to vehicles so that cyclists get enough space'*, and a *'cycle way from Sawbridgeworth through High Wych to the Gilston villages.'*

Action 6 – Public Transport

'People are wedded to their cars because public transport is generally dire and unappealing and no quicker to move around town. There has to be an advantage to using sustainable transport methods.' There was a unanimous feeling that Harlow presently offers *'a lack of suitable alternative and frequent, reliable public transport'*: *'public transport is hopeless, unreliable and expensive compared to taking a car.'* Therefore, the public transport infrastructure has to be amended to accommodate this.

Buses

There was a lot of discontentment expressed around buses in Harlow. Apparently, *'the bus service is beyond appalling: it's extremely expensive, infrequent, not integrated with train times, and frequent unannounced cancellations'*, *'limited out of the working day and are really only useful to travel to the centre'*, *'some bus routes don't exist, others take far too long and are too costly especially for a whole family.'* *Suggestions include, 'a more extensive route list, cheaper fares and a London style frequency', and 'a network that doesn't require changing buses at the town centre.'* *'Rapid, reliable, frequent and cheap public transport needs to be provided throughout the day and evening to the railway station and town centre, and also further afield.'* The following points draw out more detailed comments and suggestions around addressing these issues.

Convenience

It was commonly expressed that people want convenience in their mobility choices: *'I like to move from A to B at my pace & when I want to & not be governed by Public Transport timetables.'*

Availability/Choice

Availability of regular and reliable buses appears to be suboptimal, with, *'long waits on several occasions due to the buses being cut out'*, and *'no service at all in the evenings.'* Residents claim they *'Would use the bus more if it was available.'*

Cost

Bus journeys are perceived as *'super expensive'*: *'When it costs more to ride on a bus than it does to park in the town, why would anyone want to use public transport'* *HGGT needs to address the fact that it's 'cheaper to drive and park in the town than to buy return tickets for a family of four.'*

Journey Time

A common concern is that residents, *'don't have the time to walk to a bus stop, wait for a bus, go round the houses... and then do it all again on the way back!'* Anecdotal examples offered in the comments showed that driving was much quicker than relying on buses.

Reliability

It was frequently noted that, *'Reliability is more important than journey time - you can adjust expectations on the first if you have the second.'* This was deemed *'most important'*, and especially problematic for *'travelling to and from work'* and to the stations, including Epping tube station, with current *'waiting times varying considerably.'*

Destinations

A number of concerns were raised around how the Strategy applies to those living in rural areas around Harlow, where presently, *'you can get nowhere without the car.'* *'Perhaps within the town centre, with a good public transport system, it might be possible to reduce car use but in a rural environment it is simply not practical',* *'a car is essential for day to day existence.'* This is because of stated impracticalities, safety, time and lack of service provision. Respondents felt that the Strategy *'didn't address the real challenges faced by rural commuters getting to work'*, and there are often significant distances to reach the transport interchanges or bus stops.

The revised Strategy must address the perception that *'surrounding villages which are not currently supported by Public Transport appear to have been omitted & will continue to be 100% reliant upon cars.'* Additionally, it needs to commit to routes that go to where people need to get to without multiple changes. **One resident commented that they, 'found the buses good and frequent - but didn't go to the hospital or to supermarkets or along Edinburgh Way and I struggled to walk from the bus routes to any of these places.'** The following destinations were suggested as routes for direct bus services to go to:

- Edinburgh way and they 'myriad of businesses there as well as people living there';
- Out of town retail parks;
- Harlow edge of town shopping
- Newhall;
- The new hospital out by the new M11 junction;
- Outlying villages;
- Other important nearby towns like Hunsdon, Cheshunt. Stanstead Abbots, Ware and Hertford to the west, and High Wych, Bishop's Stortford, and Sawbridgeworth to the east;
- Newhall to Epping station or the high street;
- Between Roydon and Hoddesdon or Hertford;
- Church Langley to Epping tube station;
- Covering Terlings park towards Sawbridgeworth.
- A circular public transport route to connect all sides of the town
- Gilston should be covered with a bus stop and train infrastructure

It is important we take these on board, and *'prioritise all areas having access to a decent reliable public bus service that will take people to Epping underground station, Harlow Mill and Harlow town stations and to Bishops Stortford without having to make a journey into the town centre.'*

Attractiveness

In addition, *'Buses or other modes of transport need to be clean, modern and cost effective for people to use them.'* The attractiveness of the bus provision can be addressed through enhancing the following: *'Bus stops and shelters for those getting the bus', 'street lighting', 'new busses should be electric not smelly diesel',* and *'we need to have a more attractive place to arrive in Harlow than the tradesman's entrance which is the current bus station in Terminus Street.'*

Delivery

Residents are concerned that local track record of bus provision has been problematic: *'No bus service to speak of. All cancelled.'* Concern about consistency in approach was also evident: *'Bus lanes have been used in Harlow in numerous places, and then removed as again...'*, while *'Bus services are being cut all over this area.'* *'Despite promises of a dedicated bus route, residents of New Hall in Harlow, for example, are still waiting for one'* *'locking me into using the car for longer journey'.* There are *'no guarantees about future bus services... after 25 years there is still no bus service to parts of the town.'* **The Strategy must therefore have a clear position on delivery and ability to action the promises it sets out.** This has reiterated the point that these improvements *'need to be in place from start.'*

A number of comments were concerned that the Strategy offered, 'no clear plans who will put the buses on the road.' As such, 'More explicit reference to what it is expected of new development would be welcome. For example: 'Action 6 – Para 4.10 c) could be expanded to refer to 'frequent, efficient high quality public transport'', and 'Action 6 – Para 4.10 m) seems to suggest that only demand responsive transport will be required in new communities.' More clarity in the Strategy might answer questions about timings and cost, as it 'should be factored in as early as possible'. However, residents had concerns that 'There is no funding stream for additional public transport and no pathway or plan towards this', particularly since, 'public funding of buses will be essential to cover less popular areas.' Respondents wanted to know 'what New Hall and Gilden Way developments are offering as contributions to achieve modal shift'.

Park and Ride

It was noted that 'there is no apparent provision for car drivers when they reach the town boundary, there should be parking at the ends of the travel routes.' Since, 'Park and ride schemes are run very successfully and are popular in other urban towns', and 'with the new hospital going by junction 7a, we need to get people using public transport to access the facilities.' Suggestions included 'a subsidised park and ride site on that junction with at least one other on the North West side of town, with fully supported electric vehicle recharging', 'a park and ride facility in the vicinity of Latton Priory / Hastingwood roundabout which could reduce congestion into Epping/Harlow Town Centre - and possibly to new hospital', and 'a ring road with massive park and ride at points of entry i.e. Eastwick Harlow Town Station, J7a and Harlow Mill, J7 M11 A14, and Water Lane.'

Respondents see this being the catalyst to, 'enable NS EW public transport/ bicycle and residential traffic to flow within the town, stop commuter car traffic entirely, facilitate cycling and reduce both congestion and pollution.'

Rail

As with comments on buses, trains were perceived to be 'not frequent and super expensive.' The current provision is seen to be over capacity already – 'The train station is bursting at the moment. No seats available on the trains at peak time. How is this going to improve with 10,000 properties being built?' Therefore, 'Expanded passenger capacity and frequency should also be explored and any specific requirements confirmed.' This was a particular concern for the 'Stansted Airport to London line', particularly since there is 'no end date of when new rolling stock will be delivered onto the Stansted Airport to London line.'

