

Public Document Pack

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 17th May, 2023 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Date this 10 day of May 2023

James Ellis
Head of Legal and
Democratic Services

Note: Prayers will be said before the meeting commences. Those Members who do not wish to participate will be invited to enter the Chamber at their conclusion

This meeting will be live streamed on the Council's Youtube page:
<https://www.youtube.com/user/EastHertsDistrict>

AGENDA

1. Chairman's Announcements

To receive any announcements from the Chairman.

2. Apologies for Absence

To receive any Members' apologies for absence.

3. Election of a Chairman 2023/24

To elect the Chairman of the Council for 2023/24 following which the Chairman will make the statutory declaration of acceptance of office.

4. Election of a Vice-Chairman 2023/24

To elect the Vice-Chairman of the Council for 2023/24 following which the Vice-Chairman will make the statutory declaration of acceptance of office.

5. Further Chairman's Announcements

To receive any announcements from the Chairman.

6. Election of the Leader 2023-2027

To elect the Leader of the Council for the four-year term.

7. Leader's Announcements

To receive any announcements from the Leader of the Council.

8. Minutes - 1 March 2023 (Pages 5 - 42)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 1 March 2023.

9. Declarations of Interest

To receive any Members' declarations of interest.

10. Petitions

To receive any petitions.

11. Public Questions

To receive any public questions.

12. Members' Questions

To receive any Members' questions.

13. Political Balance and Committee Membership of the Council (Pages 43 - 49)

14. Annual Scrutiny Report 2022/23 (Pages 50 - 63)

15. Independent Members of the Audit and Governance Committee (Pages 64 - 86)

16. Consideration of the results of the Hackney Carriage Unmet Demand Survey (Pages 87 - 94)

17. Motions on Notice

To receive Motions on Notice.

Disclosable Pecuniary Interests

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.

Public Attendance

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The Council operates a paperless policy in respect of agendas at committee meetings and the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices. You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

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Agenda Item 8

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MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 1 MARCH 2023, AT 7.00 PM

PRESENT: Councillor I Devonshire (Chairman).
Councillors A Alder, T Beckett, S Bell,
R Buckmaster, R Bolton, M Brady,
E Buckmaster, K Crofton, B Crystall,
G Cutting, B Deering, H Drake, J Dumont,
R Fernando, M Goldspink, J Goodeve,
L Haysey, J Jones, J Kaye, I Kemp, S Newton,
T Page, M Pope, J Ranger, C Redfern,
S Reed, P Ruffles, S Rutland-Barsby,
D Snowdon, T Stowe, N Symonds, A Ward-
Booth, G Williamson, C Wilson and J Wyllie.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Steven Linnett	- Head of Strategic Finance and Property
Katie Mogan	- Democratic Services Manager
Helen Standen	- Deputy Chief Executive

368 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that this was the last Council meeting for the Leader of the Council who was stepping down at the election. He said that Councillor Haysey had been a councillor for nearly 20 years and Leader for the last eight years.

Councillors Rutland-Barsby, Symonds, Williamson, Goldspink, Crystall and Redfern paid tribute to Councillor Haysey and her work and service to the council. The Chairman presented the Leader with flowers.

The Chairman also paid tribute to Councillor Ruffles and Councillor McMullen who had served 47 and 24 years respectively and would not be standing at the District Elections in May 2023.

369 LEADER'S ANNOUNCEMENTS

The Leader of the Council thanked the council for their kind words. She said she had overseen many big projects in her time as Leader that she was proud of such as Hertford Theatre and the District Plan which had taken a lot of work with residents.

Councillor Haysey asked her Executive Member colleagues to provide updates in their remits.

Councillor E Buckmaster said that in spite of difficult economic circumstances, the council had completed and opened Grange Paddocks which now saw membership above pre-pandemic levels and the 3G

pitch. The council's leisure centres had exceeded the 1.1 million visits targeted in the original business plan. He said that Hartham Leisure Centre was due to open late in the summer. He said that progress was being made with the Castle Park project in partnership with Bishop's Stortford Town Council and earlier issues with the skate park had been overcome.

Councillor Goodeve updated the Council on projects in her remit. She said since the adoption of the District Plan, 2,635 dwellings had been delivered, 792 of these were affordable homes. She said that the Council had continued its trend of annual improvements on the Housing Delivery Test, last year (2022) being able to demonstrate a 130% delivery rate meaning that the Council is not only meeting its housing need, but was also addressing the undersupply of previous years as well. The council had also seen increased contributions for vital infrastructure spending, with over £3million of S106 monies given to 27 projects in 2021/22.

She said that the Council has continued to provide support to communities undertaking work on a Neighbourhood Plan and 12 Neighbourhood Plans had been adopted across the district, with an award for plan-making going to the Gilston Area Neighbourhood Plan.

In relation to Economic Development, the council had launched town centre co-working space to accommodate the needs of freelancers, entrepreneurs and small businesses in Bishop's Stortford and Ware and had established a Business Improvement District to support Bishop's Stortford and its business

community to thrive. She said that East Herts Council had helped 35 local businesses expand or set up shop through a new premises grant scheme and had submitted the East Herts UKSPF and Rural Prosperity Fund investment plans – over £2m to be spent from this year until 25/26.

Councillor Goodeve said that the council was the first in the country to put in place a rigorous process for assessing taxi drivers' English competency which utilises online testing supported by artificial intelligence. This removes any risk of subjectivity. Also, she said that the council had the strictest emissions standards for taxis in Hertfordshire.

Councillor Kaye updated the council in relation to grant funding. He said the council launched the East Herts Lottery to help charities and local organisations to raise funds which to date, had generated more than £160k. He said that 28 grants had been given to community organisations to continue to operate during the pandemic. Councillor Kaye said that the council had given out hundreds of thousands of pounds in grants over the last four years.

370 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Andrews, Boylan, Bull, Burmicz, Curtis, Frecknall, Hollebon, Huggins, McAndrew, McMullen, Stevenson and Townsend.

371 MINUTES - 18 JANUARY 2023

Councillor Haysey proposed, and Councillor Fernando seconded a motion that the Minutes of the meeting held on 18 January 2023 be approved as a correct record and be signed by the Chairman. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 18 January 2023 be approved as a correct record and signed by the Chairman.

372 DECLARATIONS OF INTEREST

Councillor Snowdon declared an interest in Item 14 – Pay Policy Statement. He said that he worked for the parent company named in the report and would take no part in the discussion or voting of the item.

Councillor Goldspink declared an interest in Item 16 – Protocol for the Appointment of Honorary Alderman. She said she had been previously awarded the title of Honorary Alderman and would take no part in the discussion or voting of the item.

Councillor Williamson declared an interest in Item 18 – Motions on Notice. He said that he would be leaving the room during the discussion of the item.

373 PETITIONS

There were no petitions.

374 PUBLIC QUESTIONS**Alastair Cook to ask Cllr Graham McAndrew, the Executive Member for Environmental Services**

Have the cumulative effects of the traffic and therefore pollution being generated by 4000 plus houses, a new Aldi on the Gates site and two proposed logistics centres (St James, Wren) been assessed with regards to impact on the already unacceptable pollution levels at the Hockerill junction?

Response

May I first thank Alastair Cook for his question.

My portfolio covers Environmental Sustainability, while my colleague, Cllr Jan Goodeve, covers planning, however, I am happy to answer this question. When developing the council's District Plan in 2018, the cumulative impact of development on the allocated sites was investigated. This predicted no undue air quality pressures as a result of the Plan, once factors such as anticipated traffic patterns, improving vehicle emission standards and the likely uptake of alternatives to car use were taken into account.

That said, applications for major development across the district, and *all* development in the Air Quality Management Areas in Bishop's Stortford, Sawbridgeworth and Hertford, must submit an air quality assessment as planning policy expects the applicant to demonstrate how the proposal would

have at least a neutral, if not a positive, impact on local air quality. Redesigns and mitigations can be insisted upon as a condition of planning consent in line with both national guidance and the more stringent air quality guidance found in the council's Sustainability Supplementary Planning Document.

I am very pleased that in the context of new development and although there remain traffic pressures at the four-way Hockerill junction, smart traffic light phasing installed by Hertfordshire County Council, regular East Herts Council anti-idling campaigns and lower emissions from more modern vehicles have together resulted in emissions dropping at the junction from 63 micrograms per cubic metre in 2017 to 48 in 2021.

We will, of course, continue to monitor pollution at the junction and work the Highways team at Hertfordshire County Council to identify any works, especially as pollution is still above the nationally set level of 40 micrograms per cubic metre. We are keen to ensure air quality gains during the pandemic are not reversed and I am hopeful, given the year-on-year reductions over the last decade, that pollution levels will continue to drop.

Finally, I think two important developments should hasten the reduction in air pollution at Hockerill and indeed elsewhere in the district. First, from 1st April, East Herts will have the most stringent taxi emission standards in the county and second, in February our bid for Defra funding for active travel planning was approved. This will see £126,000 spent on working with

schools, local businesses and the town councils in the three AQMAs to support people make local journeys without their cars. The grant will also fund the installation of real-time air quality monitors in each AQMA to enable residents to take informed choices about whether to add to local pollution, or not, by varying their journeys and means of transport.

There was no supplementary question.

375 MEMBERS' QUESTIONS

Councillor Rishi Fernando to ask Cllr George Cutting, the Executive Member for Corporate Services

With the introduction of Voter ID being required in elections for the first time this May, I would like to ask the Executive Member for Corporate Services what steps East Herts has and is taking to make all residents and especially those groups most affected i.e. young people, older people and people with disabilities aware of this new requirement and would the Executive Member be able to give me specifics on how many applications there have been so far locally for the new Voter Authority Certificate.

Response

East Herts Council will be running a comprehensive local communications campaign to promote awareness of the Voter ID requirements prior to the

May Elections. This will make use of a variety of channels including online and social media, Network, local press, parish newsletters and posters in community venues; and will complement the Electoral Commission's national television, poster and press campaign.

In this regard the Electoral Services Team are working closely with Communications colleagues to identify the priority groups for East Herts and how best to engage with each of these, and with the Council's Healthy Lifestyles Programme Officer to make contact with community groups that the Council is already aware of.

All electors who are registered to vote at a polling station will receive full information regarding the Voter ID requirements on their poll cards. However, in addition to this the Council is sending in the next week a colour postcard to all 64,000 residential addresses in the district highlighting the change, publicising the availability of the free Voter Authority Certificate for any elector who does not have any of the accepted forms of Photo ID, and providing a web link and telephone helpline number for further information.

The Voter Authority Certificate application portal launched on Monday 16 January 2023. As at today's date, 1 March, East Herts Council had received 48 applications for these certificates.

