



James Ellis

Head of Legal and Democratic Services

MEETING : EXECUTIVE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 22 NOVEMBER 2022
TIME : 7.00 PM

MEMBERS OF THE EXECUTIVE

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

CONTACT OFFICER: Katie Mogan

Tel: 01279-502082

Email: Katie.Mogan@eastherts.gov.uk

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<https://www.youtube.com/user/EastHertsDistrict>

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- 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;
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AGENDA

1. Apologies

To receive any apologies for absence.

2. Leader's Announcements

3. Minutes - 25 October 2022 (Pages 6 - 23)

To approve as a correct record the Minutes of the meeting held on 25 October 2022.

4. Declarations of Interest

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

5. North of Hertford - Land West of Wadesmill Road, Bengo (HERT4, Phase 2) Masterplanning Framework (Pages 24 - 57)

6. Data Protection Policy (Pages 58 - 86)

7. Surveillance Technologies Policy (Pages 87 - 113)

8. Affordable Housing Needs Assessment Update for East Herts (Pages 114 - 127)

9. First Homes – Adoption of a Technical Guidance Note (Pages 128 - 149)

10. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not

likely to involve the disclosure of exempt information.

Agenda Item 3

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MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 25 OCTOBER 2022, AT 7.00 PM

PRESENT:

Councillors L Haysey, E Buckmaster,
G Cutting, J Goodeve, J Kaye, G McAndrew
and G Williamson.

ALSO PRESENT:

Councillors R Bolton, S Bull, R Fernando,
M Goldspink, M Pope and P Ruffles.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
Helen Standen	- Deputy Chief Executive
Lindsey Creed	- Communications and Digital Media Manager
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Laura Guy	- Principal Planning Officer
Chloe Hipwood	- Service Manager - Waste, Recycling and Street Cleaning
Dominique	- Contracts

Kingsbury	Manager
Jess Khanom-Metaman	- Head of Operations
Katie Mogan	- Democratic Services Manager
George Pavey	- Principal Planning Officer
Sara Saunders	- Head of Planning and Building Control
Su Tarran	- Head of Revenues and Benefits Shared Service

171 APOLOGIES

Apologies for absence were received from Councillor Peter Boylan.

172 LEADER'S ANNOUNCEMENTS

The Leader welcomed Members and Officers and those who were watching on YouTube. She asked Councillor Buckmaster and Councillor Goodeve to update the meeting on announcements within their portfolios.

Councillor Buckmaster said that the 'Your Tree, Our Future' was a project launched by Hertfordshire County Council on 21 September 2022 which would plant 100,000 trees over four years. 46,000 trees were allocated for this year and East Herts residents had claimed 7,000 of these. He said he was pleased to see

such a high level of interest from residents.

Councillor Goodeve said that the Economic Development Team had won first place in the Local Government Support Programme category from the Federation of Small Businesses. She said that the Bishop's Stortford Business Improvement District had been re-elected for a second five year term, she congratulated them and said they had been a significant support for businesses in Bishop's Stortford Town Centre.

173 MINUTES – 6 SEPTEMBER 2022

Councillor Kaye proposed, and Councillor Cutting seconded a motion that the Minutes of the meetings held on 6 September 2022 be approved as a correct record and be signed by the Leader. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 6 September 2022 be approved as a correct record and signed by the Leader.

174 DECLARATIONS OF INTEREST

Councillors Haysey, Buckmaster and Williamson declared an interest in agenda item 9 as they all sat on the Old River Lane Delivery Board. They confirmed that they would take no part in the discussion or voting of the item.

Councillor Goldspink declared an interest in agenda

item 9 as she also sat on the Old River Lane Delivery Board. She confirmed that she would take no part in the discussion.

175 ANNUAL COUNCIL TAX SUPPORT REPORT

The Executive Member for Financial Sustainability presented the Annual Council Tax Support report. He said that the Council Tax Support scheme had been in place since 2013 and the council was required to review it every year. The recommendation was to leave the scheme unchanged for 2023/24.

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

RESOLVED - That no changes be made to the local Council Tax Support scheme for April 2023.

176 MEDIUM TERM FINANCIAL PLAN

The Executive Member for Financial Sustainability presented the Medium Term Financial Plan. Councillor Williamson said that the purpose of the report was to set the scene for Members and for the Executive to provide Officers with a steer and approve assumptions to devise the budget for 2023/24. He said that rapidly changing external factors such as the war in Ukraine and the rise in interest rates has made it harder to assemble a budget.

Councillor Williamson highlighted the budget gaps for the next four years provided in Appendix A. He said that the Transformation Programme was key for delivering future savings but options were becoming limited.

Councillor Haysey said it wasn't easy to set a budget in the current context but the council would work hard to ensure residents received value for money.

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

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

B) the assumption that the current local government finance system will continue for a further year and the windfall New Homes Bonus payment will be used to set aside £400k in reserves to meet part of the estimated cost of the refresh of the District Plan with the remainder being used to support the budget through the exceptional circumstances of the current economic and political climate as detailed in Appendix B to the report be endorsed;

C) the savings requirements that the Transforming East Herts Programme will need to deliver in order to balance the budget in the Medium Term be noted;

D) Officers re-phase the capital programme and revenue impacts of capital financing and make recommendations about schemes that could be delayed or cancelled to reduce the savings requirements; and

E) the revised savings requirements of £0.812 million in 2023/24, £2.050 million in 2024/25, £2.114 million in 2025/26, £0.792 million in 2026/27 and £0.268 million in 2027/28 be noted.

177 PARKING TRAFFIC REGULATION ORDERS

The Executive Member for Environmental Sustainability presented the Parking Traffic Regulation Orders report. Councillor McAndrew said that the proposals had been out to consultation which had received 1,100 responses. He said that the comments had been reviewed carefully and the recommendations in the report reflected this.

Councillor Buckmaster said the recommendations reflected the fact that the council has looked and listened to the consultation.

Councillor Goldspink said she was delighted to see so many responses but she said that since the consultation, residents had approached her to say that

some of them have to park in the public car parks overnight as they have no space to park cars at home. The introduction of the evening charge would have a serious impact on them.

Councillor McAndrew said he was happy to review it alongside other parking charges in the future.

Councillor Bull recognized that the council had to make savings and increase income through car parking charges but he was concerned about parents who use the car parks in Buntingford to drop off and collect their children.

Councillor McAndrew said the car park in Buntingford was no different to other car parks in the district and said that users of it would need to pay.

Councillor Haysey said that the free half hour was raised numerous times in the consultation. She said the change would not happen immediately and would be implemented before June 2024.

Councillor Kaye said he was happy to see that the free half hour was being kept for now. He was pleased to see a flat rate for Sunday. He appreciated the difficulties for the council and the rates had not been increased significantly.