Respondents felt that 'Network Rail appear to have had limited engagement with the Strategy', and 'A frank conversation with Greater Anglia must be a high priority so that this... can be scrutinised for its viability.' A series of questions remain unanswered by the current Strategy, including: 'capacity for additional commuters', 'Longer trains - how will these work on short platforms?', 'Why not Cross Rail to Harlow and Bishops Stortford?', and '4 tracking rail, to Broxbourne Only? Land is unavailable to increase this beyond Broxbourne.' A number of comments appealed for an 'extension of central line (TfL) to Harlow south where no train stations are located', or to 'Harlow town station.'

A few comments refer to train stations as valuable, and poorly served, transport interchanges: 'Harlow Town Station and its interchange has problems', 'Harlow Mill Station seems ignored as a stop on a massively valuable transport system', it 'is suboptimal and not maintained', and ultimately, 'Cycle parking and improved accessibility by sustainable modes (so new cycle lanes to stations) should be clearly required at all three stations.' This will address the fact that 'many [Harlow residents] work in London daily and spending two hours getting a bus to/from the station is just not practical.' As an interchange, the station 'needs safer and bigger bicycle parking', and it is worth noting that 'the top floor of the car park is allocated to surrounding businesses and not available for use of commuters.' Additionally, there was the proposal for a 'STC linking up with the London to Cambridge line.'

Existing stations could be made more accessible by developing more attractive routes to them and for Harlow Town Station and Harlow Mill Stations to have north side pedestrian access which they do not at present.'

On that note, the Strategy included 'very little about the North entrance to Harlow Town train station.' 'Harlow train station needs another entrance and exit route for the development', and this would, 'make a massive difference to the new villages and Terlings Park residents', and 'address the safety issues of the current pedestrian routes around Gilston.'

A number of comments were received regarding Roydon Station specifically and the infrastructure around it: 'The junction of the rail line with the B181 (at Roydon Station) is extremely busy with over 5000 vehicle movements a day... At peak times the village is currently dealing with severe traffic issues, primarily because the crossing is closed so often, and this proposal would increase safety concerns at the level crossing (when combined with traffic using the marina entrance). The feasibility of this proposed cycle crossing point requires more detailed analysis.' The Strategy was deemed to 'put Roydon village in the direct path of drivers seeking a short cut. How will this be monitored and what will be put in place to prevent this from happening?' There was a request for a 'safe crossing point across Roydon Road featuring raised tables and material treatment to encourage motorists to slow down and give way to cyclists.' This is important because 'Commuters from village 7 and beyond will require a regular train service or will revert to using their cars and travelling to better serviced stations.' However, 'The Stort Valley's green infrastructure is recognised as being of ecological and strategic importance and that improvements are necessary to strengthen its quality. Routes to connect Village 7 to Roydon are at odds with this statement in the local Plan.'

Action 7 – Infrastructure for road-based travel

Action 7 provoked a whole spectrum of responses – everything from: 'No more new roads for cars, any new roads built soon become gridlocked', and 'zero need for a large dual carriageway to be built through an existing village, dangerously close to current dwellings', to 'Stop seeing the car as the enemy and work to improve traffic flow through the town for all.'

Those supportive of restricting road-based travel offered comment on the basis that 'Harlow is already gridlocked now', 'The area is already hugely congested, highly polluted', 'The current traffic situation around Harlow, Sawbridgeworth and Bishops Stortford is at maximum capacity and surely near to breaking point', and 'the narrow roads can't accommodate any more traffic.' As such, the Strategy, 'should not be encouraging major roads but incorporating sustainable travel through walking and cycling and promoting our green environment', as, 'Delivery of limited highway infrastructure won't meet the suggestions in this report.' A proposal for new roads potentially, 'does little to solve, indeed will make traffic congestion even worse.'

On the other hand, 'unless you improve the existing road system, you will have a situation where the existing roads will not be able to cope with the increase in traffic from the new developments.' These suggestions included the 'need to consider, and improve, the design of the existing road system so that it can at least cope with current traffic levels before you embark on your 'blue sky' journey changing ideas that will not happen immediately', and 'ensure the roads can cope with a reasonable level of additional traffic that is commensurate with the volume of new housing.'

Doubt was cast on the ability to deal with Harlow's roads since, 'Harlow has been subjected to major roadworks for years, creating dual carriageways within the town and industrial areas, but every access point is single carriageway causing major delays.' Similarly, 'The Edinburgh Way road widening has taken years and still not completed.' Subsequently, view included: 'Traffic is caused from shoddy work to the roads therefore creating roadworks therefore creating traffic... Complete the improvements to the infrastructure first and build the houses second not

the other way around.’ Assurance needs to be provided to the question of: ‘Will the new ‘corridors’ prove a non-stop nightmare with roadworks everywhere?’ and will measures ‘be taken to ensure that adverse impacts from traffic and road infrastructure on the existing communities will be negligible in terms of safety, speed, pollution and local character?’

Suggestions were offered regarding roads during the construction period: ‘New vehicular access arrangements should limit additional traffic on existing road and lanes and retain convenient access for existing residents and activities’, ‘developers should demonstrate that there will be no increase in the volume of heavy vehicle movement through existing communities’, and ‘a Construction Management Plan to be prepared to limit the impact of construction traffic with agreement with the community.’

The following comments have been collated as route or area specific feedback.

A414

It was observed that ‘The A414 cannot cope on its approach to Harlow, from any direction’, and ‘Offshoot roads off this main road are already under pressure as rat runs and the new housing will increase this and create major blockages and dangers.’ It is also currently, ‘too dangerous to cycle on with a family.’ A suggestion was to, ‘Do a traffic survey when the schools are open between 8.00 and 9.00 on weekday mornings on the A414 and London road try to access the B183 roundabouts.’

However, the Strategy was criticised since, ‘Solutions for the A414 are put forward in the plan with a disgraceful lack of evaluation of options and environmental impacts.’ The ‘A414 reroute via Terlings Park is not acceptable, would further divide the centre of Gilston’, ‘cutting the current Gilston village in half.’ Therefore ‘A ring road around Terlings Park would make more sense and be purposely designed as opposed to trying to cut through/around Pye Corner and trying to increase the capacity of already very congested small country lanes.’ Additionally, there were suggestions for the A414 including ‘upgrading to motorway standard to join A602 to the A1’ and ‘Connect... the roundabout at Eastwick Lodge to M11.’

There was a call to ‘Stop the rat runs between Harlow and Bishops Stortford’, this is probably because, ‘The C161 is a C road being used as de facto northern bypass – this is unsafe and has a history of accidents.’ It was felt that ‘The plans for the new roads in this area and regard are woefully inadequate when you consider the roads are constantly slowing to a standstill on the main road from Harlow through Sawbridgeworth to Bishops Stortford.’

Concerns about through traffic remains, and a bypass or ‘motorway standard ring road’ was repeatedly proposed ‘to mitigate the overall impact on the town’: ‘The A414 trunk route seems to remain a main road through the town, should there be a by-pass for this through traffic?’ ‘A physical upgrade is needed to allow greater traffic to flow on these roads - bypass of Harlow is required to link 414 Eastwick to M11.’ ‘A Harlow town by-pass does not appear to be given thought at this point - yet it is essential.’