Recruitment of staff to work in the polling stations on 4 May 2023 is now almost complete, with only a few poll clerk positions still to be filled. Additional staff have

been allocated to some polling stations to ensure that the new ID procedures can be carried out efficiently and all polling station staff will receive full training, including on the new Voter ID requirements.

There was no supplementary question.

Councillor Ben Crystall to ask Cllr George Cutting, the Executive Member for Corporate Services

What work is EHC doing with the groups most affected by the introduction of photo voter ID (young people, older people and people with disabilities), to raise awareness of this new requirement and how many applications so far have there been locally for the new Voter Authority Certificate (for people who don't have an approved Photo ID)?

Response

As Question 1 and 2 were on the same topic, the Chairman grouped the questions together and Councillor Cutting provided one response. Please see response under Question 1.

There was no supplementary question.

Councillor Ben Crystall to ask Cllr Jan Goodeve, the Executive Member for Planning and Growth

Please can Councillors be updated on alterations made to the plans for Hertford Leisure Centre and Hertford Theatre since DMC approval? In particular can you provide information on any that will impact the public realm, sustainability and services which the buildings

provide to the public?

Response

In respect to Hartham Leisure Centre various applications to discharge conditions attached to the permission have been made. Application reference X/21/0477/CND approved details of materials. Full details of materials can be seen on Council's online planning database but the palette in summary was a steel standing seam roof and some areas of living roof, with glazing and cement reinforced cladding to the side elevations.

Application X/23/0068/CND has recently been submitted (24/02/2023) and proposes to change the cladding material due to material availability. This change is under consideration by officers.

In respect to Hertford Theatre various applications to discharge conditions attached to the permission have since been made. Application reference X/22/0363/CND approved details of some materials but a further submission is required in relation to other materials. Full details of materials can be seen on Council's online planning database.

Application 3/22/1291/NMA was submitted to make non-material amendments to vehicular access and landscaping which would have increased planting, removed proposed trees, reduced on-street parking on the pavement and altered cycle parking. This was refused as the changes proposed were considered to be too extensive to be acceptable as a "non-material" amendment. This decision does not give judgement as

to their acceptability but rather that a different type of application needed to be submitted.

There was no supplementary question.

Councillor Chris Wilson to ask Cllr Jan Goodeve, the Executive Member for Planning and Growth

As part of a recent major planning application, a traffic report was submitted with reference to Bishop's Stortford. Essentially, it argued that the development would not have a severe impact on the levels of traffic in the town as by the time the development was built, the traffic would be at such a high level that any additional congestion would make no significant difference. Would you agree that such a report needs to be looked at very seriously, and that if it is correct it puts into doubt whether the District Plan is now fit for purpose? Do you also agree that the District Plan intended for there to be mitigation in place to stop air pollution in Hockerill increasing further as a result of nearby major developments, and that it is now clear that this mitigation has not and is not working? Do you therefore agree that we must seriously consider placing a hold on all developments in Bishop's Stortford until we can be sure that they are not damaging the town centre's viability as a place for business, and residents' ability to travel in the town as well as threatening their health and wellbeing due to the unacceptable levels of air pollution in Hockerill and beyond?

Response

You would have already heard Councillor McAndrew's response to Alastair Cooke and my response today covers similar points.

The impact of new development on local air quality is an important planning consideration. When developing the Council's District Plan in 2018 the cumulative impact of building on the sites allocated for development in Bishop's Stortford and elsewhere were fully investigated. This work found that the scale of new development envisaged was not deemed to put undue air quality pressures on the town having taken account of factors including predicted travel patterns, improving emission standards of vehicles and likely uptake of alternatives to car use. The District Plan continues to provide a strong framework for air pollution in the planning application process. Policy EQ4 expects developments to minimise air pollution and incorporate measures in the design, construction and operation of all developments to address any negative impact on air quality.

Councillor McAndrew has already said that redesigns and mitigations can be insisted upon in conditions for planning consent in line with both national guidance and the air quality guidance found in the Council's Sustainability Supplementary Planning Document. An important objective of adopting the SPD in 2021 was to provide further technical guidance to developers on how to implement District Plan requirements. To incorporate appropriate air quality design and mitigation measures, major developments across the District and all development in the AQMA must submit an air quality assessment as part of the planning

application process to demonstrate how new developments will have a neutral or positive impact on local air quality. Therefore, the District Plan and its supporting documents do remain fit for purpose. Whilst there remains traffic pressures at the four way Hockerill junction, and as set out by Councillor McAndrew, smart traffic light phasing installed by HCC, regular East Herts anti-idling campaigns, and lower emissions from more modern vehicles have together resulted in emissions dropping at Hockerill Junction from 63 micrograms per cubic metre in 2017 to 48 in 2021.

Given the policy framework I have outlined and the progress that is already being made towards reducing emission at Hockerill Junction, there is no justification to put on hold all developments in Bishop's Stortford.

Councillor Wilson asked a supplementary question. He said he accepted that when the District Plan was prepared there was mitigation that was supposed to happen and studies at that point but my question is whether that study is still valid and what date that was. Do you have any data on change of travel habits of people in Bishop's Stortford?

Councillor Goodeve said she had not seen any more recent travel data but said that the District Plan will have a five-year review at the end of the year which will provide an opportunity for everything to be looked at in a holistic way.

The Leader of the Council presented a report setting out recommendations to the Council made by the Executive at its meeting on 14 February 2023.

377 DISCRETIONARY COUNCIL TAX SUPPORT TOP UP 2023

The Executive Member for Financial Sustainability presented the recommendations in the Executive report of 14 February 2023, regarding the Discretionary Council Tax Support Top Up. He said that the mandatory scheme would give all households on Council Tax Support a £25 reduction on their Council Tax.

Councillor Williamson proposed that the recommendation in the report be supported. Councillor Symonds seconded the proposal.

Councillor Goldspink said that the Liberal Democrat group were happy to support the recommendations.

The motion to support the recommendations having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED - That (A) the discretionary 'Council Tax Support Top Up 2023' Scheme be approved; and

(B) the Head of Revenues and Benefits Share Service, in conjunction with the Executive Member for Financial Sustainability, amend the scheme criteria if funds would otherwise not be allocated in full.

378 ASSET MANAGEMENT PLAN 2023 - 2028

The Executive Member for Financial Sustainability presented the recommendation in the Executive report of 14 February 2023, regarding the Asset Management Plan 2023-2028.

Councillor Williamson proposed that the recommendation in the report be supported. Councillor Drake seconded the proposal.

Councillor Goldspink said the Liberal Democrat group were happy to support the recommendation. She referred to a comment about car parks on page 70 and the opportunity to free up car parking sites for redevelopment. She said she was concerned about that statement but was happy to support the recommendation.

Councillor Crystall referred to the Assets Member Reference Group and asked if there would be an opportunity for members from all parties to sit on the group.

Councillor Williamson said that it had not been discussed yet.

Councillor Crystall asked if the Property Service Team had sufficient resources to carry out the asset surveys.

Councillor Williamson said the work could be carried out within existing resources.

Councillor Crystall asked how the Corporate Assets Group and the Assets Member Reference Group would work together.

Councillor Williamson said that the Corporate Assets Group would review the disposal list and it would be reviewed by the Member group before a final recommendation was taken.

Councillor Crystall asked how long the Wallfields car park had been available for business parking at the weekends.

Councillor Goodeve said that market stall holders were encouraged to park there to save space at Gascoyne Way car park.

Councillor Snowden thanked the Executive Member for Financial Sustainability and Officers for the report and for ensuring that the community assets were well maintained. He asked for some assurance that some assets that might be best held or operated by another tier of government would be considered.

Councillor Williamson said that the overall interest of the council would be considered.

The motion to support the recommendations having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED – That the Council's Strategic Asset Management Plan 2023-2028 be approved.

379 BUDGET 2023/24 AND MEDIUM TERM FINANCIAL PLAN
2023/24 - 2027/28

The Chairman reminded Members that a revised Appendix C – Fees and Charges had been published in the supplementary agenda and these were the figures that needed to be included in the recommendations.

The Executive Member for Financial Sustainability presented the Budget 2023/24 and the Medium Term Financial Plan 2023/24 – 2027/28. He said that he was proud of the administration's record on producing budgets which showed sound financial management and protected frontline services which had been achieved over the last few years despite adverse circumstances such as the pandemic, the economic impact from the war in Ukraine and the employers pay offer and the higher than expected inflationary contract increase of £840k. He said that the budget had been prepared against an increasingly challenging background and uncertainties over future funding.

Councillor Williamson said one way for a council to increase revenue was council tax. Central government had made it clear that local authorities must do all that was necessary to raise funds and the Chancellor announced in the Autumn Statement in 2022 that local authorities would have more flexibility to increase council tax; the higher of £5 or 3% rounded. He said that 3% rounded was the higher for East Herts so council tax would be increased by £5.50 or 11p a week. He said that increasing council tax was never an easy decision but the increase would bring in an extra

£350,000 each year for the delivery of services.

Councillor Williamson said that the Council Tax increase and the Fees and Charges policy was not enough to close the budget gap. He reported that sufficient operational savings had been found in the Transformation Programme without any impact on frontline services. However, he said that substantial savings of £6.7 million would need to be found in future years of the MTFP and this was after the temporary use of reserves to remove some of the pressure. The Leadership Team had embarked on a Reconciling Resources and Performance exercise to ensure the council's resources were aligned with its corporate priorities.

Councillor Williamson referred to the council's capital programme. He said the total capital investment across the district would reach £18.4 million of which the council's major projects contribute £14.9 million. He said the council now had to allow for interest payments and minimum revenue provision of capital borrowing in the MTFP. He said that by pausing some of the lower priority capital projects and moved them into approved but not committed category, the council did not need to allow for financing of these items in the MTFP.

Councillor Williamson said the council had been successful in receiving £2.2 million in funding through the UK Shared Prosperity Fund to invest into the district over the next two years.

Councillor Williamson thanked the Leadership Team

and Officers across the council for having robust and solid plans moving forward and said that the administration had acted prudently with finances and was in a much better place than other authorities across the country.

Councillor Williamson proposed the recommendations in the report and were seconded by Councillor Buckmaster who reserved his right to speak.

Councillor Goldspink said that the Liberal Democrat group knew that council finances were stretched but said that there were several ways of reducing costs and one was to pause any non-essential spends. She said the Liberal Democrats believed that it was unwise to proceed with proposals for the Old River Lane development when there were serious flaws in the plans and did not have the support of residents in Bishop's Stortford. She felt it was foolish to commit the council and taxpayers to 30 years of repayments on a loan for a scheme that no one wanted. She suggested that the scheme be paused for a short while to do a thorough and full consultation with residents and save revenue expenditure.