Councillor Haysey said that the recommendations had taken into account the consultation comments. She thanked Officers for their work on the report. Councillor McAndrew proposed, and Councillor Buckmaster seconded a motion supporting the

recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – That (A) the removal of free parking in all car parks (Mon – Sat) be implemented at a later date prior to June 2024;

b) Sunday and Bank Holiday charging be introduced; revised from the week-day tariff charges to a flat rate charge in Bishop’s Stortford, Hertford and Ware as described in paragraph 6.16 of the report;

c) existing Sunday charges in Link Road and Northgate End car parks, Bishop’s Stortford be amended as described in paragraph 1.5 of the report;

d) an evening parking charge up to 8:00pm be introduced in Bishop’s Stortford, Hertford and Ware as described in paragraph 1.6 of the report; and

e) an uplift of tariff charges in Ware, Buntingford and Sawbridgeworth be approved as described in paragraph 6.21 of the report.

178 WASTE SERVICE CONTRACT DESIGN

The Executive Member for Environmental Sustainability presented the Waste Service Contract Design report. He said the report sought to give authority to proceed with a competitive dialogue for

the waste service contract which was due to expire in May 2025. The key drivers for service changes were set in the context of national resources, the waste strategy and the financial challenges exacerbated by inflationary pressures.

Councillor McAndrew said that the changes would make the service more efficient and sustainable by extending the frequency of collections for the majority of households, a transition to smaller bins and a separate weekly food waste collection.

Councillor McAndrew said that the North Herts Cabinet had agreed a further recommendation as follows “To note the procurement of the contract will include evaluation of options to reduce the carbon emissions of the waste service to contribute to achieving the Council’s net zero target” and proposed that the Executive also approve this recommendation.

Councillor Haysey thanked Officers who had worked on the report and for their time spent with Members to help them understand the complexity of the project. She said that the joint working group with North Herts proved useful and was pleased to see both council’s aligned in the recommendations.

Councillor Buckmaster said that some residents may react to the proposed three weekly collections for residual waste but hoped that residents would understand the decision when the weekly food waste collections were explained to them. He said that across the Herts Waste Partnership, 43% of the contents of the residual bins was food waste which would be

collected separately.

Councillor McAndrew said that behavioural change would be crucial in enabling and encouraging residents.

Councillor Pope referred to the possible county wide waste scheme. He asked how this would affect the waste contract if implemented.

Councillor McAndrew said the Herts Waste Partnership had been encouraging the districts and boroughs to come together to create a county wide waste scheme. He said that it was a long process and not all councils were yet to be convinced of the benefits.

Councillor Buckmaster said there were very complex and unique issues preventing a whole shared service. He said there were some areas that could allow for closer co-operation and a study had been commissioned to look at these areas.

Councillor McAndrew assured Councillor Pope that work was ongoing in the background but was taking a long time.

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

RESOLVED - That:

- a) the recommendations from the Joint Cross-Party working group attached in Appendix 1 be noted and considered prior to making a new substantive decision.
- b) the comments from Overview and Scrutiny Committee attached in Appendix 12 be noted and considered prior to making a new substantive decision.
- c) the responses from the public consultation as summarised in Appendix 2 be noted and considered prior to making a new substantive decision.
- d) a Competitive Dialogue procedure for the procurement of the Waste, Recycling and Street Cleansing contract be approved.
- e) a joint project board to include the Executive Members for Finance as well as the Executive Member covering waste, recycling and street cleansing services for both EHC and NHC be approved to monitor the progress of the procurement project and for the delegation of powers to the Head of Operations (EHC)/Director of Place (NHDC) in consultation with Project Board, in relation to amendments to the specification or service design.
- f) a Contract length of 8 years with the possibility of up to an 8 year extension be approved.

g) the provision of customer services and contact handling being delivered by the councils be approved, and for a future report detailing how this will be delivered be provided in 2023.

h) the introduction of a new weekly separate food waste collection service in 23L caddies for houses and in wheeled bins for flats in East Hertfordshire from 2025 be approved. The implementation date confirmation to be delegated to the Head of Operations in consultation with the Executive Member for Environmental Sustainability.

i) To recommend to Full Council to approve the Capital and estimated revenue spend outlined in 3.16 in relation to recommendation h above.

j) residual waste collections occurring on a three weekly collection cycle from 2025 be approved. The implementation date confirmation to be delegated to the Director of Place/Head of Operations in consultation with the project board.

k) the standard receptacle for residual waste being 180L in size and that all new and replacement residual waste containers for houses will be 180l as soon as is reasonably practicable be approved and phased in commencing no later than from 1st April 2023 in East Hertfordshire.

l) the transition to a standard bin colour across East and North Hertfordshire as outlined in paragraphs 3.47 to 3.56 as soon as is practicable and no later than 1st April 2023 be approved.

m) the inclusion of plastic film in the mixed dry recycling collections from 2025 be approved and the implementation date confirmation to be delegated to the Project Board and subject to the outcomes of Resources & Waste Strategy consultation on consistency.

n) the cessation of bring bank services for paper in East Hertfordshire as soon as is reasonably practicable and no later than the end of 2023 be approved.

o) the cessation of bring bank services for textiles in East Hertfordshire and kerbside textiles collections in North Hertfordshire with the shared waste service proactively engaging with the charity-sector to promote alternative outlets for used textiles by the end of 2024 be approved.

p) the cessation of kerbside battery collections in North Hertfordshire be noted. The implementation date confirmation to be delegated to the Project Board but no later than May 2025, with the shared waste service proactively promoting alternative recycling outlets.

- q) the cessation of Parish litter picking grants and for street litter bins currently maintained under this scheme to be serviced under the waste and recycling contract from 1st April 2023 be approved.
- r) the service policy statements as outlined in Appendix 3 be approved and for these to be further updated in advance of the contract start in May 2025 and be delegated to Head of Operations/Director of Place in consultation with the Executive Members.
- s) the principle of aligning the garden waste collection charge from 2025 be agreed.
- t) the service design described in paragraphs 3.94 to 3.103 be agreed in principle, should the outcomes from the Resources and Waste Strategy Consistency consultation mandate the separate collection of fibre, subject to the constitutional requirements for decision making; and
- u) the procurement of the contract will include evaluation of options to reduce the carbon emissions of the waste service to contribute to achieving the Council's net zero target be noted.

179 OLD RIVER LANE SUPPLEMENTARY PLANNING DOCUMENT

Councillor Haysey, Buckmaster and Williamson declared an interest in the item as they sat on the Old River Lane Delivery Board. They took no part in the

discussion or voting of the item.

Councillor Goldspink also declared an interest in the item as she sat on the Old River Lane Delivery Board. She took no part in the discussion of the item.

The Executive Member for Corporate Services chaired the meeting for Item 9.

The Executive Member for Planning and Growth presented the report on the adoption of the Old River Lane Supplementary Planning Document. She said that Old River Lane was a development site allocated in the East Herts District Plan 2018 (Policy BISH8) which formed a key opportunity for sustainable redevelopment in the heart of Bishop's Stortford and an opportunity to complement the retail, community, and leisure provision in the town centre.

Councillor Goodeve said that the Old River Lane SPD sought to guide this ambition by setting out a clear vision and development objectives.. The draft version was published for public consultation for four-weeks between the 5 July and 2 August 2022 and received over 400 comments from nearly 100 individual consultees.