Respondents deemed ‘the A414 northern bypass and second Stort crossing are urgent necessities, which will reduce congestion, pollution and HGV movements, and improve air quality, public safety and journey times by all modes.’ This would ‘divert what would have been through traffic around the town to link with the motorway network’, and also ‘keep construction traffic and long-distance traffic away from the town centre and Elizabeth Way retail areas.’ However, one commentator believed, ‘The construction of the second crossing is very late in the construction phase of Gilston Garden Village meaning there will be further congestion in the interim.’ Additionally, ‘The proposed improvement of the existing river crossing increases the carriageway to two lanes in each direction but dedicates one lane to Buses. The opportunity to improve this crossing to three lanes in each direction should be taken.’

M11

'The full document correctly identifies Harlow as being a through access to and from the National motorway network and has even assessed the influx of commuters but have done little to address the major impacts these have and will increasingly have.' It was also observed that, 'The M11 capacity must be under pressure with the already-committed growth', since 'much of the traffic going through Harlow is destined for the M11.' 'The motorway junction 7A road network into onto the B183 past Markhall school will not work at peak times in the morning it is already impossible to access these roads from the A414 or London road. All the new junction will do is divert some traffic onto these roads from a different approach.' According to some respondents, the Strategy 'has nothing to say on all these issues.'

Therefore 'A better east west route to the new Junction 7a needs to be built that is not reliant on the developers' and 'a high-quality direct road link from this point to the vital new M11 J7a, not passing through residential areas, is essential.'

B1393 and Latton Priory to Epping

There were concerns about, 'significant adverse road safety, pollution, congestion and air quality effects on the B1393 Thornwood Road and Epping High Street.' It was suggested the strategy could include 'a better bus service and segregated cycle route to Thornwood and Epping funded (including land acquisition) by HGGT development.', to help tackle 'road safety along B1393 Thornwood Road and... congestion at Palmers Hill junction.' In response to this, the Strategy's diagrammatic map could be altered accordingly: 'Page 15 (map) - the dotted lines showing 'potential' sustainable travel routes south from Latton Priory towards Epping should be solidified into definite proposals to cope with the demand for travel from HGGT south of Harlow to Epping tube.'

Concerns around the Latton Priory development are based upon the fact that access will be via 'already heavily congested roads in Harlow and Epping leading to junction 7 of the M11', and 'The small local access roads around Latton Priory do not support any increase in any form of transportation - will only be detrimental to the areas.' However, there was a suggestion for a 'safe segregated cycle route from Latton Priory to Thornwood and Epping.'

Southern Way

One critic noted there were 'no details given on how to improve Southern Way.' Therefore 'Serious consideration is needed to ensure existing roads such as Southern Way will be able to cope with traffic from the new developments at Latton Priory, Sumners and Katherines as this route already becomes gridlocked most days.'

Pye Corner and Burntmill Lane

Existing residents commented on the 'implications of dangerous driving in residential areas - adding additional roads and major roads through and near the development hinders safety, causing congestion and pollution.' For example, 'the way people drive down burnt Mill Lane and Pye Corner is worrying.' Additionally, this is compounded by the fact that there's 'No mention of the lack of street lighting or other safety provisions on Burntmill Lane. This would become the main pedestrian axis to and from Harlow. Why not prioritise it over the very busy Fifth Avenue for pedestrians?'

Parking

Residents were largely 'perturbed by the suggestion that car parking provision in Harlow is to be reduced (page 20)' since 'that will encourage everyone living in the surrounding villages to shop elsewhere with consequent damage to Harlow businesses' and 'drive residents to another retail area where the quality of retail experience is better.' Similarly, higher parking costs were seen as 'a tax cash cow' and excluding people from being able to engage in normal everyday activities. On the other hand, someone appealed to HGGT to 'Curtail the amount of

parking at Parndon Woods', 'Consider parking problem at Parndon Mill' and address the fact that the 'car park at Harlow town is excessive.' One suggestion was for 'A workplace parking levy'.

Another element of parking which the Strategy must address is 'Safe and considerate residential parking', since that is clearly a contentious issue. *There were calls to, 'Stop people parking on all the pavements and all those green wedges in Harlow and provide some sensible solutions. Anyone blocking the paths with a car should be done for obstruction.' Similarly, 'Parking within Harlow needs to be addressed - residential areas are blighted by cars and commercial vehicles parking fully on the pavement.' Someone questioned if the issue will, 'increase during the day as well as night if people use cycles or walk instead'? The Strategy's approach of flexible residential car parking for later conversion to other uses for the benefit of the community is 'a concerning statement. Use should be either clearly defined or not proposed at all.'*

Electric Vehicles

Respondents were on board with the government's objectives of a 'dramatic shift towards electric vehicles... within the build out time of the Garden Town.' It was noted that *'People may change from diesel/petrol vehicles to battery driven cars but will not want to give up the freedom of their own transport.'* 'There should be a recognition of the role that electric vehicles will have in reducing emissions and the correct incentives and infrastructure put in place to support that shift. As such, there were calls to *'help people that do keep private vehicles to switch to electric vehicles as fast as possible. Currently there are no public electric charging point in Harlow making it a difficult prospect.'* To facilitate this, it's important HGGT does ensure new developments provide electric car charging. It was suggested that *'Planning permission should not be granted for any residential or industrial bidding without electric car charging infrastructure.'*

There was also a feeling that the Strategy isn't aspirational enough, since the definition for sustainable modes of transport includes 'low emission' vehicles. *'Only fully electric vehicles should be used in this once in a lifetime opportunity to revolutionise the town's transport.'* The Strategy was recommended therefore to, *'Replace low-emission with Zero emission. Low emission leaves the door open for hybrid cars which if used incorrectly can be the same or worse than Internal Combustion Engine powered vehicles.'* Additionally, there's an opportunity to set the example: *'The council should pledge to only buy electric vehicles permit new services with only electric vehicles in order to lead the way for Zero- emission transport in Harlow - creating Clean-Harlow.'*

Respondents considered how this might be supported, since *'the other part of electrification is in creating clean electricity.'* It was noted that the *'electrical supply to this area needs to be able to handle it. Installing low power slow chargers do not help when moving around the town in electric/hybrid vehicles.'* *Proposals included, 'Solar farms and Biomass/waste electricity generation plants' and a 'wide scale roll out of solar panels on buildings and wind farms... to provide carbon-free power for the vehicles.'*