Therefore, Councillor Goldspink proposed an amendment to the budget as follows:

"This Council decides to pause the proposed capital expenditure on the Development of the Old River Lane site in Bishop's Stortford, by moving this item to the "Approved but not yet Committed" category. This would reduce the Council's revenue expenditure for the Medium Term Financial Plan period and would

allow time for full consultation with residents and all interested parties. It would not mean cancelling the project.

That the budget be amended as follows:

- Appendix A Medium Term Financial Plan being replaced with the attached new Appendix A with amended figures shown highlighted in yellow; and
- Appendix B Capital Programme being replaced with the attached new Appendix B with amended figures shown highlighted in yellow.”

The amendment was seconded by Councillor Wilson.

Councillor Wilson said that the meeting had heard earlier from Councillor Buckmaster about the success of Grange Paddocks. He said that could have been predicted as the residents of Bishop’s Stortford were in support of the proposal before it happened. He said the strength of feeling in Bishop’s Stortford over the Old River Lane development has been bigger than any other issue. He said the council needed to pause the development and revisit with the full co-operation of the residents before going ahead.

Councillor Redfern said she wholeheartedly supported the amendment. She said that the residents of Bishop’s Stortford did not feel that they had been consulted, not been listened too and that the development has been imposed on them.

Councillor Williamson said that the budget process had

begun last September and the proposals had been presented to the Audit and Governance Committee twice and to the Executive three times. He said he could not see any difference to the figures for 2023/24 in what was proposed in the amendment.

A recorded vote was held on the amendment proposed by Councillor Goldspink. The result was as follows:

FOR

Councillors Beckett, Bell, Brady, Crystall, Dumont, Goldspink, Redfern, Wilson

AGAINST

Councillors Alder, Bolton, E Buckmaster, R Buckmaster, Crofton, Cutting, Deering, Drake, Fernando, Goodeve, Haysey, Jones, Kaye, Kemp, Newton, Page, Pope, Ranger, Reed, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson, Wyllie

ABSTAIN

Councillor Devonshire

For: 8

Against: 27

Abstain: 1

The motion to amend the recommendation was LOST.

The debate returned to the original recommendations

in the report.

Councillor Redfern referred to page 110 of the report which referred to a member decision about increased access to external grants to replace EHC's funds through a 'payments per results' agreement with CVS. She asked if the council was going to decide on that or make a decision on the whole budget.

Councillor Williamson said that the item Councillor Redfern was referring to formed part of the whole budget package that had been presented.

Councillor Deering said he thought this was an excellent budget and praised the Executive Member for Financial Sustainability for his work.

Councillor Crofton said that the budget had been scrutinised by the Audit and Governance Committee. He said it was galling to hear the opposition members challenge the budget proposals when they had not been present at any of the Audit and Governance Committees when the budget was being debated. He said that Councillor Bell had only attended three meetings and no substitute was ever offered in her place.

Councillor Bell clarified that she had only missed one meeting due to having Covid.

Councillor E Buckmaster said that Councillor Williamson had presented the budget well and said the administration had a lot to be proud of. He said that the council provided many services for just 9% of the

share of Council Tax collected and reminded people what the authority delivered such as collecting council tax, parks, leisure, theatre, environmental health, planning, parking, licensing, housing, community engagement, business support and much more.

The motion to support the recommendations having been proposed and seconded was put to a recorded vote and the result was as follows:

FOR

Councillors Alder, Bolton, E Buckmaster, R Buckmaster, Crofton, Cutting, Deering, Drake, Fernando, Goodeve, Haysey, Jones, Kaye, Kemp, Newton, Page, Pope, Ranger, Reed, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson, Wyllie

AGAINST

Councillors Beckett, Bell, Dumont, Goldspink, Wilson

ABSTAIN

Councillors Brady, Crystall, Devonshire, Redfern

For: 27

Against: 5

Abstained: 4

RESOLVED – That (A) To approve the budget and Medium Term Financial Plan at Appendix A be approved with a Council Tax increase of 2.99%, which

will result in a Band D Equivalent Council Tax annual increase of £5.50;

(B) the Capital Programme at Appendix B be approved;

(C) the Fees and Charges at Appendix C of the supplementary agenda be approved noting that charges have been calculated on a full cost recovery basis in line with the Fees and Charges Policy.

(D) the level of budget reductions required to balance the budget in the medium term is beyond further efficiency measures alone and that Leadership Team are preparing a Reconciling Policy, Performance and Resources exercise that the new Council, elected in May 2023, will need to undertake alongside the development of the new Corporate Plan, to balance the budget over the medium term be noted.

380 COUNCIL TAX SETTING REPORT 2023/24

The Executive Member for Financial Sustainability presented the Council Tax Setting Report for 2023/24. He said the paper was a technical calculation and described how charges were brought together with other preceptors.

Councillor Williamson proposed that the recommendations in the report be supported. Councillor Kaye seconded the proposal.

Councillor Goldspink said the Liberal Democrat group were happy to support the recommendations.

The motion to support the recommendation having

been proposed and seconded was put to a recorded vote and the result was as follows:

FOR

Councillors Alder, Beckett, Bell, Bolton, Brady, E Buckmaster, R Buckmaster, Crofton, Crystall, Cutting, Deering, Drake, Dumont, Fernando, Goldspink, Goodeve, Haysey, Jones, Kaye, Kemp, Newton, Page, Pope, Ranger, Redfern, Reed, Ruffles, Rutland-Barsby, Snowdon, Stowe, Symonds, Ward-Booth, Williamson, Wilson, Wyllie

AGAINST

None.

ABSTAIN

Councillor Devonshire

For: 35

Against: 0

Abstain: 1

RESOLVED – That (A) the Council Tax resolution, as now submitted at Appendix A, be approved;

(B) the local precepts as set out at Appendix A be noted; and

(C) the Hertfordshire County Council and Police and Crime Commissioner for Hertfordshire precepts be noted.

381 CAPITAL STRATEGY AND MINIMUM REVENUE PROVISION POLICY

The Executive Member for Financial Sustainability presented the Capital Strategy and Minimum Revenue Provision Policy. He said the council was required to produce a strategy following strengthening of financial guidance.

Councillor Williamson proposed that the recommendations in the report be supported. Councillor Deering seconded the proposal.

Councillor Goldspink said the Liberal Democrat group were happy to support the recommendation. She said she had a comment about the page regarding the scoring of different projects. She questioned whether the Old River Lane development really met the corporate priorities of 'Sustainability at the heart of everything we do' and 'Enabling communities' due to the demolition of three houses and the absence of a full consultation.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED - That the Capital Strategy and Minimum Revenue Provision Policy 2023/24 onward be approved.

382 TREASURY MANAGEMENT AND ANNUAL INVESTMENT

STRATEGY 2023/24

The Executive Member for Financial Sustainability presented the Treasury Management and Annual Investment Strategy 2023/24 report. He said that the strategy guided the council on the delivery of programmes and the basis on which to manage its funds.

Councillor Williamson proposed that the recommendation in the report be supported.
Councillor Kaye seconded the proposal.

Councillor Goldspink said the Liberal Democrat group were happy to support the recommendation.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED – That the Treasury Management and Annual Investment Strategy 2023/24 at Appendix A and the Prudential Indicators at Appendix B be approved.

383 PAY POLICY STATEMENT 2023/2024

The Executive Member for Corporate Services presented the Pay Policy Statement for 2023/24. He said that it was a statutory requirement that all councils produce and publish a Pay Policy and the 2023/24 Statement included the pay negotiation concluded in 2022 which added £1,925 to each spinal column. This meant the lowest pay point had a pay increase of 9.99% and the highest pay point had

a 3.98% increase.

Councillor Cutting proposed that the recommendation in the report be supported. Councillor Alder seconded the proposal.

Councillor Redfern asked if the pay policy included an uplift for the current year that had not been agreed yet.

Councillor Cutting said the current negotiations had not been agreed yet.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED – That the Pay Policy Statement for 2023/24 be agreed.

384 REVIEW OF THE CONSTITUTION

The Chairman of the Member Constitution Review Group presented the Review of the Constitution report. He said most of the changes were minor and the change to Questions by Members' in the Council Procedure Rules aligned them to the rules for Public Questions. Councillor Williamson proposed a slight amendment to the paragraph 4.26.5(b) and requested the wording as follows:

“The Executive Member for Financial Sustainability has been given delegated authority to authorise the sale of any single asset held by the Council up to the value of £500k as advised and recommended by officers as

being in the interest of the Council and where expediency is required and the matter cannot wait until the next ordinary meeting of the Executive. Any such authorisation by the Executive Member for Financial Sustainability is subject to the Council's Member call-in procedure as described in Section 5, paragraph 5.31 of this constitution."

Councillor Williamson proposed that the recommendations in the report be supported. Councillor Deering seconded the proposal.

Councillor Goldspink said she was not happy with the proposed change in wording to paragraph 4.26.5(b). She felt that Councillor Williamson should discuss the proposed sale of assets with other Members of the Executive and not make the decision alone.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED - That the updates and amendments to the Constitution identified in Appendix A-F be approved.

385 PROTOCOL FOR THE APPOINTMENT OF HONORARY ALDERMAN

The Chairman of the Member Constitution Review Group presented the Protocol for the Appointment of Honorary Alderman. He said the opinion of the Review Group was that the current five term qualifying term for consideration of the title was too long and the

Group have suggested reducing the term limit to two.

Councillor Williamson proposed that the recommendations in the report be supported.
Councillor Deering seconded the proposal.

Councillor Jones said he was not comfortable that a two term period was sufficient to warrant Alderman status although he felt that the current five terms was too long. He proposed that the term limit be increased to three full terms.

Councillor Wyllie seconded the amendment.

Councillor Snowdon said that long service by itself was not a necessary condition. He said that when the term limit was originally set, Members terms were three years not four.

Councillor Crofton and Redfern felt three terms was more appropriate.

Councillor Haysey sought clarification about whether the three terms would be consecutive. She recognised that the length of time did not equate to quality of service but that issues in rural wards did not compare to issues in urban wards.

Councillor Kemp thought that the bar for Honorary Alderman status should be set high and length of service was not necessarily equal to quality of service. He thought that a Member could do something exceptional in two terms which should be recognised. He said that Members were democratically elected and

the electorate could choose not to re-elect a councillor.

Councillor Fernando echoed comments made by his colleagues. He thought that three terms would make more sense but also highlighted that the Honorary Alderman title needed a two-third majority of the council to be appointed.

Councillor Kaye felt the criteria should be qualitative not quantitative.

Councillor Jones clarified that he was only proposing an amendment to criteria (C) under paragraph 3 of the protocol. He said criteria (C) should read "Has rendered a minimum of twelve years' service/three consecutive full terms of office as a Member of East Hertfordshire District Council".

The motion to support the amendment having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED - That the qualifying term limit for nomination to be an Honorary Alderman be three consecutive terms.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED - That the Protocol for the Appointment of Honorary Alderman be approved.