Councillor Goodeve said that since the agenda was published, the Council had received a letter from the Bishop's Stortford Civic Federation relating to information regarding the arts centre proposals set out in paragraphs 3.4.5 to 3.4.8, which were additional areas of text included after the public consultation. The paragraphs were added in response to a number of

comments made during the public consultation which requested that the draft SPD should mention the Arts Centre that had previously been promoted by the Council as a landowner. Following receipt of the letter and having reviewed the additional proposed paragraphs in light of this, officers have concluded that the removal of paragraphs 3.4.6 and 3.4.7 would be appropriate, because the text contains a level of detail beyond that required for the SPD. Minor amendments to paragraph 3.4.8 were also proposed.

The Head of Legal and Democratic Services asked Members to confirm that they had seen the amendments to the document.

Councillor Goodeve confirmed that a hard copy of the amendments had been circulated to Members prior to the meeting.

Councillor Kaye said that he was pleased to see so many responses to the consultation and that amendments had been made following concerns raised. He said the document was now an encouraging one to move forward.

Members thanked Officers for their hard work on producing the Supplementary Planning Document.

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

RESOLVED – To recommend to Council:

(A) That the responses to the consultation be noted and the officer responses and proposed changes to the Old River Lane Supplementary Planning Document (SPD) be supported;

(B) That the Old River Lane Supplementary Planning Document (SPD), as detailed at Appendix C to this report, be agreed for adoption; and

(C) That in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 it has been determined that a Strategic Environmental Assessment of the Old River Lane Supplementary Planning Document (SPD) is not required as it is unlikely to have significant environmental effects beyond the District Plan policies.

180 HUNSDON NEIGHBOURHOOD PLAN ADOPTION

The Executive Member for Planning and Growth presented the Hunsdon Neighbourhood Plan for Adoption report. She said that the Neighbourhood Plan referendum took place on 15 September 2022 and was approved.

Councillor Buckmaster said he applauded the effort of the Parish Council to develop the plan. He also thanked the Officers involved for their hard work.

Councillor Haysey agreed with Councillor Buckmaster’s comments and said that the group in Hunsdon worked closely with the group who developed the Gilston Neighbourhood Plan to create a complementary document. She also thanked Officers for their work.

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

RESOLVED - To recommend to Council that the Hunsdon Area Neighbourhood Development Plan 2019-2033 be formally ‘made’.

181 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.43 pm

Chairman
Date

Agenda Item 5

East Herts Council Report

Executive

Date of Meeting: 22 November 2022

Report by: Councillor Jan Goodeve, Executive Member for Planning and Growth

Report title: North of Hertford – Land West of Wadesmill Road, Bengoe (HERT4, Phase 2) Masterplanning Framework

Ward(s) affected: Hertford Bengoe

Summary

- To enable Executive Members to consider the Masterplanning Framework Document for North of Hertford – Land West of Wadesmill Road, Bengoe (HERT4, Phase 2).

RECOMMENDATIONS FOR Executive to recommend to Council:

- (a) That the North of Hertford – Land West of Wadesmill Road, Bengoe (HERT4, Phase 2) Masterplanning Framework, October 2022, as detailed in Appendix A to this report, be agreed as a material consideration for Development Management purposes.**

1.0 Proposal(s)

- 1.1 In accordance with District Plan Policies DES1 and HERT4, a Masterplanning Framework document has been produced for land North of Hertford – Land West of Wadesmill Road, Bengoe (HERT4, Phase 2), as a collaborative process including engagement with the Shaping Hertford Steering Group.

2.0 Background

- 2.1 The District Plan was adopted in October 2018 and sets out the Council's strategy for delivering growth in East Herts over the Plan period up to 2033.
- 2.2 The East Herts Approach to Masterplanning was first presented to the District Planning Executive Panel in September 2017 (and was subsequently agreed by Council on the 18th October 2017). The report set out a series of steps that describe the various stages involved and processes expected for all 'significant' development sites. Whilst not a one-size-fits-all approach, the process is based upon a collaborative approach to identifying and resolving issues, creating a vision for what the site aspires to achieve, testing design options and consulting upon preferred solutions. The output of this process is a Masterplanning Framework or Masterplan which is presented to members for consideration.
- 2.3 In order to embed the Masterplanning process, District Plan Policy DES1: Masterplanning requires all 'significant' development proposals to prepare a Masterplan. The significance of development is measured not only on its scale, but on the potential impact on the community and local character. However, supporting text at paragraph 17.4.1 of the District Plan suggests that generally a threshold of fifty dwellings or more will apply. Policy HERT4 likewise requires the collaborative preparation of a Masterplan for this particular site.
- 2.4 Policy DES1 requires that the masterplan should set out the quantum and distribution of land uses; access; sustainable high-quality design and layout principles; necessary infrastructure; the relationship between the site and other adjacent and nearby land uses; landscape and heritage assets and other relevant matters. Furthermore, the Masterplan should be collaboratively prepared and informed by public participation. Finally, Policy DES1 states that, in order to ensure sites are planned and delivered comprehensively, any application for development on

part of the site will be assessed against its contribution to the Masterplan as a whole. Policy HERT4 adds further locally appropriate criteria.

- 2.5 The Masterplanning Framework document should therefore provide sufficient information to inform the preparation of detailed aspects of the site at the planning application stage. The level of detail required for the Masterplanning Framework document will depend upon the likely form of delivery of the site. For example, where delivery is expected by one party who has been involved throughout the Plan-making stages, a Masterplanning Framework Document may be prepared, which provides key parameters and aspirations which form the basis of detailed design determined through a planning application process at a later stage.
- 2.6 Steering groups have been established for each town in the District to help inform the development of strategic sites allocated in the adopted District Plan and other significant sites that come forward for development. These are comprised of East Herts councillors, town and parish councillors, representatives of the local community and other interested groups, where appropriate. The Steering Group is a sounding board for key issues and, depending upon specific circumstances, for discussing detailed design elements whilst preparing the planning application through to when construction is underway.
- 2.7 The Shaping Hertford Steering Group, which has been utilised for engagement on all the Hertford District Plan strategic site allocations and other key sites, was convened to help shape proposals for the HERT4 Phase 2 site from an initial meeting on 08 June 2022 and has been used to assist in progressing the Masterplanning Framework Document.
- 2.8 The North of Hertford – Land West of Wadesmill Road, Bengoe (HERT4, Phase 2) Masterplanning Framework, October 2022 has

been taken through the agreed masterplanning process and has now reached a point where it can be considered by members to be agreed as a material consideration for Development Management purposes.

3.0 Reasons

3.1 The general approach to Masterplanning was first presented to the District Planning Executive Panel in September 2017 (and agreed by Council on 18 October 2017). The process is based upon a collaborative approach to identifying and resolving issues, creating a vision for what the site aspires to achieve, testing design options and consulting upon preferred solutions. The output of this process is a Masterplanning Framework which is presented to members for consideration.