E-Bikes Cargo Bikes and Bike Share

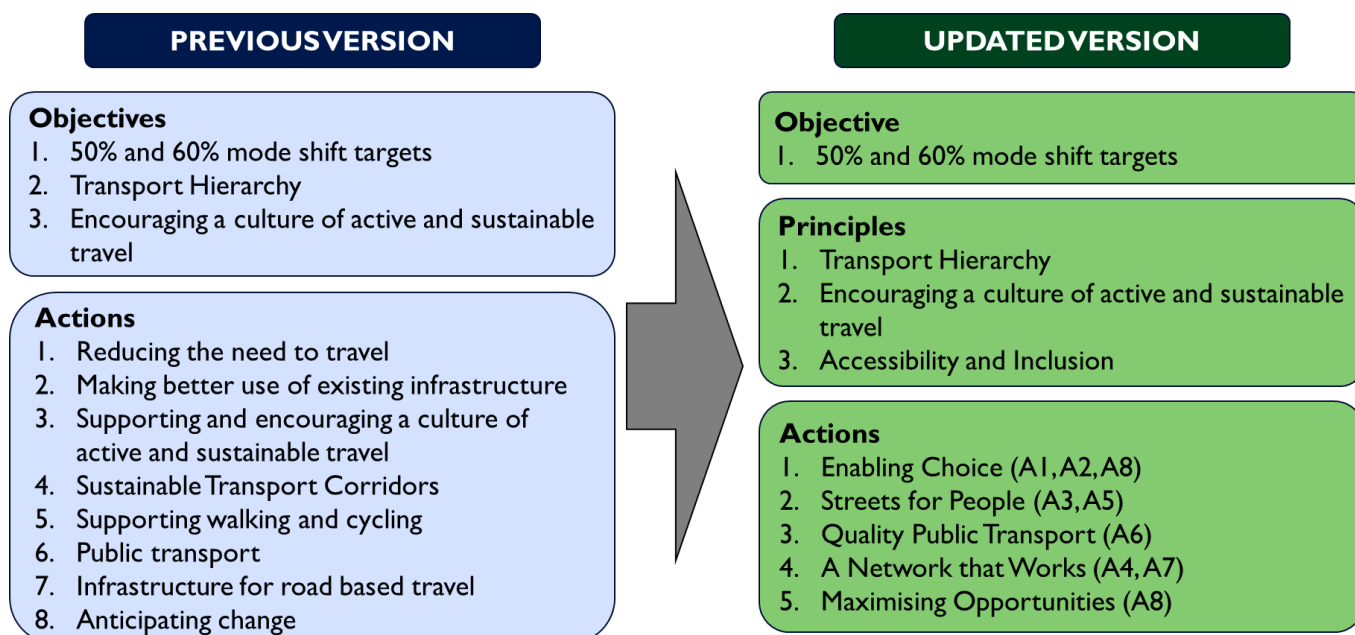
It was noted that, *'The use of ebikes should be designed into the networks',* since they will be likely to, *'make commuting distances of 10 miles easy for cyclists so this has to be upgraded as a significant mode of transport going forward.'* HGGT should *'Encourage the use of cargo bikes for local business with local delivery chains.'* And finally, *'the Garden Town should be leading and promoting the introduction of a cycle hire scheme, not merely supporting it.'*

Conclusion

After consideration of the various comments and feedback, a number of changes were made to the Strategy. This was predominately focussed around:

- The Objectives were streamlined into one overarching Objective and three Principles that supported the achievement of that Objective, with inclusion and accessibility inserted for greater prominence. The content of the Objectives remained largely unchanged, with small adjustments to the text for clarity.
- The Actions were condensed to reduce repetition and reworded to better align with the user hierarchy and Vision. The content of the Actions remained largely unchanged, with small adjustments to the text for clarity.
- The formatting of the document (ensuring it was more concise, easier to read and more engaging)
- The content of the document (updated maps and images, less jargon, less repetition, more detail or links to further documents etc.).

These key changes are shown in the image below.



Consultation Lessons Learnt:

- Use more and a greater diversity of media (particularly printed and accessible) and be prepared for requests for these at events.
- Consider using social media to gain feedback as well as direct towards further info/promotion.
- Other potential methods: Focus groups, phone surveys, forums, workshops, public exhibitions, champions (all come with advantages and disadvantages).
- Future engagement to capture wider input from
 - Harlow Youth Council
 - University of Birmingham suggestions for engagement with young people
 - Quick capture tools at events (iPads / quick questions)
 - Bus operators
- Make the consultation and content more approachable and understandable. Use FAQs, simple jargon, brief explanations etc.

- Make responses quick and easy to give if desired.
- Consider setting a minimum number of responses (quality vs quantity)?
- What are the most effective methods for communicating with different stakeholders (particularly young people)?
- Plan for engaging hard-to-reach groups (physical, language, cultural, social barriers).
- Actively monitor the consultation regularly during execution: and adapt where necessary.
- Is it worth extending the consultation period to allow time for more responses?
- Ensure that there is a core team of people working on each consultation to ensure the most expertise.
- Involve stakeholders at an earlier stage to give a greater sense of ownership.
- Set engagement targets at the start of the consultation process and evaluate progress against these going forward.

Appendix I – Quantitative Survey Outputs

Responses	Round 1	Round 2	Total
Survey respondents	81	73	154
Unique comments	394	509	903
Event attendance	65	94	159
Objectives - Both rounds	Support	Don't know	Oppose
Objective 1 - targets	58%	8%	34%
Objective 2 - hierarchy	49%	10%	41%
Objective 3 - culture of AT	79%	7%	15%
Actions - Both rounds	Support	Don't know	Oppose
Action 1 - reducing need to travel	66%	3%	31%
Action 2 - existing infrastructure	76%	2%	21%
Action 3 - culture of active & sustainable travel	84%	4%	12%
Action 4 - STCs	78%	4%	18%
Action 5 - supporting AT	81%	6%	13%
Action 6 - PT	89%	1%	10%
Action 7 - road based travel	73%	7%	20%
Action 8 - anticipating change	76%	13%	11%
Demographic data - Age	Round 1	Round 2	Total
24 and under	0%	25%	10%
25-34	6%	9%	8%
35-44	14%	42%	25%
45-54	29%	4%	18%
55-64	26%	15%	22%
65-74	22%	6%	15%
75 or older	3%	0%	2%
Demographic data - Employment status	Round 1	Round 2	Total
Employed	66%	71%	65%
Education	0%	13%	6%
Not working	1%	7%	8%
Retired	33%	6%	20%
Demographic data - Ethnicity	Round 1	Round 2	Total
English/Welsh/Scottish/Northern Irish/British	-	77%	77%
Irish	-	0%	0%
Gypsy or Irish Traveller	-	0%	0%
Other white background	-	6%	6%
African	-	6%	6%
Caribbean	-	0%	0%
Any other Black/African/Caribbean background	-	0%	0%
Indian	-	1%	1%
Pakistani	-	0%	0%
Bangladeshi	-	0%	0%
Chinese	-	0%	0%
Any other Asian background	-	1%	1%

Arab	-	0%	0%
Any other ethnic group	-	3%	3%
Prefer not to say	-	7%	7%

East Herts Council Report

Executive

Date of meeting: 23 November 2021

Report by: Councillor Linda Haysey, Leader of the Council and Councillor Geoffrey Williamson, Deputy Leader of the Council and Executive Member for Financial Sustainability

Report title: Transforming East Herts programme and proposed revised Fees and Charges Policy

Ward(s) affected: All

Summary

- The purpose this report is to highlight progress on the council's ***Transforming East Herts*** programme and bring forward key elements of the programme which require the Executive's endorsement or approval.
- Presented in this report is the revised Fees and Charges Policy. The aim of this policy is to provide a framework for how East Herts Council approaches the question of charging for its services. The application of this policy should bring greater clarity and consistency to:
 - the process of setting charges;
 - reviewing charges for existing services; and
 - setting charges for any services which are not currently charged for.

Development of this policy is part of the Commercial work strand of the ***Transforming East Herts*** Programme.

RECOMMENDATIONS FOR EXECUTIVE:

- A. Consider and comment on progress the ***Transforming East Herts*** programme as presented in **Appendix A**;
- B. Approve the governance structure for the ***Transforming East Herts*** programme, as presented in **Appendix B**, including the Member Stakeholder Group whose remit is to include receiving and advising on options for the Wallfields building as they emerge;
- C. Endorse the revised Fees and Charges Policy, included at **Appendix C** and recommend it to Council for approval.