386 EXTENSION OF THE 2022/23 MEMBER ALLOWANCE SCHEME

The Head of Legal and Democratic Services presented the Extension of the 2022/23 Member Allowance Scheme report. He said that under the Local Authorities (Members' Allowances)(England) Regulations 2003, the Independent Remuneration Panel should produce a report to make recommendations to the Members' Allowance Scheme. The last report which was agreed by Council in May 2022 ran for one year and it was felt that the current scheme should be extended to allow the Panel to meet with the council after the elections in May 2022.

Councillor Haysey proposed that the recommendations in the report be supported. Councillor Kemp seconded the proposal.

Councillor Goldspink said the Liberal Democrat Group were happy to support the recommendation.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED – That the extension of the 2022/23 Scheme of Members' Allowances until the Council meeting held on 26 October 2023 be approved.

387 LOCAL GOVERNMENT PAY TO COUNCIL - A FULLY FUNDED, PROPER PAY RISE FOR COUNCIL WORKERS

Councillor Redfern proposed the following motion on notice:

“This council notes:

Local government has endured central government funding cuts of more than 50% since 2010. Between 2010 and 2020, councils lost 60p out of every £1 they have received from central government. Councils across England are now facing a collective funding gap of £2.4bn for the financial year 2023/24 and a cumulative funding gap of £4.08bn for 2024/25 according to UNISON research.

Councils led the way in efforts against the Covid-19 pandemic, providing a huge range of services and support for our communities. Local government has shown more than ever how indispensable it is. But Covid has led to a massive increase in expenditure and loss of income, and as we emerge from the pandemic, local authorities need far more support from Westminster.

Council workers kept our communities safe through the pandemic, often putting themselves at considerable risk as they work to protect public health, provide quality housing, and look after older and vulnerable people.

Since 2010, the local government workforce has endured years of pay restraint with the majority of pay points losing at least 25 per cent of their value since 2009/10. Staff are now facing the worst cost of living

crisis in a generation, with inflation hitting 10% and many having to make impossible choices between food, heating and other essentials. This is a terrible situation for anyone to find themselves in.

At the same time, workers have experienced ever-increasing workloads and persistent job insecurity. Across the UK, 900,000 jobs have been lost in local government since June 2010 – a reduction of more than 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector.

There has been a disproportionate impact on women, with women making up more than three-quarters of the local government workforce.

Recent research shows that if the Government were to fully fund the unions' 2023 pay claim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits and tax credits, and increased consumer spending in the local economy.

This council believes:

Our workers are public service super-heroes. They keep our communities clean and safe, look after those in need and keep our towns and cities running.

Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.

Local government workers deserve a proper real-terms pay increase. The Government needs to take responsibility and fully fund this increase; it should not put the burden on local authorities whose funding has been cut to the bone and who were not offered adequate support through the Covid-19 pandemic.

This council resolves to:

Support the pay claim submitted by UNISON, GMB and Unite on behalf of council workers, for an increase of RPI + 2%

Call on the Local Government Association to make urgent representations to central government to fund the NJC pay claim

Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government

Meet with local NJC union representatives to convey support for the pay claim and consider practical ways in which the council can support the campaign

Encourage all local government workers to join a union."

Councillor Brady seconded the motion.

Councillor Cutting reaffirmed that the council appreciated the efforts of all employees regardless of their role and responsibilities. He said that all pay negotiations went through a national framework and

all councils were invited to offer their views through consultations. He said the negotiation for the 2023/24 pay award was underway with two national bodies. Councillor Cutting said that the current pay offer contributed to an overall increase of 22% since April 2021.

Councillor Goldspink said she supported the motion and said that if employees were not happy with what was being offered and the council thought the settlement was not fair, that more should be done. She said that if the government funded the pay increase they would be able to recoup more money through increased income tax payments and a reduced dependency on benefits and other support. Councillor Goldspink said that if staff were not happy with their pay, they would soon look for jobs elsewhere and then the council will be reliant on agency workers who were more expensive.

Councillor Wilson said he supported the motion and echoed Councillor Goldspink's comments about staff leaving for the private sector. He said that public sector workers need to feel valued to keep them in their roles.

Councillor Dumont said that he was confused by Councillor Cutting's comments and the channels to negotiate pay when the motion set out a resolution not what the council did or did not agree with.

Councillor Kemp said that it was the place of national negotiators for employers and employees to come to a solution and it wasn't for the council to guess the

outcome of the negotiations.

Councillor Redfern said that words did not pay rent and words of thanks did not buy food. She said the motion was about a fair pay increase for real people and she said she felt very passionate about it.

The motion, having been proposed and seconded, was put to the meeting and upon a vote being taken, was declared LOST.

The meeting closed at 9.30 pm

Chairman
Date

Agenda Item 13

East Herts Council Report

Council

Date of meeting: 17 May 2023

Report by: Head of Legal and Democratic Services

Report title: Political Balance and Committee Membership of the Council 2023/24

Ward(s) affected: (All Wards);

Summary - Council, at its annual meeting, is required to approve the decision-making arrangements for the discharge of functions.

RECOMMENDATIONS FOR COUNCIL:

- a) That the Scrutiny Committees, Regulatory Committees and Joint Committees with the number of voting Members listed in paragraph 2.1 be appointed;**
- b) That the political balance of the Council at Appendix A be agreed**
- c) That the membership and Chairman of Scrutiny Committees, Regulatory Committees and Joint Committees be as set out in Appendix B, with Members being appointed in accordance with the wishes of the political group to whom the seats on these bodies have been allocated;**
- d) That the intention of the Leader of the Council to appoint Members to the Executive (in addition to the Leader) with**

the portfolio responsibilities as detailed in Appendix C be noted;

- e) That the programme of Council meetings, as detailed at paragraph 4.1, be approved;**
- f) That the Head of Legal and Democratic Services be authorised to make changes in the standing membership of committees, joint committees and panels in (A) above, in accordance with the wishes of the political group to whom seats on these bodies have been allocated;**
- g) That the action to be taken by the Head of Legal and Democratic Services, in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted; and**
- h) The Head of Legal and Democratic Services be authorised to make such amendments to the Council's Constitution as may be necessary to account for the decisions in (A) to (G) above.**

1.0 Proposal(s)

- 1.1 Under its Constitution, Council appoints the Leader of the Council and this appointment is for the 'life' of the Council (i.e until the next District Council elections in 2027). Paragraph 4.3.1 of the Constitution sets out the circumstances when this post becomes vacant.

- 1.2 The Leader of the Council will be appointed under Item 5 on the Council agenda.
- 1.3 In terms of the appointment of Members to the Executive, the Constitution provides that it is the responsibility of the Leader of the Council once appointed. The Leader determines the size of the Executive. The Leader's determination on the size of the Executive for 2023/24 is at Appendix C (to follow).
- 1.4 The Leader is also responsible for advising Council on the allocation of executive portfolio responsibilities. The Executive portfolio responsibilities are also set out in Appendix C (to follow).

2.0 Committees

- 2.1 Council are asked to appoint the following Committees and size:

Committee	No. of Members
Overview and Scrutiny	14
Audit and Governance	7
Development Management	12
Human Resources	7
Licensing	12
Standards	7
Chief Officer Recruitment	5
East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee (3 from East Herts)	6
Joint CCTV Executive (3 from East Herts)	12
East Herts Council and Stevenage	6

Borough Council Joint Information Technology Committee (3 from East Herts)	
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3.0 Political Groups

- 3.1 Where Members of a Council are divided into political groups, the Local Government and Housing Act 1989 places a duty on the Council to review the allocation between those groups of seats on its scrutiny committees, regulatory committees and joint committees according to certain principles. This is to ensure that the political composition of those committees reflects the political representation of the Council. The rules of proportionality do not apply to the Executive.
- 3.2 The political groups within East Herts Council will be entitled to an allocation of committee places in proportion to their representation on the Council. The political balance representation of each relevant group is set out in Appendix A.
- 3.3 The Council must appoint Members to places on committees in accordance with each group's entitlement. Appendix B (to follow) sets out the proposed membership.

4.0 Calendar of meetings

- 4.1 A Calendar of meetings for 2023/24 has already been published on the council's website and Council is invited to confirm the dates of its meetings as follows:

26 July 2023

18 October 2023

13 December 2023

28 February 2024

15 May 2024

5.0 Outside Bodies

5.1 Council appoints a significant number of Members to be representatives on a range of outside bodies. The appointment of such representatives is delegated to the Head of Legal and Democratic Services, in consultation with the Leader of the Council.

6.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 None

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Report Author

Katie Mogan, Democratic Services Manager

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Group	Members	%	Number of seats allocated
Green	19	38	26
Conservative	16	32	20
Liberal Democrat	10	20	11
Labour	5	10	7
	50	100	64

East Herts Council Report

Council

Date of Meeting: 17 May 2023

Report by: Scrutiny Officer

Report title: Annual Scrutiny Report 2022/23

Ward(s) affected: All Wards

Summary - This report introduces the Annual scrutiny report for 2022/23 on behalf of the Chairman of Overview and scrutiny committee with introductory commentary by the Chief Executive. It provides an overview of what the Overview and Scrutiny Committee scrutinised during the respective civic year.

The Council strives to enhance the lives and well-being of residents in the context of the Council's Corporate Plan. In order to ensure that this continues to support the Council's vision and priorities, Officers will be arranging workshops with Members in order to establish their priorities for scrutiny and inclusion in the Overview and Scrutiny Work Programme.

RECOMMENDATIONS FOR COUNCIL

- a) That the Annual Scrutiny Report covering the 2022/23 Civic Year be agreed and published on the Council's website, and**
- b) That workshops be arranged with Members and Key Officers to establish Work Programme priorities for inclusion in the Overview and Scrutiny Work Programme for 2023/24.**

1.0 Proposal(s)

- 1.1 The Annual Report for 2022/23 is attached at Appendix A and summarises the work of the Overview and Scrutiny Committee during the respective period.

2.0 Background

- 2.1 An Annual Scrutiny Report is prepared each year and presented to Council as required by the Constitution. Once agreed by Council, the report will be published on the Council's website.

3.0 Reason(s)

- 3.1 The Council's Constitution at Chapter 5, paragraph 5.1 states that Scrutiny Committee *"must report annually to the council on their workings and make recommendations for future work programmes and amended working methods if appropriate"* action.

4.0 Options

- 4.1 No alternatives have been considered.

5.0 Risks

- 5.1 Publication of an Annual Scrutiny Report provides a summary of what issues have been reviewed in the preceding year, which can be assessed against the council's priorities in terms of the Corporate Plan.

6.0 Implications/Consultations

- 6.1 The Chairman of the Overview and Scrutiny Committee and the Leader have both been consulted on this document. The Annual Scrutiny Report is a summary of what individual report authors have to respective meetings of committee(s).