3.2 Land to the North of Hertford is a strategic allocation (HERT4) within the District Plan, which was adopted on 23 October 2018, which is underpinned by Policy DPS2 'The Development Strategy'. As part of this strategy, which inter alia provides for urban extensions to the five main settlements, the site was released from the Green Belt on the Plan's adoption and, providing compliance with relevant policy criteria was achieved in any future planning application, became available for development immediately at that time.

3.3 It should be noted that the HERT4 allocation is split into two parcels, which is recognised in Part I. of the policy:

I. Land to the north of Hertford is allocated as a residential development site to accommodate a minimum of 150 homes, with around 50 dwellings being provided to the north of Sacombe Road by 2022; and, subject to the satisfactory previous phased extraction of mineral deposits on the neighbouring site, around 100 homes to the west of B158 Wadesmill Road between 2022 and 2027.

- 3.4 The first parcel, north of Sacombe Road, underwent the masterplanning process and the Masterplanning Framework for this phase of the site was approved at Council on 23 October 2019 and became a material consideration for Development Management purposes. A planning application for the development was subsequently approved and the site, now known as The Stiles, is nearing completion of 52 dwellings in line with the policy timeline. The development has generally been positively received in terms of its design, layout and overall appearance.
- 3.5 The second phase of the site allocation, West of Wadesmill Road, is the subject of the current Masterplanning Framework process. It should be noted that Policy HERT4 details that mineral extraction should occur on the neighbouring site prior to the second phase for 100 dwellings coming forward for development. Since the District Plan's preparation, however, there has been a change in circumstances whereby the mineral extraction now looks unlikely to occur in the near future, if at all.
- 3.6 While this policy issue may potentially impact decision-making once an application is submitted, the masterplanning process is a separate pre-cursive process to be undertaken in advance of that stage being reached. Indeed, applicants for planning permission at any of the District Plan's strategic allocations are obliged, via Policies DES1 and (in this case) HERT4 II, to enter into the Masterplanning process prior to submission of any planning application. It is therefore incumbent on the Council to engage with the site promoters irrespective of any potential policy conflict.
- 3.7 Engagement in a masterplanning process provides the best opportunity to ensure a collaborative approach aiming to achieve the most successful design for the development and to help influence the design of the scheme that will inevitably be submitted as a planning application in due course.

- 3.8 While it is recognised that there is the policy matter of mineral extraction not having yet occurred on the neighbouring site to be considered at the later application stage, failure to have engaged in the masterplanning process at this pre-cursive stage could have resulted in a scheme significantly less favourable than had the opportunity for engagement with officers and the Shaping Hertford Steering Group been employed. Indeed, several key aspects of the current high-level layout design were amended following input from officers and other stakeholders.
- 3.9 Furthermore, it should also be borne in mind that if a non-collaborative scheme were to be submitted, refused and subsequently appealed, there would be very little to no opportunity to influence the shape of the development in the event that appeal be allowed.
- 3.10 In recognition of all the above, the Council has therefore entered into the Masterplanning process for Phase 2 of the HERT4 strategic allocation on a 'without prejudice' basis, which should not be seen as pre-determining the outcome of any future planning application. This position has been made clear to both the site promoters and to any members of the public who have been in contact with the Council. Therefore, any future planning application submitted would be objectively considered by the Development Management Committee in due course, taking all relevant planning considerations into account in reaching a decision at that time.
- 3.11 As well as the policy position set out in the District Plan, it is also important to note that the Bengoe Neighbourhood Area Plan was adopted in July 2021, and that this document also forms part of the development plan for the area, to be taken into account in bringing forward any development proposals.
- 3.12 In respect of the design attributes for the second phase of the HERT4 allocation, the site promoters (who are the same company currently developing The Stiles at phase one) have

actively and positively engaged with the Council's officers through exchange of ideas to help shape the development proposals. The design framework for the site responds to the policy requirements of both the District Plan and Bengoe Neighbourhood Plan and has been established as a result of an analysis of constraints and opportunities; through discussions with officers; the Hertfordshire Design Review Panel; the Shaping Hertford Steering Group; the local community; and, other relevant stakeholders.

3.13 The final Masterplanning Framework sets out a vision for a high quality, sustainable, landscape and design-led scheme to the north of the town and which relates well to adjoining development.

3.14 In recognising the differing topography of part of the site to the first phase, the character of second phase intends for the continuity of design from The Stiles at its western, flatter half, with the design of the eastern side respecting its sloping characteristics in layout.

3.15 Permeability through the entire HERT4 allocation is a key aspect of design, with prominence given to the existing byway at the heart of the development and which offers opportunity for pedestrian and cycle connectivity within and external to the site. The development will offer a mix and range of housing and includes provision for 40% affordable housing. The landscaping of the scheme is of key importance, especially given the relationship with the surrounding countryside outside of the site boundary, which remains in the Green Belt. In particular, the northern boundary is therefore planned to have a substantial native tree and shrub buffer.

Engagement

3.16 Throughout the masterplan process a number of meetings have taken place with officers and the site promoters, Durkan, and

their associates to help shape the high-level overarching form of development at the site.

- 3.17 Two meetings of the Shaping Hertford Steering Group have taken place in relation to Phase 2 of the HERT4 strategic site allocation and these have allowed for the open debate of issues. The Steering Group comprises relevant district, county and town council members and officers, alongside community representatives including the Hertford Civic Society and residents' groups. Alongside technical advice from officers, the information gained from local knowledge and input of participants has helped inform the emerging development proposals.
- 3.18 A public consultation exercise was undertaken between 30 August and 14 September 2022, with an in-person event at Bengo Cricket Club on 31 August and a dedicated website throughout the period enabling the submission of comments and communication with the site promoters. The consultation was advertised via a postcard drop to Bengo addresses and by advertising in the local press in addition to social media.
- 3.19 While the public consultation was a privately run event by the site promoters and outside of the planning processes which are the responsibility of the Council, a significant number of emails were received by both members and officers. Correspondents were advised that there was no mechanism for views to be considered at this stage and that any comments should therefore be made when an application was in place, based on the scheme submitted at the time. However, for information purposes, the key points that were raised and forwarded to the Council are detailed in the table at **Appendix B**, with officer comments in relation to the issues raised alongside. A further public consultation was held on 19 October 2022, but this was more concerned with plans being developed for the future planning application. However, it did show draft proposals that

have developed which more appropriately align with the views of both officers and the Hertfordshire Design Review Panel.

3.20 The site promoters engaged with the Hertfordshire Design Review Panel on 12 September 2022 and, subject to various suggestions for improvement, the draft Masterplan was generally positively received. Suggestions from the Panel to improve the scheme related to:

- designs reflecting Policy HERT 4 wording and going beyond minimum standards;
- the proposals needing to be genuinely landscape-led to celebrate the natural assets of the site and its surroundings;
- designs responding to the need for biodiversity and drainage enhancements to influence the strategic design;
- greater consideration being given to the movement of pedestrian and cyclist movement, both within the development site and via connections to wider networks;
- utilising the topography of the eastern half of the site to provide a richer arrival experience and development which responds to the gradient and setting.