1.0 Proposal(s)

- 1.1 The Executive received a detailed report on the launch of ***Transforming East Herts*** programme at its meeting of 6th July 2021. **Appendix A** provides an update on progress to date. Members are invited to consider and comment on the work thus far.
- 1.2 It is recommended that the governance structure for the programme, included in the overall approach discussed with the Executive at its meeting of 6th July 2021, is now adopted with options for alternative uses for the Wallfields building as they emerge to be presented to the ***Transforming East Herts*** Member Stakeholder Group for consideration and comment. The governance structure is presented in **Appendix B**.
- 1.3 The revised Fees and Charges Policy is the first key action for member consideration arising from the ***Transforming East Herts***. The revised policy, presented in draft form in Appendix C, has been developed as part of the ***Transforming East Herts*** programme's Commercial work strand. The policy aims to

ensure fees and charges are set in line best practice and thus the council's responsibility for the proper administration of its financial affairs is discharged.

- 1.4 In addition, the policy proposes a more commercial approach to charging for all services where it is permissible to charge with the aim of recovering the total cost of providing the service except where specific conditions apply or the council choose to make concessions linked to an Equalities Impact Assessment.

2.0 Background

- 2.1 At its meeting of 6th July 2021, the Executive considered a detail report which outlined the council's proposed approach to transforming the operation of the council so that *'By 2025 East Herts Council will be a customer focused, financially sustainable, effective organisation with flexible, empowered employees'*.

Progress on Transforming East Herts programme

- 2.2 At the same meeting, the Executive authorised officers to commence the 'discovery' phase of the programme, with an update to be brought back to Executive in Autumn 2021. The ***Transforming East Herts*** discovery phase is now well underway across all six work strands and constituent work packages of the programme, these being:

Work strands and constituent work packages	
Commercial skills	
	Commercial strategy
	Fees and Charges Policy
Lean processes	
	Corporate business support hub
	Options appraisal and business case for one customer view / Customer Relationship Management (CRM)
Modern workforce development	
	Blended working policy
	Staff development allied to delivery of <i>Transforming East Herts</i> , including commercial skills training and lean / six sigma training
Modern workspace	
	Work space needs and options
	Modern front of house
	Asset management strategy
Service reviews – overall work strand	
	Service review framework
	Planning service review
Technology	
	ICON review
	Microsoft 365 deployment
	ICT equipment / telephony review and deployment

- 2.3 Members are invited to consider and comment upon the detailed progress report on the overall Transforming East Herts Programme included at **Appendix A**.
- 2.4 A number of key aspects of the programme are well underway and will be subject to report to the Executive for consideration and decision within the coming few months. Of note:
- a business case for a Customer Relationship Management (CRM) system has been developed which will enable the

council to automate more customer queries and drive efficiencies

- mapping of all officers working in business support roles has commenced to establish administrative and customer services functions which can be consolidated into a central hub
- commercial letting agents have viewed the Wallfields offices and given indicative rental incomes along with their advice on works necessary to facilitate letting and maximise rental income. This report is recommending the establishment of a ***Transforming East Herts*** Member Stakeholder Group whose remit would include receiving and advising on options for the Wallfields building as they emerge – refer to Appendix B for the proposed governance structure
- £50k grant funding has been secured from funds held by Hertfordshire County Council's Public Health team to facilitate the new, safe ways of working between office and home. This will contribute to funding new laptops to enable the new blended way of working. The laptop specification is currently being finalised.
- exploration has commenced of migrating to a MITEL cloud telephony solution which can be used on laptops and mobiles via an app. This will add connectivity in the new blended way of working.
- an addition £15k of funded from the HCC held funds has been secured for further video and audio equipment in meeting rooms.

Revised Fees and Charges Policy

- 2.5 The revised Fees and Charges Policy is part of the ***Transforming East Herts*** Programme Commercial work strand. This is presented at **Appendix C**.

- 2.6 In recent years there has been increasing pressure on local authorities to make best use of the positive potential of charges and to recognise the importance of recovering costs by charging for services. Some authorities have amended their approach to charging as a significant element of their work to limit the increase in council tax.
- 2.7 This policy was reviewed and redrafted by the Head of Strategic Finance & Property, with input from the Head of Operations and Head of Housing and Health. The revised policy proposes a more commercial approach to charging for all of the council's services where it is permissible to charge, with the presumption that a charge is set that recovers the total cost of providing the service except where specific conditions apply or the council choose to make concessions linked to an Equalities Impact Assessment.
- 2.8 The decision on whether to make a charge (and its level) is not always within the control of the council as some charges are set by central government. Where charges are, however, within the council's control, it is important that the implications of the charging decisions being taken are fully understood and that members have the appropriate information they need to make informed choices.
- 2.9 The purpose of the revised Fees and Charges Policy is to provide a framework for how East Herts Council approaches the question of charging for its services. The application of this policy should bring greater clarity and consistency to the process of setting charges and will therefore assist the council achieve its corporate objectives. It is intended to help guide the process of reviewing charges for services where a charge is already made, setting charges for the first time for existing services and setting charges for any new services in the future.

2.10 The Local Government Act 2000 gave local authorities a wide power to act for the economic, social and environmental well-being of their areas. The general power to charge for discretionary services was included in the Local Government Act 2003. Key points arising from these acts are summarised below:

2.9.1 authorities are under a duty to secure that, taking one year with another, the income from charges do not exceed the cost of provision;

2.9.2 authorities must already have the power to provide the service and the recipient of the discretionary service must have agreed to its provision and to pay for it. Conversely, the 2003 Act does not override any provisions which either expressly prohibit the charging for the service or confer a power to charge; and

2.9.3 charges may be set differentially, so that different people are charged different amounts;

2.9.4 authorities are not required to charge for discretionary services and may provide them free if they so decide.

2.11 It is recognised that a charge may not be appropriate in all cases. A number of exceptions could apply such as a universal service which residents could reasonably expect the costs of which to be covered by their council tax payments, for example residual waste and recycling collections.

2.12 The revised policy emphasises the crucial principle that the level of a charge needs to at least cover the actual cost of the service. The policy proposes that the council deems that the total cost includes an appropriate proportion of the Corporate and Democratic Core. The council could also exercise its

powers to make differential charges for particular groups.

- 2.13 It is important to bear in mind that the proposed Fees and Charges Policy does not aim to exploit those paying for a service from the council. As noted above, the policy aims to see charges cover the council's cost with any small surplus income that may arise being utilised to be fund council priorities.

3.0 Reason(s)

- 3.1 The update on the ***Transforming East Herts*** programme has been provided so as to give the Executive an oversight of and opportunity to review and interrogate this important initiative that has been devised to contribute to the council's need to find £3m of savings over the coming four years.
- 3.2 The proposed revised Fees and Charges Policy has been presented so as able the Executive to review it and determine whether to recommend it to Council for approval. The policy itself aims to provide the council with a framework for the setting of fees and charges in line best practice so as to assist the council in discharging its responsibility for the proper administration of its financial affairs.

4.0 Options

- 4.1 In relation to the proposed governance structure:
- choose not to endorse the proposed structure – NOT RECOMMENDED as the structure was first shared with the Executive at it 6th July 2021 meeting as part of the proposed overall approach to transformation and was considered fit for purpose. The recommendation is now to formally approve the structure and make it clear that the Member Stakeholder Group's remit includes receiving

and advising on options for the Wallfields building as they emerge. Without a clear and streamlined governance structure, progress is likely to be hampered

- choose to amend the governance structure. Should members wish to do this, officers would ask that any proposed amendments are clearly articulated and recorded through approved of an amended recommendation
- approve the governance structure as presented in **Appendix B – RECOMMENDED** so as to provide a clear and streamlined structure for this important programme.