Community Safety

Yes

Data Protection

Yes

Equalities

Yes

Environmental Sustainability

Yes – Integral to the council's Corporate Plan is the issue of environmental sustainability in terms of the SEED Principles

Financial

None

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes – Scrutiny is enshrined in law by virtue of the Local Government Act 2000 and the Localism Act 2011. The Council's Constitution (Section 5, paragraph 5.1) requires Overview and Scrutiny Committee to report annual to the Council on their workings and make recommendations for future work programmes.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Reports to the Overview and Scrutiny Committee for the civic year 2022/23

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East Herts

Annual Scrutiny Report 2022-23



eastherts.gov.uk





Councillor John Wyllie
Chairman of the Overview
and Scrutiny Committee

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

It is my pleasure to provide a summary of the work of the Overview and Scrutiny Committee over the last 12 months. This includes regular reviews of the East Herts corporate plan to ensure that the council's vision for East Herts and the provision of services are driven forward by our four 'SEED' principles: Sustainability; Enabling our Communities; Encouraging Economic Growth; and Digital by Default. These principles underpin the council's endeavours to support residents, to provide services which go above and beyond, and to strive for better as our town and villages grow.

This report summarises the committee's activities during 2022-23, starting with our first quarterly meeting on 21 June. All reports and minutes are available on the council's website.



Meeting on 21 June 2022

East Herts Climate Change Strategy

Ever conscious of the need to support environmental issues and sustainability initiatives, Committee Members were provided with an update on the Climate Change Strategy which detailed the council's vision and what changes would be made between now and 2030 to achieve its goal of being carbon neutral. The Overview and Scrutiny Committee sought assurances that other district council climate strategies had been reviewed in developing its own. Members stressed the need to reduce emissions, the promotion of car sharing and the need to provide electric vehicles for Officer work related use. They also challenged the consultation exercise and debated the strategy at length, seeking assurances on the need to include the Sustainable Planning Supplementary Planning Document (SPD) in the District Plan, to review the need for paper and plastic recycling, and the need to work with its partners in achieving carbon neutrality.

Members endorsed the draft Climate Change Strategy 2022–26 for consideration by the Executive.

The reports were subsequently reviewed by the Executive and agreed by Council. The agendas and minutes can be found via the following links:

[Executive 12 July 2022](#)

[Council 27 July 2022](#)

Sustainability at the heart of everything we do

Enabling our communities

Encouraging economic growth

Digital by default



Social Value Policy

Members considered the council's Draft Social Value Policy which would help in leveraging investment in the Council's "SEED" priorities through procurement. The new policy aimed to bring in an element of social value when scoring new bidders or suppliers of contracts to the council. Members endorsed the Social Value Policy, Maturity Index and Action Plan for improvements as detailed and the scheme of delegated authority to key officers.

Corporate Annual Report 2021-22

An annual review of the Corporate Plan was presented to Members so that they could assess the progress and achievements over the last 12 months. In receiving the report, Members reviewed the current arrangements for the Launchpad facilities in the District and Members were provided with an update on telephone issues. Covid-19 related duties had impacted on Officers' abilities to determine Houses of Multiple Occupation (HMO) Licences and of on-going work by the council to work with landlords. An update was provided in relation to the Castle Park project. Members noted the report and recommended it to Council via the Executive.

The agendas and minutes of these meetings can be found via the following links:

[Executive 12 July 2022](#)

[Council 27 July 2022](#)

Regulation of Investigatory Powers Act (RIPA) Policy Annual Review

Following an update to Members as part of the Annual Review Process, Members were advised that the Policy had been amended by the inclusion of the Covert Human Intelligence Sources (Criminal Conduct) Act (CHIS) which received Royal Assent on 1 March 2021. This gave a CHIS the ability to participate in conduct which would otherwise constitute a criminal offence. Public authorities were not given these powers. Members recommended to the Executive adoption of the RIPA Policy.

The agenda and minutes of this meeting can be found via the following link:

[Executive 12 July 2022](#)



Meeting on 20 September 2022

Council tax reduction scheme 2023-24

A report was submitted on the current Council Tax Support scheme (CTS) at East Herts and the Committee was asked to consider whether any changes to the scheme should be made for 2023-24. The current scheme required payments of 8.5% of council tax liability instead of the 100% awarded under the previous scheme. Members were provided with a statistical breakdown of who in East Herts received CTS equating to under 8% and those who were eligible to receive up to 100% support. Assurances were given that Officers worked closely with any resident experiencing difficulty and that arrangements were in place to avoid causing excessive hardship.

Members were happy that the current Council Tax Scheme should continue for 2023-24.

The reports were subsequently reviewed by the Executive and agreed by Council. The agendas and minutes can be found via the following links:

[Executive 25 October 2022](#)

[Council 14 December 2022](#)

Review of potential opportunities for delivering more homes at social rent levels

Following concerns raised in the past regarding the need to provide more affordable homes with lower rents, the Overview and Scrutiny Committee was provided with the first draft of the Strategic Priority 1 Action Plan which had been prepared following consultation with other partner organisations. Members were advised that independent studies conducted by the Housing Quality Network in 2020 showed the benefits of greater numbers of homes with social rents and that there was a commitment to exploring all options for providing more homes for social rent. Members also considered the two regimes for setting rent and that social rents were set on a nationally defined formulae that did not factor in market rent.

The report was debated at length with Members discussing the options contained in the Priority Action Plan and the role of registered providers in the provision of more social housing. The Overview and Scrutiny Committee asked that their comments be forwarded to the Executive Member when finalising the documents prior to approval.

The agenda and minutes for the Executive meeting can be found via this link:

[Executive 12 July 2023](#)

First Homes Technical Advice note

The Committee considered the First Homes Technical Advice note. First Homes, a new form of low-cost home ownership, would recommend that a developer provide homes to buy at a discount of between 30% to 50% of the market price.

Having analysed the approach, Officers explained why this was not suited to the East Herts housing market because this would reduce their ability to provide many or possibly any, other affordable housing and would make the inclusion of social rent homes all but impossible. Shared ownership was reported as being more affordable for working households in the District than a First Home, and the First Homes Technical Advice sought to strengthen the council's position when negotiating with developers about the inclusion of first homes.

The Overview and Scrutiny Committee recognised that this was not a suitable approach in East Hertfordshire but that this was a nationally recognised affordable tenure. Members endorsed the First Homes Technical Advice Note for consideration by the Executive.

The reports were subsequently reviewed by the Executive and agreed by Council. The agendas and minutes can be found via the following links:

[Executive 22 November 2022](#)

[Council 14 December 2022](#)

Licensed vehicles emissions update

In supporting the Corporate Plan, the Committee reviewed a report which set out the work undertaken in relation to the emissions created by licensed vehicles, both hackney carriage and private hire vehicles. The report advised that 79 licensed vehicles were not Euro 6 emissions compliant. Members considered the impact this might have on specialised wheelchair accessible vehicles but that there would be exemptions in certain circumstances. The Overview and Scrutiny Committee were also reminded of the Hertfordshire-wide Climate Change Sustainability partnership and the work being done to roll out a policy in respect of low emissions.

Members of the Overview and Scrutiny Committee endorsed the work being undertaken to limit emissions from licensed vehicles.

Planning enforcement 2022

The Overview and Scrutiny Committee considered a report regarding the council's approach to planning enforcement following the adoption and implementation of a new Planning Enforcement Plan. Although the level of complaints regarding planning enforcement remained high, Members noted that the triage system which was in line with Government guidance, was working effectively and had enabled Officers' time to be directed to those cases requiring further investigation, some of which were very complex and took time to resolve. The approach to those reporting anonymously to proposed breaches was debated. The issue of having sufficient resources in place to deal with the increase in cases was of concern to the Overview and Scrutiny Committee. Members also felt that having better communication with residents might reassure them that work was ongoing behind the scenes.

The Committee requested that their comments be referred to the Executive Member for Planning and Growth.

Future service design of waste, recycling and street cleansing services

A report was presented to Members on proposals due to be referred to the Executive regarding the competitive dialogue for the procurement of waste and recycling collection and street cleansing contract which was due to expire in May 2025. The report had been drafted following comments from the Member-led Joint Working Group between East Herts and North Herts Council and set out the key changes which impacted across the shared service arrangements and the challenges faced by both councils. In addition to securing a more financially and environmentally sustainable service, Members considered the extended frequency of residual waste collections, transitioning to smaller 180L waste bins, the weekly separate food waste collections for houses and flats and the cessation of recycling bank services. Members debated the report at length, seeking assurances and clarification about the environmental sustainability of the refuse trucks, the length and flexibility of the contract, the frequency of residual collections, recycling arrangements for residents in flats (including that of food waste) and proposals to reduce the size of the residual bin size to 180 litres to encourage more recycling. Members requested that their comments and concerns be fed back to the Executive.

The reports were subsequently reviewed by the Executive and agreed by Council. The agendas and minutes can be found via the following links:

[Executive report 25 October 2022](#)

[Council 16 November 2022](#)



Meeting on 8 November 2022

Data Protection Policy

A new Data Protection Policy had been drafted for consideration by the Overview and Scrutiny Committee before its consideration by the Executive.

Members debated its content and recommended its adoption to the Executive. The agenda and minutes for this meeting can be found via the following link:

[Executive 22 November 2022](#)

Surveillance Technologies Policy

A new Surveillance Technologies Policy had been drafted. Members were advised of the collaborative work with the Police and the CCTV Camera Partnership arrangements.

Members supported the adoption of the Policy and recommended its adoption to the Executive. The agenda and minutes for this meeting can be found via the following link:

[Executive 22 November 2022](#)

Development management update

Members were provided with an update on the current situation with planning applications, the current challenges and the actions being taken to improve the service and address the backlog. The significant increase in the volume of applications reflected a national trend across the country alongside a national shortage of planners and a high turnover of staff. Members were concerned about the options available to assist the council and the interventions which could be implemented quickly including working with Hertfordshire Highways in assisting officers in determining planning applications. The Overview and Scrutiny Committee referred their concerns and observations to the Executive Member for Planning and Growth.

Digital communications update

Members were presented with a report which reviewed progress against various priorities within the Corporate Plan. Members were keen to establish a wider circulation of the Network newsletter and asked if existing account set ups for business rates and council tax could include a sign-up option for Network. They also felt that the telephone system could be improved by the introduction of the call back option given the concerns expressed that only 75% of calls were answered within 10 minutes. The Overview and Scrutiny Committee was keen to ensure that those who were not comfortable using digital services would be supported. Members noted the follow up update following an earlier presentation.