Conclusion

3.21 With the adopted District Plan in place, it is important that the Council can continue to demonstrate a delivery of 5 years housing supply. It is therefore important that, while maintaining flexibility, the Masterplanning Framework should provide sufficient breadth of information to guide both future developers and, importantly, decision-makers. An agreed Masterplan Document will be a material consideration in the decision-making process and is key to ensuring that any planning application should meet the Council's aspirations.

3.22 Feedback following both the public consultation and the Design Review Panel, alongside advice from the Council's planning and

urban design officers and input from the Shaping Hertford Steering Group, has helped the site promoters shape the final form of the Masterplanning Framework for the site.

- 3.23 It should be noted that the Framework provides a high-level concept at this stage, with detailed plans to be finalised prior to submission of a planning application for the development, which is expected by the end of the year.
- 3.24 It is the view of Officers that this Masterplan Document provides a good basis upon which to move forward to preparing a detailed application. It provides a suitable framework for the main issues of significance in relation to the proposal, whilst providing enough flexibility that further detail can be agreed at appropriate stages as application proposals are worked up, as necessary. Officers will continue to work with Durkan, their associates, and other key stakeholders to ensure that the best possible quality design is achieved on this site.
- 3.25 It is therefore recommended that the Masterplan Framework, as detailed at **Appendix A**, be agreed as a material consideration for Development Management purposes.

4.0 Options

- 4.1 The Council could choose not to engage in, or agree, a Masterplanning Document for the site. However, this would be contrary to District Plan Policies DES1 and HERT4. It would also mean that, when determining the application, the Council would not be able to take account of a design framework prepared in collaboration with the Steering Group and key stakeholders. This would be likely to have a detrimental impact on design quality and community engagement.

5.0 Risks

5.1 The submission of a Masterplan is a requirement of the adopted District Plan. If a scheme progresses to the planning application determination stage without an agreed Masterplan, this would be contrary to such requirements.

6.0 Implications/Consultations

6.1 The masterplanning process included public engagement and steering group meetings with members, officers and local representatives. This is detailed above in the main body of the report.

Community Safety

No

Data Protection

No

Equalities

An overarching EIA was undertaken as part of the District Plan process.

Environmental Sustainability

The site is a strategic allocation in the adopted District Plan, 2018 and as such has undergone rigorous assessment as part of this process. The Masterplanning Framework Document incorporates design principles that seek to address environmental sustainability.

Financial

No.

Health and Safety

No.

Human Resources

No.

Human Rights

No

Legal

No

Specific Wards

Hertford Bengo

7.0 Background papers, appendices, and other relevant material

- 7.1 **Appendix A:** North of Hertford – Land West of Wadesmill Road, Bengo (HERT4, Phase 2) Masterplanning Framework
- 7.2 **Appendix B:** Summary of Issues Raised and reported to East Herts Council from members of the public as a response to Durkan’s Public Consultation between 30 August and 14 September 2022
- 7.3 HERT4 North of Hertford (Sacombe Road, Bengo) Masterplanning Framework, October 2019
<https://eastherts.fra1.digitaloceanspaces.com/s3fs-public/2019-10/HERT4%20Masterplanning%20Framework.pdf>
- 7.4 Bengo Neighbourhood Area Plan (adopted July 2021)
https://cdn-eastherts.onwebcurl.com/s3fs-public/2021-11/Bengo%20Neighbourhood%20Area%20Plan_Fixed.pdf

Contact Member

Cllr Jan Goodeve – Executive Member for Planning and Growth

jan.goodeve@eastherts.gov.uk

Contact Officer

Sara Saunders – Head of Planning and Building Control

Contact Tel No 01992 531656

sara.saunders@eastherts.gov.uk

Report Author

Kay Mead – Principal Planning Officer (Policy & Implementation)

kay.mead@eastherts.gov.uk

North of Hertford - Land West of Wadesmill Road, Bengoe
(HERT 4, Phase 2) Masterplanning Framework
(OCTOBER 2022)



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8. Opportunities & Constraints
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Introduction

Introduction

This Masterplan framework document has been prepared in response to East Herts Council's commitment to ensure high quality design through a masterplanning process. The document builds on material previously submitted as part of the first phase of the HERT4 allocation at the Stiles. The masterplan document is submitted on behalf of Durkan and Anthony Ian Thompson and Daniel Robert Ugur (The Trustees) in support of proposals for the residential development of approximately 5.24 HA of developable land at Wadesmill Road, Hertford, SG14 3HG.

The Masterplan Framework will shape the form of the development and act as the basis of initial discussions with third party stakeholders, including the three tiers of local government at member and officer levels, other consultees, and the Shaping Hertford Steering Group. The Masterplan Framework has been prepared on a without prejudice basis in respect of HERT4 policy relating to previous mineral extraction on neighbouring land.

This Masterplan framework document is intended to demonstrate the core design principles underpinning the design concepts for a detailed planning application to deliver around 100 new dwellings anticipated to be submitted in the latter part of 2022.

The details included within this document follow a thorough examination and comprehensive assessment of the site and the wider surroundings and demonstrate the thought processes leading to the a proposed design that includes:

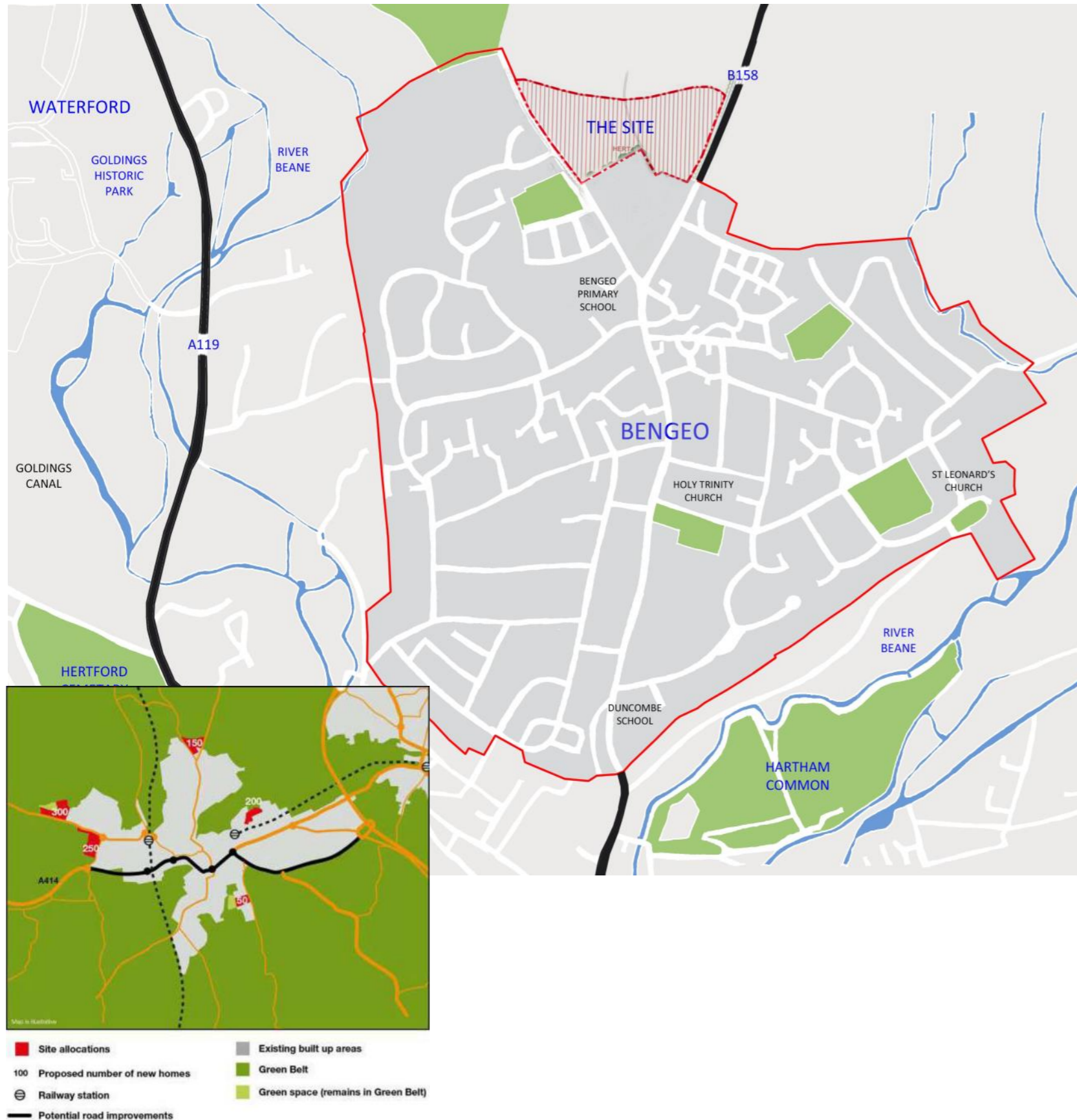
- A range and mix of around 100 dwellings including a 40% provision of affordable housing.
- The inclusion of integrated public open spaces incorporating children's play facilities.
- A design that will respect and respond to the topography of the site.
- Sustainable Drainage strategies.
- Pedestrian and cycle routes running through the development forming important off-site connections to the neighbouring LEAP to the southwest and the byway running north-south through and beyond the site.
- The retention, strengthening and enhancement of existing landscaping features.
- New strategic landscaping and biodiversity enhancements.
- A carefully considered road hierarchy incorporating shared surfaces where appropriate.
- Safer by Design Principles.

Our Vision

Our vision is to deliver a well-designed, high quality, verdant development combining attractive new dwellings within carefully balanced landscaped settings including the improvement and enhancement of the existing landscape and ecology to create a high quality new addition to the existing community that is well integrated with the first phase of HERT4, the Stiles. Key elements include:

- Traditional housing forms within a landscape led design approach.
- Dwellings that frame and overlook the main streets providing active frontages.
- Key buildings at strategic locations.
- Double aspect built forms that 'turn the corner'.
- Pedestrian and cycle routes that link the development to key areas off-site enhancing connectivity to the wider community.
- Passive natural surveillance to streets, parking areas and open spaces.
- On plot parking where possible to reduce car dominance.
- An integrated road hierarchy to help define character areas.
- An integrated landscaping design to help define character areas.
- Subtle design variation to help define character areas.
- Retention and reinforcement of mature trees and hedgerows around the site perimeter.
- Policy compliant car and cycle parking standards.
- Refuse strategies contained within private areas.
- Policy compliant garage designs.
- A fabric first approach to energy conservation along with the provision of air source heat pumps
- SuDs strategies.
- Sustainable strategies including the provision of charging points for low and zero carbon vehicles and covered secure storage for cycles.
- Private gardens.
- Reduced density at the fringes of the development.
- Open space to the periphery of the development.
- Wildflower Meadows.

Site Location & Planning Context



Planning Context

The site is allocated for residential development in the submitted version of the East Hertfordshire District Plan under reference HERT4.

The site has historically been located within the Metropolitan Green Belt where highly restrictive planning policies apply. Following the adoption of the new District Plan (Oct 2018), this site has been removed from the Green Belt and will form the second phase of an allocation to provide over 150 dwellings in total. HERT4 sets out an expectation for the site to deliver housing for this phase by 2027. This aligns with strategic policies DPS2, DPS3 and HERT1.

The allocation establishes the principle of residential development for the site in line with the Council’s aspirations.

Key policy HERT4 requires a masterplan to be collaboratively prepared involving a range of key stakeholders. This document will evolve through a process of pre-application engagement with East Herts Council and statutory and non statutory consultees and will include a public exhibition and presentations to the Shaping Hertford Steering Group.

Policy HERT4 sets out a series of requirements expected from the delivery of a development. These include a 40% allocation of affordable housing, an appropriate mix of housing, the delivery of green infrastructure, vehicular access from Wadesmill Road, off-site mitigation measures and wider pedestrian and cycle connectivity, all of which are included within these proposals.

The proposals must also be considered in relation to the previous phase design to allow for successful integration with phase 1.

In line with HCC LTP4 Policy 1 sustainable travel methods will be at the heart of the development through:

- The promotion of sustainable patterns of movement.
- The provision of cycle routes and linkages.
- Linkages and enhancements to local bus services.
- Prioritising pedestrian and cycle use over car use.
- Measures to encourage modal switching.

Site Analysis - Location & Site in Context



Location of the Site

The site area to be developed, measuring 5.24 Ha, is located in the Bengo area of Hertford on the northern edge of the town. The site lies North of the former Bengo Nursery now currently being developed to provide 52 new homes. The allocation proposes a vehicular access taken from the south eastern, tree lined boundary off Wadesmill Road. There is currently no physical boundary to the North of the site and it is a requirement of the scheme to provide landscaping and planting, both within the site and peripheral, which responds to the existing landscape and complements the development as appropriate and provides a defined, recognisable boundary to the Green Belt. The eastern boundary is partly adjoined by an existing residential dwelling with agricultural fields extending to the north and north-east. Existing residential settlements including The Orchard and The Wick lie beyond Sacombe Road to the west. The recent settlement of Buckwells Field with it's associated play area is situated to the south-west and to the north-west lies the Waterford Heath Community Nature Park .

The site is easily accessible to services and facilities with direct footpath links along both Sacombe Road and Wadesmill Road.