4.2 In relation to the proposed Fees and Charges Policy:

- choose not to endorse the proposed revised and Fees and Charges Policy – **NOT RECOMMENDED** as arguably the council requires guidance on setting appropriate fees and charges as without this the council could (a) forego income it could legitimately raise and/or (b) increase the risk of successful challenge to any charges it does make on the grounds that the levels set do not accord with national legislation or guidance nor have been set in a transparent way. In addition, choosing not recommend the policy to Council could lead to inconsistent charges and potential challenge through the courts to reduce charges and net income citing other charges which do not recover full cost or offer concessions not linked to an equalities impact assessment
- choose to seek substantive amendments to the proposed revised Fees and Charges Policy prior to recommendation to Council. Should members wish to follow this approach, officers would ask that any proposed amendments are clearly articulated that officers can assess them against national guidance and/or legislation prior to determining their inclusion in any revised version

- endorse the proposed revised Fees and Charges Policy and recommend it to Council for approval –
RECOMMENDED for the reasons outlined in this report.

5.0 Risks

- 5.1 By not endorsing a consistent policy on charging and concessions the council risks charges and concessions being challenged in the courts. The council also risks being accused of contravention of the Local Government Act 2003 or of breaches of the equality duty.

6.0 Implications/Consultations

Community Safety

None arising directly from this report.

Data Protection

None arising directly from this report.

Equalities

The revised Fees and Charges Policy will be subject to an equalities impact assessment prior to presentation to Council for consideration. Of note, the revised policy requires particular concessions to be linked explicitly to an equalities impact assessment relating to the proposed charge thus ensuring that charges and concessions are in line with the council's equalities duty.

Environmental Sustainability

The revised Fees and Charges Policy allows charges to affect behaviour that would reinforce the council's environmental sustainability policies.

Financial

The revised Fees and Charges Policy will ensure that charges meet the total cost of providing services, including an appropriate share of

Corporate and Democratic Core costs, which should increase the net income the council receives.

Health and Safety

None arising directly from this report.

Human Resources

The proposed requirement for charges to be made in advance and by card should decrease administration and thus the work staff will have to do to collect income.

Human Rights

None arising directly from this report.

Legal

The revised Fees and Charges Policy will ensure the council sets charges in accordance with powers granted under the Local Government Act 2003. And the conditions listed in paragraphs 2.4.1 to 2.4.3. As part of the Budget and Policy Framework.

Specific Wards

No.

7.0 Background papers, appendices and other relevant material

Appendix A – *Transforming East Herts* programme progress update

Appendix B – proposed *Transforming East Herts* governance structure

Appendix C – draft revised Fees and Charges Policy

Contact Member

Councillor Linda Haysey, Leader
Linda.haysey@eastherts.gov.uk

Councillor Geoffrey Williamson, Deputy Leader
of the Council and Executive Member for
Financial Sustainability

Geoffrey.Williamson@eastherts.gov.uk

Contact Officer

Transforming East Herts programme

Jonathan Geall, Head of Housing and Health

Tel: 01992 531594

jonathan.geall@eastherts.gov.uk

Revised Fees and Charges Policy

Steven Linnett, Head of Strategic Finance and
Property. Tel: 01279 502050

Steven.Linnett@eastherts.gov.uk

Report Author

Jonathan Geall, Head of Housing and Health

jonathan.geall@eastherts.gov.uk

Transforming East Herts Programme: progress update at 5th November 2021

Work strand	Work package	Objective	Lead Officer	Status	Update at 5 th November 2021
Commercial	Commercial Strategy	The purpose of the Commercial Strategy is to provide a framework for how East Herts Council approaches commercial opportunities and also to identify the skills that staff need in order to solve problems through a commercial mind-set	Head of Strategic Finance & Property		Preparing draft strategy and competencies
	Fees & Charges Policy	The purpose of the Fees and Charges Policy is to provide a framework for how East Herts Council approaches the question of charging for its services to maximise consistency and ensure that wherever possible costs are recovered	Head of Strategic Finance & Property		Recommendation to be made to the Executive on 23 rd November to consider the draft revised policy and recommend it to Council for approval
Lean Processes	One view of the customer	Optimise the user experience across all channels including F2F, web (website/ email/ webchat/ social media) and telephony Optimise workflows within the council to reduce inefficiency and	Head of Communications, Strategy & Policy		Top 20 processes by volume mapped and process improvements identified. Business case for Customer Relationship Management

Work strand	Work package	Objective	Lead Officer	Status	Update at 5 th November 2021
		<p>reduce costs</p> <p>Nudge migration of customers towards self-service and less costly channels, reducing transaction costs</p> <p>Improve the council's insight and customer demand/ behaviour data</p>			(CRM) System has been developed which will enable the Council to automate more customer queries and drive efficiencies
	Corporate Business Support Hub	To develop a cost-effective, resilient and flexible central business support team that provides administrative support to all the council's services	Head of Operations		Mapping of all officers working in business support roles has commenced to establish administrative and customer services functions which can be consolidated into a central hub
Modern Workforce Development	Training and Competencies	The project focusses on a series of training and competencies that will aim to promote cultural change within the organisation ensure we have a flexible and resilient workforce to support the transformation programme as well as ensuring we are fit for the future.	Head of HR & Organisational Development		<p>Initial staff engagement sessions underway.</p> <p>All staff offered Introduction to Change training.</p> <p>Competency and PDR changes under development for implementation in</p>

Appendix A

Work strand	Work package	Objective	Lead Officer	Status	Update at 5 th November 2021
					December
	Blended working	The aim of this project is to update the policies associated with working practices for the council's "New Ways of Working" following a series of trials and the impact of the pandemic. The blended work offer to staff will determine the requirements around home and office working	Head of HR & Organisational Development		<p>Blended working offer defined – minimum 50% office for most staff), mobile worker or 100% office-based. All offers presented to staff.</p> <p>Blended working arrangements are to begin on 15th of November.</p> <p>Home working Allowance notice has been given to applicable staff and will end in March</p>
Modern Workspace	Work space needs and options	This work package is concerned with establishing as clear a picture as possible of the council's workspace requirement so as to identify options for ensuring we have a modern, fit-for-purpose office space with the aims of (a) supporting blended working and (b) enabling, where at	Head of Legal & Democratic Services		<p>Asset valuation of offices obtained. Estate agents have viewed the offices and given indicative rental incomes.</p> <p>Desk booking system for 150 desks in place.</p>

Work strand	Work package	Objective	Lead Officer	Status	Update at 5 th November 2021
		all possible, income generation from the lease of unused floor space and thus contributing positively to the council's overall financial position.			<p>£17.5k Grant funding for meeting pods obtained along with £10k for glass partitioning to re-shape the office space. Reviewing potential market for Launchpad type product in Hertford.</p> <p>Recommendation to the Executive on 23rd November that the Member Stakeholder be set up and consulted with before any definitive steps that would incur any expenditure are taken.</p> <p>Following consultation, more definitive plans for implementation of Phase One work in the old building can commence, whilst expert costings for electrical, heating,</p>

Work strand	Work package	Objective	Lead Officer	Status	Update at 5 th November 2021
					ventilation and so on are obtained
	Modern Front of House	Maximise self-service in our reception/ front of house services	Head of Communications, Strategy and Policy		<p>Footfall through both receptions in the last 3 months has been just over 300 people (compared to around 3000 per quarter before Covid).</p> <p>Funding obtained to install self-scanning equipment in receptions for customers and some of the meeting pods will enable customers to speak to officers remotely. Options for re-locating the Bishop's Stortford reception being explored as part of the Old River Lane development</p>
	Asset Management Strategy	The aim is to rationalise our assets, so that they cost less, support council services more effectively and	Head of Strategic Finance & Property		Initial drafting of strategy to commence. Asset Management Group to be