Meeting on 21 March 2023

Information governance and data protection policies

Members of the Overview and Scrutiny Committee considered a report which provided an update on the Access to Information Policy, the Data Breach Policy and the Data Retention Policy as part of an annual policy review. The appendices to the report summarised the proposed changes for Members' consideration. The Policies had been amended to reflect new council policies, learning from data breaches, storage locations and backup arrangements following migration to Microsoft 365. Members received the update and requested that training should be provided following the May 2023 elections to ensure new Members and the council were protected from potential risks.

Air quality management plan

Members of the Overview and Scrutiny Committee received a report which aimed to provide questions raised by Members at an earlier meeting about the council's air quality management areas and an air quality action plan. Members wanted to establish whether the current air quality action plan was fit for purpose, whether there was sufficient information on the website, whether statutory duties were being fulfilled, the impact of new housing developments on existing Air Quality Management Areas and whether Section 106 monies had been used from housing development to improve air quality.

A presentation was provided by the Executive Member for Environmental Sustainability which highlighted the fact that pollution levels had been reducing in the three air quality management areas of Bishop's Stortford, Hertford and Sawbridgeworth since 2014, nearly falling below the air quality management designation status. He explained that from the evidence presented, the recent growth in housing development had not impacted negatively on air pollution despite increases in car usage and additional school admissions.

Members acknowledged that a Government Grant of £126,408 had been received to deliver air quality projects and were given a summary of the council's achievements since 2020. This included the purchase of electric cars for Officer use, revised taxi policies, the sustainability policies, new pollution monitors and a new Climate Change Strategy. The Executive Member explained the timetabling proposed for the introduction of a new

Air Quality Action Plan. This would go out for consultation and approval by the Overview and Scrutiny Committee (21 September 2023), the Executive (January 2024) and to DEFRA (Department for Environment, Food and Rural Affairs).

Following a lengthy debate, Members considered the responses to some pre-submitted and supplementary questions given by the Executive Members for Environmental Sustainability and for Planning and Growth and by Hertfordshire County Councillors Eric Buckmaster, Bob Deering and Calvin Horner.

Members welcomed the work being done in the three air quality management areas and how the Council was using available resources to have a positive impact on public health and the extent to which it was fulfilling its statutory obligations. Members also noted the proposed timetable for the Draft Air Quality Action Plan and looked forward to scrutinising this on 21 September 2023.

Regulation of Investigatory Powers Act (RIPA) policy annual review

A report was submitted which updated Members on the council's recent IPCO inspection. The report recommended a number of changes to the RIPA Policy following an inspection and why these were considered necessary to further strengthen the policy. Following the last inspection, Members were pleased to note that the Inspector had been both positive and complimentary regarding the changes made. The Inspector had suggested some modifications to the Council's RIPA Policy in order to address some recent changes pertaining to Communications Data in the Investigatory Powers Act, as well as some additional changes to the treatment of information on social media. Members welcomed the report and recommended the proposed changes to the Executive for adoption.

East Herts Council Report

Council

Date of meeting: Wednesday 17 May 2023

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

Report title: Independent Members of the Audit and Governance Committee

Ward(s) affected: All

Summary – This report provides Members with information on the appointment of two independent people to the Audit and Governance Committee as recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA)

RECOMMENDATIONS FOR COUNCIL:

- a) the appointment of two independent people (known as independent members) to sit on the Audit and Governance Committee for a period of four years, with a possible extension of a further six months to align to the municipal year be approved.**
- b) the job advert and job pack as at Appendix A and Appendix B be approved.**

1.0 Proposal(s)

- 1.1 As above. There are no alternative options as the Government has mandated that at least one independent member must sit on the Audit Committee.

2.0 Background

- 2.1 The Audit and Governance Committee plays a key role in the Council's arrangements to support good governance. It has the specific role of monitoring the Budget, approving the council's Statement of Accounts and acting as the council's audit committee. The Committee also carries out the monitoring of treasury management functions.
- 2.2 The Committee meets approximately four times a year, with meetings held in person in the Council Chamber at East Herts Council's Wallfields Offices in Hertford, commencing at 7pm.

3.0 Reasons

- 3.1 The 2020 independent review by Sir Tony Redmond into the effectiveness of external audit and transparency of financial reporting in local authorities¹ recommended that consideration should be given to the appointment of at least one independent member, suitably qualified, to audit committees.
- 3.2 In its response to the Redmond Review in June 2022, the Government announced that local authorities would be

¹ [Redmond Review](#)

required to have an audit committee with at least one independent member. Their response in full was:

“Fundamentally, it is important that councils, as with other public bodies, have appropriate measures in place: the government considers it proportionate to establish a simple principle that local authorities should have an audit committee, with at least one independent member.”

3.3 Following the Redmond Review, the Chartered Institute of Public Finance and Accountancy (CIPFA) issued guidance² recommending that local authority and police audit committees include at least two independent members.

3.4 The Independent people would be non-councillors with some experience in the area of audit, similar to those who sit on the Council’s Standards Committee. The independent people would be non-voting members of the committee and will be there in an advisory consultative manner. Suitably qualified and experienced independent members serving on Audit Committees can also bring specialist knowledge and insight to the workings and deliberations of the committee which, when partnered with elected members’ knowledge of working practices and procedures, ensure:

- An effective independent assurance of the adequacy of the risk management framework.
- Independent review of the Authority's financial and non-financial performance.

² [CIPFA for independent local authority audit committee members](#) | ICAEW

- Independent challenge to and assurance over the Authority's internal control framework and wider governance processes.
- Oversight of the financial reporting process.

3.5 The appointment of independent members on the committee will assist and promote good governance and scrutiny of the committee. Subject to adequate vetting procedures and adherence to the Person Specification, this initiative should augment the Audit Committee's independence, provide additional expertise, and provide an opportunity for the community to play an enhanced role in the governance of the Council.

3.6 It is recommended that recruitment be on a competitive basis following the Council's rules and procedures, including an open advertisement and interviews, as currently undertaken for independent members of the Standards Committee. Reasonable travel and other expenses will be paid to the person concerned.

4.0 Options

4.1 Members are invited to approve the recommendation to appoint two independent members to the Audit and Governance Committee. This would follow the recommendations of the Redmond Review and CIPFA.

4.2 Members could choose not to approve the recommendation to appoint two independent members to the Audit and Governance Committee - This is not recommended and would result in the council not following the requirements and guidance of both the Redmond Review and CIPFA.

5.0 Risks

- 5.1 The timely appointment of independent members to the Audit and Governance Committee will reduce the risks associated with the absence of independent challenge and oversight.

6.0 Implications/Consultations

- 6.1 Leadership Team were consulted on the draft Independent Members of the Audit and Governance Committee report on 14 March 2023. The Audit and Governance Committee recommended to Council the appointment of two independent members on 12 April 2023.

Community Safety

No

Data Protection

No

Equalities

Yes

Environmental Sustainability

No

Financial

Any costs associated with the recruitment, selection, appointment and subsequent disbursements to any independent panel members would need to be contained from within existing revenue service budgets.

It is recommended that remuneration for the independent members is in line with that which is paid to the independent member of the

Standards Committee. This is currently £2,500 pa, paid in monthly instalments plus expenses.

Health and Safety

No

Human Resources

Appointments will be made in line with Human Resources recruitment and retention policies and best practice.

Human Rights

No

Legal

The Council's Audit Committee is defined by the Local Government Act 2000 and its purpose is to give assurance to elected members and the public about the governance, financial reporting and performance of the Council.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – Job Pack - Independent Members of the Audit Committee.
- 7.2 Appendix B – Job Advert -Independent Members of the Audit Committee.

Contact Member

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East Herts Council

Appointment of Independent Members of The Audit and Governance Committee

The Audit and Governance Committee

The Audit and Governance Committee is currently composed of 7 elected members and is politically balanced. The Committee meets approximately four times a year, with meetings held in person in the Council Chamber at East Herts Council's Wallfields Offices in Hertford, commencing at 7pm. The successful applicant will need to be available to attend these meetings and any associated training and development events.

The Committee is a key element of the Council's arrangements to support good governance. It has the specific role of monitoring the Budget, approving the council's Statement of Accounts and acting as the council's audit committee. The Committee also carries out the monitoring of the council's treasury management functions.

The co-option of two independent members to the Committee will help to bring additional knowledge and expertise and will also reinforce its political neutrality and independence. Co-opted members to Council committees are not members of the Council itself, therefore other than in limited circumstances they have no voting rights. Co-opted members would instead be consulted during committee meetings and their views taken into account by voting members of the committee.

Following a review by Sir Tony Redmond in 2020, the Chartered Institute of Public Finance and Accountability (CIPFA) recommended that "each authority's audit committee should include at least two co-opted independent members".

Key Responsibilities and Commitments

The independent members will need to have appropriate skills, experiences and competencies to meet the key responsibilities and commitments below.

- Committing to attend and constructively participate in meetings.
- Thorough preparation for meetings through careful consideration of all agenda reports and documents.
- Questioning Executive Members and senior management on issues arising from committee papers with due regard to the role of the committee.
- Adopting and demonstrating a politically neutral perspective in questions asked and the general contribution to the work of the committee.
- Applying relevant skills and experiences to add value and depth to the work of the committee.
- Committing to personal development in the role.
- Committing to attend training sessions in accordance with agreed development
- Signing and abiding by the Members Code of Conduct.
- Adopting the highest levels of personal integrity, openness and honesty.

Person Specification

The attributes that we are looking for are listed below. Applicants for the role should complete the application form to express their interest and explain how they meet the desirable requirements.

- Good advocacy skills: able to present relevant and well-reasoned arguments and provide effective and constructive challenge.
- Ability to effectively analyse and interpret complex issues arising from written and verbal reports on finance, audit, risk management and governance matters.

- Good understanding of the importance of accountability and probity in public life.
- Ability to demonstrate objectivity, integrity and discretion.
- Good communication and interpersonal skills; a confident public speaker.
- Ability to maintain confidentiality of sensitive information.

Knowledge of the following is desirable:

- Previous experience of audit committees.
- Understanding of local government and the role of officers and members.
- The council's objectives, key activities and the key challenges it faces.
- Financial management / accountancy / risk management / governance within the public or private sector.
- Understanding of the roles and purpose of Internal and External Audit.

Other

You must:

- Have local connections, and either reside within the area of East Hertfordshire, carry out the main part of your work or have other recognisable ties to the area.
- Agree to abide by the provisions of the Members Code of Conduct while serving on the Committee.
- Disclose to the Council any matter that might damage its reputation or indicate a real or perceived conflict of interest with the role of the Committee.

You must **not**:

- Be a councillor or officer of the Council or have been so in the preceding five years prior to appointment.