The Site in Context

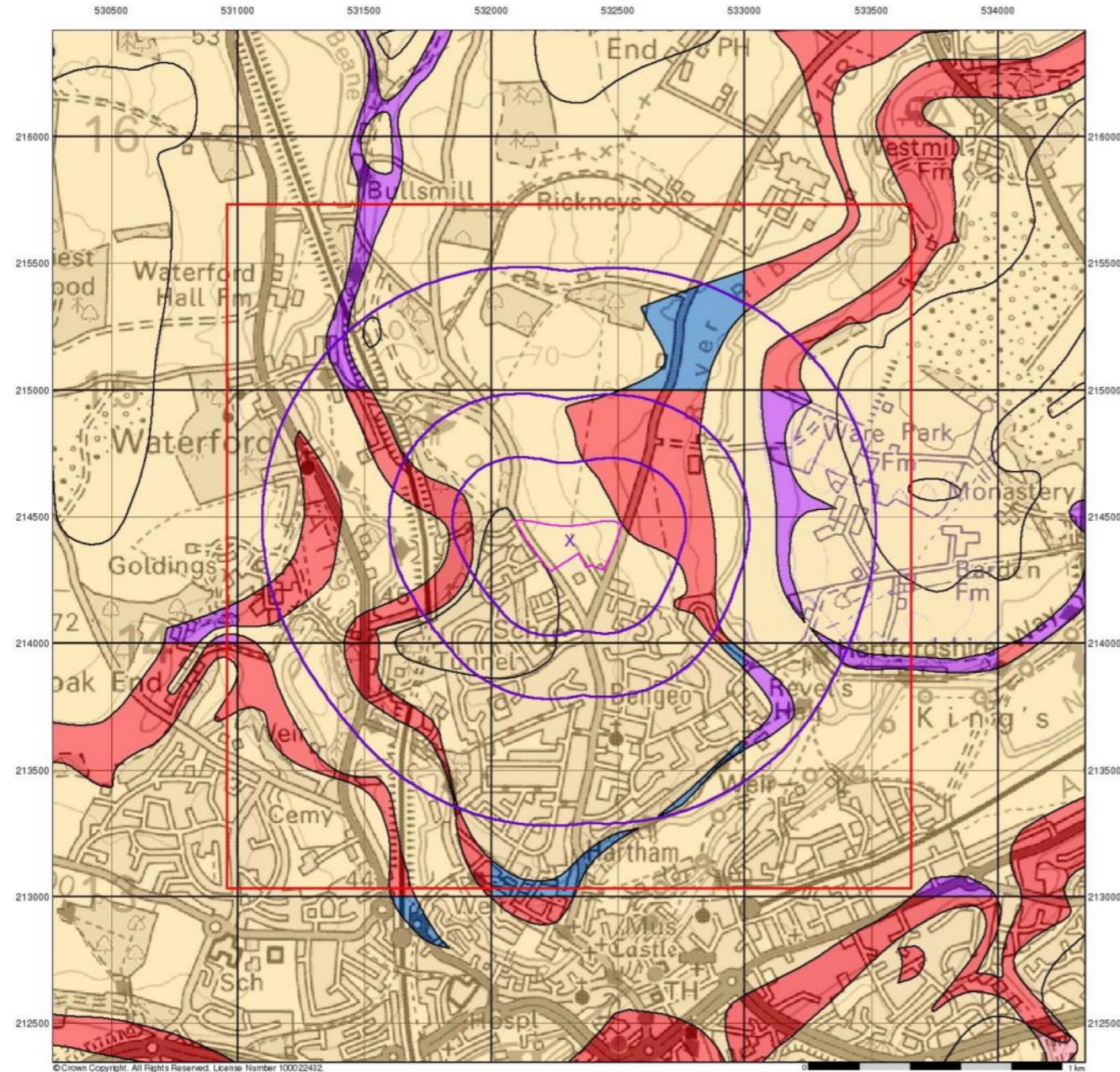
There are a range of local amenities, services and shops available within Bengo which are within walking distance of the site, including a Post Office and a Cooperative Food Store.

The site is also located approximately 1.5km from the centre of Hertford and its associated shops and facilities including doctor's surgeries, supermarkets and leisure facilities.

Bengo Primary School is located approximately 0.1km to the south-west of the site. Furthermore, Duncombe School, an independent school is located approximately 1km south of the site, providing school places between 2 and 11 years of age.

A bus service (bus route 333) currently runs via Bengo Street / The Avenue and Cowper Crescent located an approximate 3-minute walk to the south of the site, with services running at least every 30 minutes into the centre of Hertford. Hertford also benefits from two railway stations, providing regular direct links into London.

Site Analysis - Site Investigation, Ecology & Built Heritage



Site Investigation

A detailed site investigation has been undertaken by GEOSPHERE ENVIRONMENTAL following a walkover survey carried out in November 2019 and the findings will accompany the formal planning application.

Ecology

An initial ecology appraisal is to be undertaken.

There is an opportunity to incorporate high quality landscaping, planting up existing hedgerows, protecting high quality trees and maximising the benefits of the SuDs features to create new habitats and improve biodiversity across the site and aim to achieve biodiversity net gain.

This approach aligns with Policies NE3 and NE4.