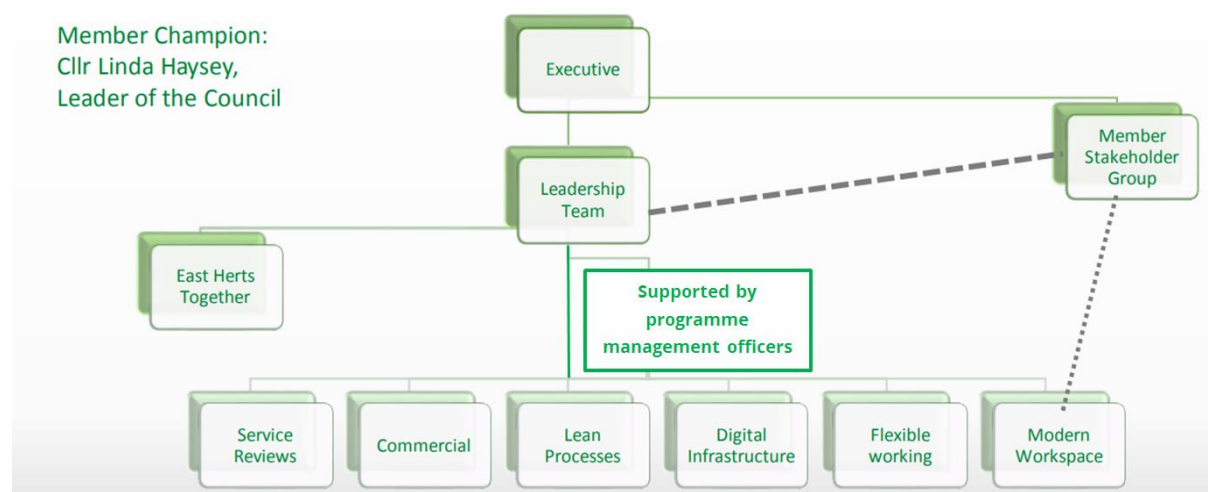
Work strand	Work package	Objective	Lead Officer	Status	Update at 5 th November 2021
		are used to increase prosperity for our communities.			created to review all council assets with cross service membership
Service Reviews	Service Review Framework	To provide a structure and a set of guidance notes for carrying out service reviews in a robust and consistent way. The implementation of actual service reviews by LT members will have the aim of maximising cashable savings	Head of Planning		Framework being drafted
Technology	ICON Replacement	To replace Civica ICON card payment system, which is not Payment Card Industry Data Security Standard (PCIDSS) compliant, with new PCIDSS compliant software. To utilise algorithms within the software to automate and re-engineer receipting and accounting processes to free up staff resources	Head of Strategic Finance & Property		Business case being developed in partnership with Stevenage BC
	Microsoft 365	Rolling out MS 365 will enable cloud storage to commence and modernise our IT Infrastructure. It	Deputy Chief Executive		Establish best ways of utilising new functionality especially MS Teams and

Appendix A

Work strand	Work package	Objective	Lead Officer	Status	Update at 5 th November 2021
		will promote collaboration and leaner ways of working. As a result the councils IT and telephony offers will be reviewed (separate work package) to ensure we are a truly connected council			the apps available in the MS365 suite of products
	ICT equipment and Telephony Review and Deployment	To deliver IT and telephony solutions that support and enable blended working.	Deputy Chief Executive		£50k grant funding secured for laptops. Laptop specification being finalised. Exploring migrating to MITEL cloud telephony solution which can be used on laptops and mobiles via app. In addition £15k additional funding secured for further video and audio equipment in meeting rooms

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Proposed Transforming East Herts governance structure APPENDIX B



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Fees and Charges Policy

1. Application of this policy

- 1.1. This policy relates to fees and charges currently being levied by East Herts Council (the council) and those which are permissible under the wider general powers to provide and charge for “Discretionary Services” included within the Local Government Act 2003 and Localism Act 2011. For the purposes of this policy, the terms ‘fees’ and ‘charges’ can be considered interchangeable. When one term is used in this policy, it should be read as denoting a fee or a charge.
- 1.2. This policy does not cover:
- services for which the council is prohibited from charging
 - charges for statutory services for which the levels are set by central government, such as planning application fees, alcohol and entertainment licencing fees, pollution permits and private water testing fees
 - rents, leases, council tax, and business rates are outside the scope of this policy.

2. When a charge should and should not be made

- 2.1 It is the council's over-riding policy that service users should make a direct contribution to the cost of providing services (both discretionary and statutory) at their point of use.
- 2.2 It is recognised that there are some circumstances in which the council would not wish to levy a charge. These can be summarised as:

- a) where there is a statutory prohibition on the council making a charge, for example the collection of household waste;
- b) where the service in question is delivered to all residents or householders equally and which could therefore be reasonably considered to be funded from Council Tax;
- c) where the administrative costs associated with making a charge would outweigh any potential income;
- d) where making a charge would be directly contrary to achieving the council's corporate objectives as expressed in the Corporate Plan; or
- e) where charging would be counterproductive, that is, it may result in a substantial reduction in usage of the service.

3. Factors to take into consideration when setting charges

- 3.1. As a general rule, if the council wishes to charge for services in order to generate profits then it must do so only through a trading company. For certain services, legislation sets out specific provisions for fees and charges. The general principle is that, taking one financial year with another, the income from charges must not exceed the costs of provision. Any over or under recovery that resulted in a surplus or deficit in one year should be addressed when setting charges for future years so that, over a three year period, income equates to costs. Examples where this applies include building control and local land charges. Other services can make a surplus, for example trade waste, where the prevention of market distortion means prices have to rise to market rates.

- 3.2. The charge levied should, in general, be such that it *at least* covers the total cost of providing the service.
- 3.3. It is important to differentiate:
- the **cost** of a service, that is, what cost is incurred by the council is providing the service and
 - the **charge** for a service, that is, the fee that the service user would pay.
- 3.3 First, the total cost that will need to be recovered must be calculated. In determining, the total cost, the following should be considered:
- a) direct costs;
 - b) indirect costs such as support service recharges;
 - c) an appropriate share of corporate and democratic core and non-distributed costs;
 - d) depreciation where assets are used in the delivery of the service;
 - e) an assessment of officer time to be charged for. Guidance on how to determine the *cost* of a service should be sought from Strategic Finance especially where an assessment of the chargeable time is needed to in part recover the costs of the non-chargeable time, such as leave, sickness and the like.
- 3.4. Second, building on the cost of the service to be recovered, the level of the actual charge should be calculated. This calculation should have regard to the following:

policy context

- a) any relevant council strategies or policies, such as the Corporate Plan, Climate Change Action Plan, Equalities Scheme and the like so that any charge is in line with policy and corporate priorities;
- b) the desirability of increasing or decreasing usage of a given service or access channel;
- c) the desirability of influencing behaviour;

financial factors relevant to the consideration of any addition to or reduction in full cost recovery when set the charge

- d) maximising income to the council, subject to the considerations below;
- e) the charge for a service can be adjusted upwards from cost recovery based on the added and/or perceived value of the service. This can take account of wider economic and social considerations, as well as the value of the council as a trusted brand and could include a higher level of service for a higher price, although the total income from charges should not be designed to make a profit;
- f) the level of fees and charges may be used to manage demand for a service or to encourage behaviour change, for example, perhaps a higher charge could be made for a paper-based service rather than an Internet-based self-service approach;
- g) the price elasticity of demand should be considered when determining the level of a charges, that is, is the service 'inelastic' – demand is not impacted significantly by changes

in the level of charges – or ‘elastic’ – demand for a service is sensitive to changes in the charge levied for it;