- Be related to, or a close friend of, any councillor or officer of the Council.
- Have been convicted of any offence attracting a sentence of imprisonment (whether suspended or not) for not less than a period of 3 months without the option of a fine. The Council has the right to DBS check any independent committee members.
- Be an undischarged bankrupt.
- Have significant business dealings with the Council.
- Have a formal connection with any political group.
- Be an employee of or the holder of a significant office in an organisation with close commercial links with the Council.
- Have Council Tax, Business Rates arrears or other debts owing to the Council.

Remuneration

£2,500 pa, to be paid in monthly instalments.

Behaviour and Code of Conduct

Whilst operating as a member of the Audit and Governance Committee, co-opted independent members are expected to follow the Local Government Association's Model Councillor Code of Conduct 2020.

A copy of the current code of conduct can be found here:

[Model Councillor Code of Conduct 2020 \(eastherts.gov.uk\)](https://www.eastherts.gov.uk)

Application and Selection Process

Please submit your application form (below) to James Ellis, Head of Legal and Democratic Services and Monitoring Officer:

- **Email:** james.ellis@eastherts.gov.uk
- **By post:** James Ellis, Head of Legal and Democratic Services,
East Herts Council, Wallfields, Pegs Lane, Hertford,
Hertfordshire, SG13 8EQ

The **closing date** for applications is

**APPLICATION FOR APPOINTMENT AS AN INDEPENDENT MEMBER
OF THE AUDIT AND GOVERNANCE COMMITTEE**

1 PERSONAL DETAILS
TITLE:
FULL NAME:
HOME ADDRESS:
CONTACT TELEPHONE NO:
EMAIL:

2 Have you ever been a Councillor, co-opted member or officer of East Herts Council or a Councillor, co-opted member or officer of a parish or town council which falls within East Hertfordshire?

YES/NO

*If your answer to this question is yes, please give the date on which you ceased to be a
Member or employee.*

3 Are you related to, or a close friend of, a member or employee of East Herts Council?

YES/NO

If your answer to this question is yes, please give details below

4 Are you, or have you been a member of a political party?

YES/NO

If the answer to this question is yes, please give details below

5 Please indicate whether there is any matter concerning your own conduct which, if it were generally known, might affect public confidence in your ability to contribute to the work of the Audit and Governance Committee.

YES/NO

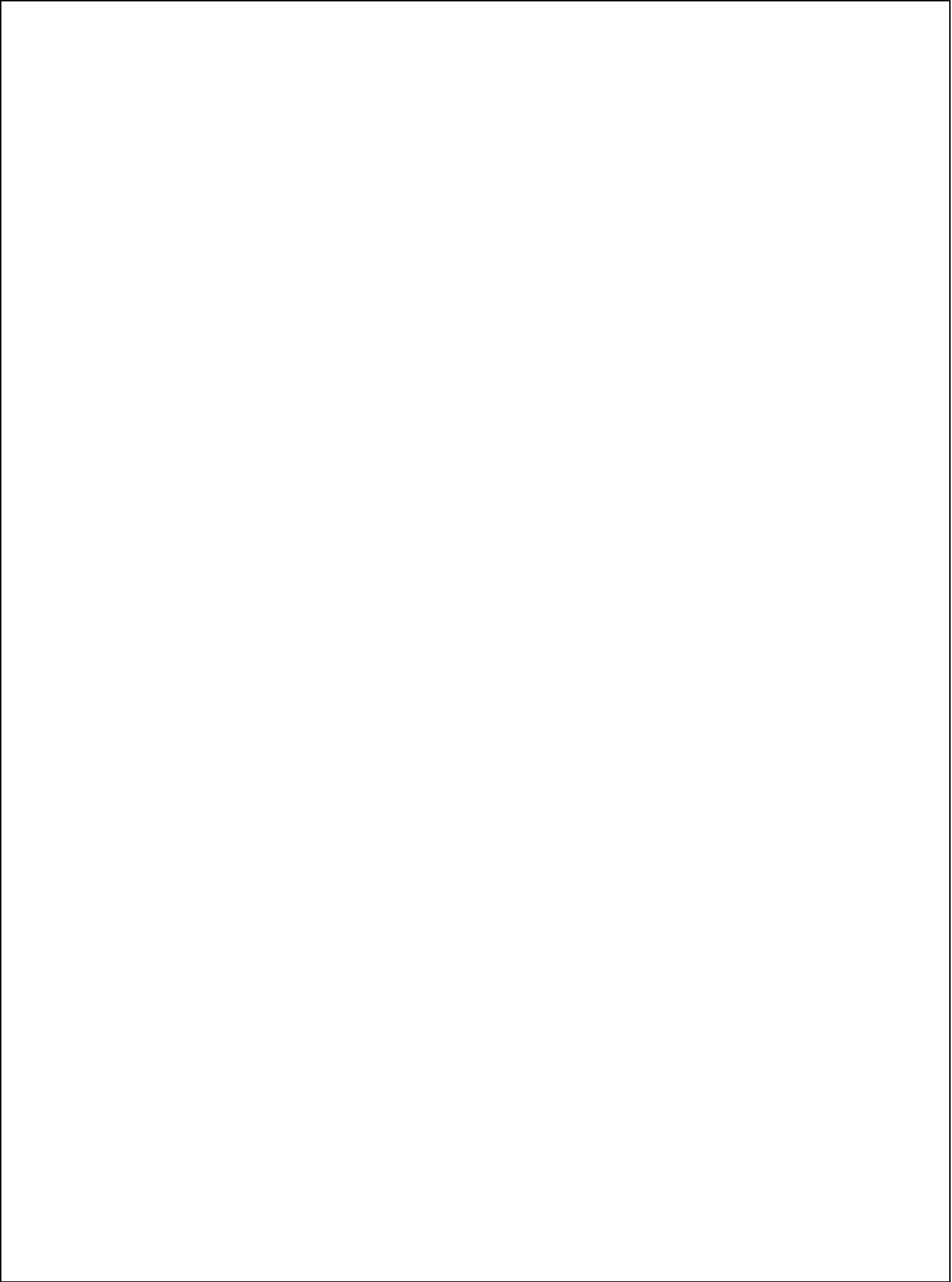
If your answer to this question is yes, please give details below.

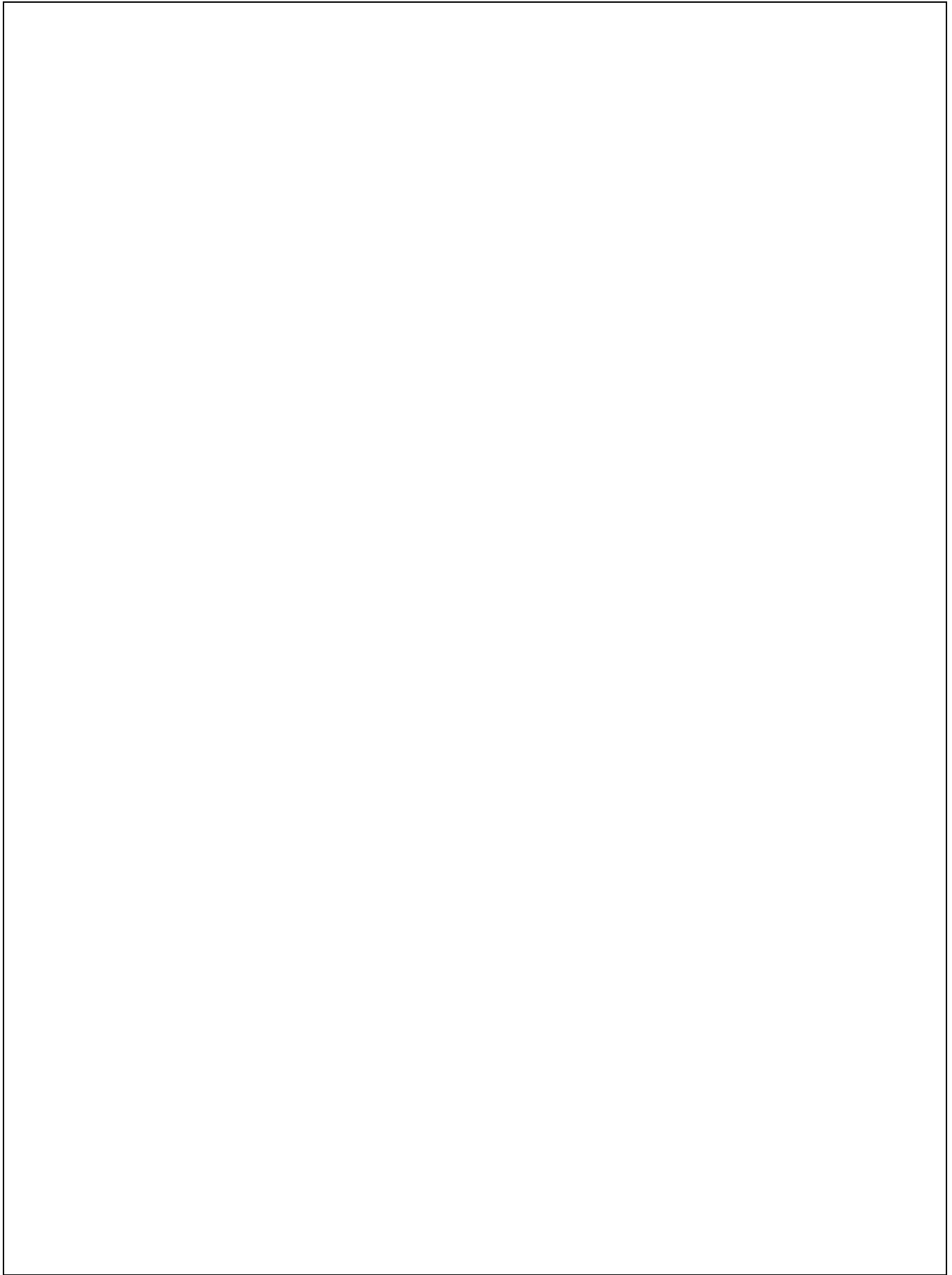
6 Please confirm that you are able to meet the attendance requirements of the role i.e. attending early evening meetings in person at the designated Council venue.

YES/NO

7 Please say why you wish to be considered for the post of Independent Member and what you could offer the Council. Give brief details of your experience (e.g. employment / business / professional /voluntary/ public service) and qualifications, and any other matter which you consider relevant to your suitability for appointment.

Please also explain how you meet the person specification outlined in this application pack.





References: Please give the name, address, and telephone number of two referees who are not related to you and are not members of a town or parish council within East Hertfordshire and who are able to comment on your suitability for appointment. (Your referees will be contacted without further notice to you unless you indicate to the contrary).

Referee 1

Name:

Address

Contact
Number:

Referee2

Name:	
Address	
Contact Number:	

Data Protection Act

Information from this form will be processed in accordance with the Data Protection Act 2018. In signing it you agree to this data being held and processed and if appointed to the position you also agree to further personal information, including sensitive data (e.g. bank details) being held and processed by East Herts Council in accordance with the Act.

DECLARATION

I wish to be considered for appointment as an Independent Member of the Audit and Governance Committee and confirm that, if appointed, I will undertake to observe the code of conduct for councillors and co-opted members of East Herts Council, as adopted by the Council.

The information which I have given is true and complete to the best of my knowledge and belief.

NAME	
DATE	

Please return the completed application form to:

James Ellis, Head and Legal and Democratic Services:

- **Email:** james.ellis@eastherts.gov.uk
- **By post:** James Ellis, Head of Legal and Democratic Services,
East Herts Council, Wallfields, Pegs Lane, Hertford,
Hertfordshire, SG13 8EQ

The **closing date** for applications is



East Herts Council

Appointment of Independent Members of The Audit and Governance Committee

East Herts Council is looking to recruit two local people, unaffiliated to political groups and with no connection with the Council, to sit as independent members on our Audit and Governance Committee.

The Audit and Governance Committee plays a key role in the Council's arrangements to support good governance. It has the specific role of monitoring the Budget, approving the council's Statement of Accounts and acting as the council's audit committee. The Committee also carries out the monitoring of the council's treasury management functions. The Committee meets approximately four times a year, with meetings held in person in the Council Chamber at East Herts Council's Wallfields Offices in Hertford, commencing at 7pm.

This is a role which carries public responsibility. You should be a person with experience of working in an organisation at a senior level or have other similar experience. Financial management (accountancy, audit or management of a large budget) would be advantageous. You will be appointed for a four year term and the role may be extended for a further six months to align to the municipal year.

In order to be eligible for the position, applicants must **not** be:

- Be a councillor or officer of the Council or have been so in the preceding five years prior to appointment.
- Be related to, or a close friend of, any councillor or officer of the Council.
- Have been convicted of any offence attracting a sentence of imprisonment (whether suspended or not) for not less than a period of 3 months without the option of a fine. The Council

has the right to DBS check any independent committee members.

- Be an undischarged bankrupt.
- Have significant business dealings with the Council.
- Have a formal connection with any political group.
- Be an employee of or the holder of a significant office in an organisation with close commercial links with the Council.
- Have Council Tax, Business Rates arrears or other debts owing to the Council.

If you are interested in becoming an Independent Member of the Audit and Governance Committee, please apply using the application form.

There is an annual allowance of £2,500 for the role, paid in monthly instalments, together with travel expenses. You can also view the job pack with further information about the role by following:

The closing date for applications is

Agenda Item 16

East Herts Council Report Template

Council

Date of Meeting: 17th May 2023

Report by: Cllr David Andrews, Chairman of the Licensing Committee, in lieu of the Executive Member for Planning and Growth

Report title: Consideration of the results of the Hackney Carriage Unmet Demand Survey

Ward(s) affected: All

Summary

RECOMMENDATIONS FOR Council:

The number of Hackney Carriage vehicle licences issued by East Herts Council should be increased by 10 (approximately 5%) over the number currently issued, bringing the total to 210.

1.0 Proposal(s)

1.1 That Council scrutinises the contents of the survey, the responses, the minutes of the Licensing Committee held on 15th March 2023 and the recommendation of Executive Member for Planning & Growth to inform the decision.

2.0 Background

2.1 East Herts is an authority that grants licenses for Hackney

Carriage and Private Hire drivers, vehicle proprietors and operators.

- 2.2 In 2019, at the taxi trade's request, a Hackney Carriage Unmet Demand Survey was commissioned. Following that survey, a limit on the number of Hackney Carriage vehicle licences that the authority would issue was approved by Council on 18th December 2019 as there was no evidence of 'significant' unmet demand identified.
- 2.3 The limit was set at 200 vehicles as this was a level that could satisfy the demand for Hackney Carriages at that time. This number was below the number of Hackney Carriage licences issued at that time. The reduction was to be achieved by not granting new licences when an existing one was surrendered by the holder or they chose not to renew. Note: existing licences were renewed if the holder made the wished to keep the licence.
- 2.4 Department for Transport (DfT) Best Practice Guidance states, in the section titled 'Quantity Restrictions of Taxi Licences Outside London', that an interval of three years is commonly regarded as a maximum reasonable period between surveys.
- 2.5 A new Unmet Demand Survey was commissioned from Licensed Vehicle Surveys and Assessment (LVSA) at the end of 2022. The report of the survey demonstrates that circumstances have changed and that there is now evidence of 'significant' unmet demand for Hackney Carriage services within the District.
- 2.6 This means that it is appropriate for the authority to consider at what level the limit on Hackney Carriage vehicle numbers should be set to reduce that demand to a level that is not considered 'significant'.

3.0 Reason(s)

- 3.1 The Unmet Demand Survey produced by LVSA formed

Appendix A of the report that went before the Licensing Committee on 15th March 2023.

- 3.2 The following conclusions have been drawn by Licensed Vehicle Surveys and Assessment (LVSA) based on the survey findings.
- a) The industry standard index of significance of unmet demand (ISUD) strongly indicates that there is 'significant' unmet demand.
 - b) A significant proportion of this unmet demand is created by the private railway station ranks, particularly in Bishop's Stortford.
 - c) The level of capacity available at taxi ranks was clearly not sufficient to cater for passenger demand at all times.
 - d) There is a significant issue with public vehicles parked on all ranks during the evenings leaving less space for licensed vehicles to ply for hire.
 - e) The public expressed frustration regarding the availability of vehicles to be pre-booked, which is likely to increase the demand for Hackney Carriages.
 - f) A quarter of Hackney Carriage hires were servicing taxi rank demand, which would imply that there is sufficient theoretical capacity for the existing Hackney Carriage fleet to meet the existing levels of demand. However, current working practices mean that capacity was deployed on other types of hire.
- 3.3 The unmet demand survey indicates that increasing the number of Hackney Carriage vehicles is one step towards meeting this demand but there are other factors identified which the Licensing & Enforcement team will try to address.
- 3.4 Trade responses to the survey were low at 17, representing only approximately 8% of the Hackney Carriage trade.
- 3.5 The public response was higher than during the previous survey, with 208 responses received. These were mainly from the Bishop's Stortford area as can be seen from the comments

made.

- 3.6 Once the report was received a short survey was sent to the Hackney Carriage trade to confirm that 'significant' unmet demand had been identified and to ask for their opinions regarding an increase in the number of licensed vehicles. The responses to this survey were **Appendix B** of the report that went before the Licensing Committee on 15th March 2023.
- 3.7 Respondents were asked questions and invited to make additional comments if they wished. A total of 53 responses were received which represents approximately 25% of the Hackney Carriage trade.
- 3.8 In summary, many respondents:
- do not want an increase in the numbers of Hackney Carriages (71%)
 - would like unmet demand surveys carried out more frequently than every three years (66%, made up of 32% requesting yearly and 34% requesting a survey every two years).
- 3.9 The results of the unmet demand survey and supporting documents were considered at a meeting of the Licensing Committee on the 15th March 2023. The Licensing Committee RESOLVED – that following review of the consideration of the results of the Hackney Carriage Unmet Demand Survey, Members recommend to the Executive Member for Planning and Growth that Option 2 (an increase in the number of Hackney Carriage vehicle licences issued by East Herts Council be increased by 10 (approximately 5%) over the number currently issued) be taken forward.
- 3.10 Following the publication of the minutes of the Licensing Committee meeting a report was put before the Executive Member for Planning & Growth. The report sought a recommendation to Council.
- 3.11 After due consideration the Executive Member for Planning & Growth's decision was to recommend to Council that:

the number of Hackney Carriage vehicle licences issued by East Herts should increase by 10 (approximately 5%) over the number currently issued.

3.12 The reasons given for the recommendation are:

The report indicates that this would be likely to result in a commensurate increase in capacity. This change would be likely to bring down the level of unmet demand to below what is considered 'significant' whilst maintaining the viability of Hackney Carriages.

4.0 Options

4.1 There are several options that Licensing Committee can recommend to the Executive Member for consideration.

4.2 **Option 1** – Leave the current limit unchanged (Not recommended). Having identified that there is 'significant' unmet demand for Hackney Carriage services, the refusal of an application to licence a vehicle would be likely to be subject to a successful legal challenge. This would not help address the issues identified in the public responses to the survey.

4.3 **Option 2** – Increase the number of Hackney Carriage vehicle licences issued by 10 (approximately 5%) over the number currently issued (Recommended). The report indicates that this would be likely to result in a commensurate increase in capacity. This change would be likely to bring down the level of unmet demand to below what is considered 'significant' whilst maintaining the viability of Hackney Carriages.

4.4 **Option 3** – Increase the number of Hackney Carriage vehicle licences issued by an amount greater than 10 over the number currently issued (Not recommended). As identified in the report increasing the number of vehicles by a larger amount may impact the viability of Hackney Carriages.

4.5 **Option 4** – Remove the limit on Hackney Carriage vehicle licences (Not recommended). Whilst this would reduce demand to a level not considered 'significant' it would impact the viability

of Hackney Carriages which see some drivers exiting the business and thus, perversely, this could ultimately lead to increased unmet demand in the future due to an insufficient number of vehicles.

5.0 Risks

5.1 Having carried out an unmet demand survey, failing to take appropriate action based on the results, and justifying these actions, would increase the likelihood of the council facing a successful legal challenge as the authority would not be following the DfT Best Practice Guidance.

6.0 Implications/Consultations

6.1 Public, stakeholder and trade consultation was carried out as part of the unmet demand survey for two weeks closing on midnight on 2nd January 2023.

6.2 The trade were consulted further regarding the proposal to increase the number of Hackney Carriage vehicle licences for two weeks closing at midnight on 19th February 2023.

Community Safety

Failure to address the unmet demand could negatively impact on public safety with vulnerable people or groups unable to obtain the service they need.

Data Protection

No

Equalities

Currently 42% of the licensed trade were born outside the UK but are now British citizens or have a right to work in the UK. If this level is maintained of any new licences granted, then it is likely to have a greater positive impact on these groups.

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Failure to take appropriate action based on the results of the unmet demand survey will increase the likelihood of a successful legal challenge should an application be refused.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 The minutes of the Licensing Committee meeting of 21st August 2019:
<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CIId=120&MIId=3649&Ver=4&J=3>
- 7.2 The minutes of the Licensing Committee meeting of 30th October 2019:
<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CIId=120&MIId=3551&Ver=4&J=3>
- 7.3 The minutes from the Council meeting of the 18th December 2019:

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CIId=158&MIId=3510&Ver=4&J=8>

- 7.4 Department for Transport, Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. Paragraphs 45-52 & Annex A:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf
- 7.5 The Report and minutes from the Licensing Committee meeting of the 15th March 2023:
<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CIId=120&MIId=4073&Ver=4&J=2>

Contact Member

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