- h) concessions for charges should be linked to the appropriate Equalities Impact Assessment and/or a transparent, logical reason. Of note, ensuring full cost recovery overall should be borne in mind, that is, the reduction in income arising from concessionary prices should be subsidised by means of higher general prices for the service. No particular group or service user, for example, town and parish councils, should automatically benefit from a concession and any concessions including them should be fully justified;
- i) any subsidy from the council tax payer to service users either generally, or for concessions which are not funded using the principles in point (h) above, should be transparent and must be explicitly reported to members at the time members are setting the charge;
- j) fees and charges need to avoid any exploitation of customers who have no option but to use the council's services;
- k) fees and charges should not be used to provide subsidies to commercial operators;
- l) fees and charges must reflect market conditions and prices charged by competitors and/or other local authorities. The need to avoid any potential distortion of the market which might otherwise occur from pricing services below the levels charged by private sector concerns for similar services must be evaluated and fees and charges adjusted for the market. For example, the council provides trade waste services but does not have to charge VAT whereas private sector

competitors do. In order not to distort the market the council has to increase charges up to market rates; and

m) the need for all fee and charges made by the council to be reasonable, while retaining the flexibility to charge commercial organisations a fair price.

4. Collection and administration of the charge

4.1. It is the council's policy that fees and charges should be collected in advance or at the point of service delivery. Ideally this should be by debit card payment. If this is not possible or is barred by statute, then invoices should be issued promptly and appropriate recovery procedures will be followed as required. Use of direct debit should be encouraged for periodic payments as this will improve cost effectiveness and enable efficient and timely collection of income.

5. Additional/Surplus Income

5.1. Any surplus generated from charging shall be seen as a corporate resource to be used where need is greatest subject to any statutory requirements or government guidance.

5.2. Proposals for 'reinvesting' any additional income raised from charging in the expansion and development of a particular service will need to be considered as part of the budget process. Each proposal will therefore be considered on its own merits at that time.

6. Varying charges in year

6.1. Subject to any requirements imposed by the council's standing orders, charges for individual services may be varied 'in year' at the discretion of the responsible Executive Member, following

discussion with the appropriate Head of Service and the Head of Strategic Finance & Property and, should the Executive Member wish, the Executive Member for Financial Sustainability.

7. Introducing new fees and charges

- 7.1. Reasonable notice should be given to customers and service users prior to the introduction of a new charge, along with advice on concessions and discounts available.
- 7.2. Proposals should be based on robust evidence, and will need to incorporate the anticipated financial impact of introducing the charge, as well as the potential impact on demand for the service. An Equalities Impact Assessment must be produced and any concessions explicitly linked to this assessment.
- 7.3. Public consultation should be focused on the specifics of how the charge operates and not on the introduction of the charge itself as consultation results will almost always suggest *not* introducing the charge.
- 7.4. Performance should be monitored closely following implementation to enable amendments to the charge and processes to be made, if required. The charge will subsequently be part of the annual budget process and thus subject to consideration of future increases.
- 7.5. Where new fees and charges are to be introduced outside the annual budget cycle, the responsible service will need to gain Executive approval. It is noted that in the case of a significant or possibly controversial new charge, the Executive may wish to delegate the decision on its introduction to Council. Consideration should be given to seeking the views of Overview and Scrutiny Committee prior to submission to

Executive, depending on the number of people affected and the amount of income that the charge is forecast to produce.

8. Review

- 8.1. This policy will be reviewed by no later than three years from its approval.

East Herts Council Report

Executive

Date of meeting: 23 November 2021

Report by: Richard Cassidy, Chief Executive

Report title: Hertfordshire Building Control Company
Development

Ward(s) affected: All

Summary

- To agree a delegation in respect of the effective operation of Hertfordshire Building Control Company

RECOMMENDATIONS FOR EXECUTIVE:

Agree a delegation to the Chief Executive, acting as East Herts Council's appointed company shareholder representative to Hertfordshire Building Control Company to, in consultation with the Executive Member for Planning and Growth, take all those decisions reserved to the shareholder relating to the effective operation of the Company.

1.0 Proposal(s)

- 1.1 To agree to delegate decisions reserved to the shareholder relating to the operation of Hertfordshire Building Control Company as set out in the Recommendation.

2.0 Background

- 2.1 In 2016 East Herts joined together with 6 other Hertfordshire local authorities to form Hertfordshire Building Control

Company, a Teckal company wholly owned by the seven authorities in equal shares. The company is called 'Broste Rivers Ltd'.

- 2.2 The company is managed on a day-to-day basis by a Managing Director, reporting to a Board of Directors appointed by each local authority.
- 2.3 The Deputy Chief Executive is the appointed Director by East Herts Council to the HBC Board and currently also acts as Chairman of the Board. The Board maintains an open dialogue with its local authority stakeholders and currently the Chief Executive acts as the shareholder representative for East Herts Council.
- 2.4 Under the shareholder agreement set up when the Teckal company was formed, certain decision-making powers are reserved for shareholders.
- 2.5 Since its inauguration, the company has turned a collective annual £1.5m loss into, firstly, a break-even position and now a small annual profit.
- 2.6 Despite the COVID 19 pandemic, the company has operated at a small surplus and has continued to offer Building Control Services across the County on behalf of its partners.
- 2.7 Hertfordshire Building Control (HBC) has developed over the years to include Dacorum Council as the 8th full shareholder (which resulted in windfall sum being returned to the council.)

3.0 Reason(s)

- 3.1 By its nature, operating in a competitive commercial environment often means that decisions need to be made swiftly or the commercial opportunity might be lost.

- 3.5 The delegation is sought in order to enable HBC to act quickly, and not be bound to eight individual Local Authority committee timetables. East Herts Council's appointed company shareholder representative to Hertfordshire Building Control Company is currently the Chief Executive, and any decisions would always be in consultation with the relevant portfolio holder.

4.0 Options

- 4.1 Proceed with the recommendations allowing the delegated officer and Portfolio Holder to take shareholder decisions, giving the East Herts response to the HBC Board of Directors in relation to business proposals.
- 4.3 To not delegate decision making to the Council's appointed company shareholder representative to Hertfordshire Building Control Company. This would mean that certain future decisions pertaining to the effective operation of the company would need to come back to the Executive for a decision, meaning that the company would be constrained in how quickly it could take time sensitive commercial decisions.

5.0 Risks

- 5.1 There are no direct risks to East Herts as the company is separately registered and operated independently.
- 5.2 Not having a delegation in place puts HBC at a commercial disadvantage in that it slows down its ability to take commercial decisions quickly that require shareholder approval.

6.0 Implications/Consultations

- 6.1 It should be noted that all 8 local authority shareholders will always be asked to vote for or against any company business proposal.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

None other than those covered in the report

Specific Wards

No

7.0 Background papers, appendices and other relevant material

None

Contact Member Jan Goodeve – Executive Member for Planning and Growth. jan.goodeve@eastherts.gov.uk

Contact Officer Richard Cassidy – Chief Executive, Tel: 01992 531410. richard.cassidy@eastherts.gov.uk

Report Author James Ellis – Head of Legal and Democratic Services, Tel: 01279 502170
james.ellis@eastherts.gov.uk

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