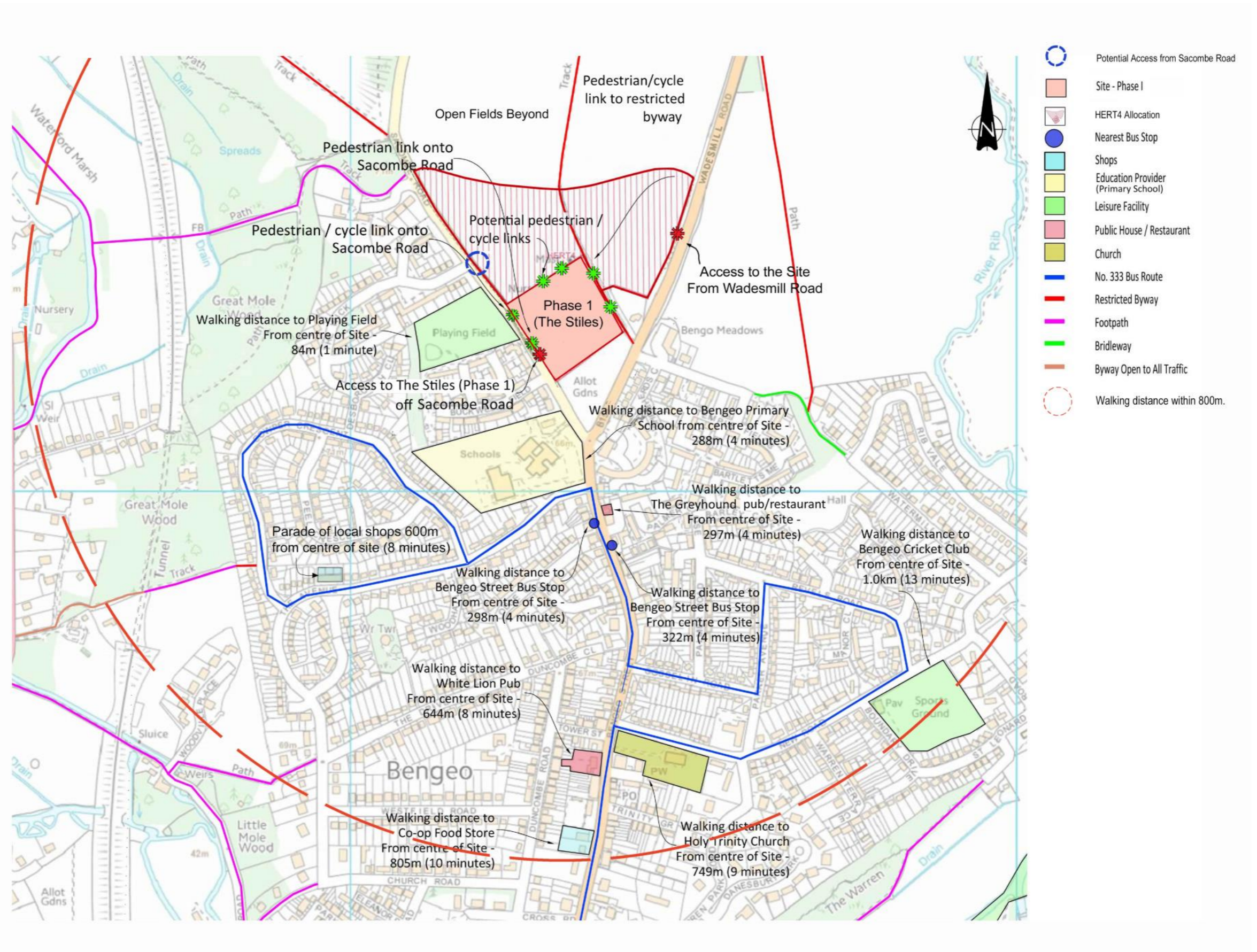
Tree Survey

A tree survey is to be undertaken to determine the constraints and the impact on the development proposals in relation to shading, tree route protection areas and tree category to BS5837. High quality trees will be retained and incorporated into a high-quality landscape scheme. The proposed development will seek to promote new tree planting where appropriate.

Topography



Existing Movement & Connections



Local Character

Local Context

The Hertford Conservation Area Appraisal (Adopted 2017) recognises the distinctive character of different areas. The development site is adjacent to Identity Area 2- North West Quadrant which includes the allotments to the south. The built form of the immediate locality is a mixture of historic terraced housing with additional later semi-detached and detached housing. There is a grouping of historic buildings along the linear route of Bengoe Street which is interspersed with modern housing and commercial premises reflecting the expansion of Hertford.

The pattern of development within Identity Area 2 creates views that are generally contained by the built form. Longer views are along highways where the interplay between building scale, materials and building line set backs from the carriageway complemented by mature trees and planting define the verdant character of the street scene.

There are a number of notable residences built in the 19th and early 20th century which are located within this area of Bengoe including Bengoe House and the Grade II listed Warren Park.



Red Brick with burnt headers: Flemish bond



London stocks: Flemish bond



White brick: Flemish bond



Weatherboarding



Pargetting



Stucco



Plain tiles



Pantiles (mainly in north and east Herts)

Image Location

1. The Stiles
2. The Stiles
3. Duncombe Road
4. Fanshawe Street
5. Fanshawe Street
6. The Drive
7. New Road
8. Bengoe Mews
9. Warren Street



1.



2.



3.



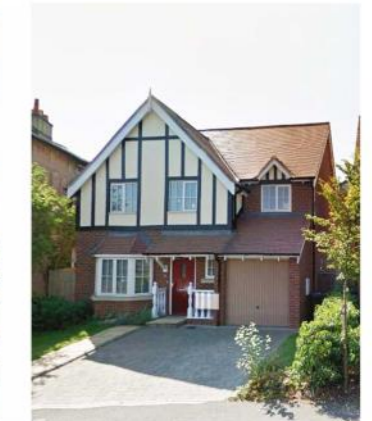
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5.



6.



7.



8.



9.

From Understanding Hertfordshire's Character by HCC.

Opportunities & Constraints



Landscaping Framework



Design Principles

Primary Elements of the Emerging Design

The underpinning design principles reflect the thought process undertaken to achieve a development with a clear sense of identity and of place that can successfully integrate into the existing community.

1. Points of Arrival - Focal buildings set within an attractive landscaped setting will frame the primary entrance.
2. A coherent movement strategy that promotes sustainable principles.
3. Internal Routes:
 - Primary Street - A verdant avenue combining dwellings set back from the carriageway with footpaths adjacent to tree lined grass verges. The primary streets lead to the verdant main thoroughfare connecting the existing byway running south to north through and beyond the development.
 - Secondary Streets - Connect to the lanes serving the fringes of the development.
 - Tertiary Streets - Designed as lanes serving less dense dwellings at the fringes of the development.
 - Cycle/footway links connecting important features outside of the development
4. Landscape and Ecology - The primary street will be designed as a verdant thoroughfare linking the main access to the interconnecting verdant thoroughfare leading to public open spaces.
5. The northern fringe will include public amenity greens with integrated play spaces and SuDs features and new planting strategies which will enhance and strengthen the existing landscaping features and provide increased ecological benefits.
6. The fringes of the development will combine existing tree and hedge planting with new tree, hedge and shrub planting to create a 'leafy green' character offsetting the new low density mainly detached housing.
7. Fully Integrated Landscape Strategy - Verdant primary routes will be designed to interconnect with the main thoroughfare leading to open spaces adjacent to development fringes at the north of the development. The open spaces will be versatile spaces where children can play safely overlooked by housing to create a secure environment where they can interact with their natural surroundings. The central space described as the 'heart of the development' will incorporate a linear pocket park with the byway running along its edge.
8. Layout - Dwellings will be designed to overlook roads, footpaths and public open spaces providing natural surveillance and active frontages to all public areas in the best practice of secure by design philosophy. The built form will include focal buildings in key locations and buildings designed to 'turn the corner'. Density will draw on the principles approved on phase 1 (The Stiles). Land to the east of the byway and at the fringes of the development will be lower density and will increase marginally towards the centre along the primary and secondary routes. A key aim will be to avoid a development dominated by cars by ensuring that parking can be accommodated on plot or within off-road parking courts.
9. Building Heights - The maximum storey height of buildings will be 2.5 storeys although there potentially may be an opportunity to provide a three storey landmark building at the very lowest point of the site along the eastern edge.
10. Frontages - Respond to their respective character areas. The emphasis will be on subtle variation to ensure that the development as a whole maintains a cohesive identity.

Design Principles - Character Areas

Character Areas

Character areas will play an important role within the design with areas defined by landscaped settings and by nuances in architectural expression and by their location within the development. The nature of the topography and the desire to make the existing byway route an integral part of the development creates the opportunity to consider the layout as three distinct areas, each with their own set of unique characteristics all of which need to successfully combine to help form a cohesive development.

1. The Western Side of the Development.

The western side of the development will feature similar characteristics and variations to those within the Stiles development. Housing facing Sacombe Road and the Stiles will be of similar forms with materials and landscaping selected to create the same leafy lane approach. Housing to the northern fringe will be softer in approach with materials and boundary treatments selected to reflect a semi-rural character. Housing framing streets will be slightly denser and more formal in character to help provide a sense of enclosure and scale and will face the streets to provide active frontages and promote security.

2. The Centre or Heart of the Development.

The centre of the development requires careful planning with a focus on the sensitive inclusion of the existing byway. Buildings will be designed to accentuate and complement the exiting route with architectural characteristics that will create visual interest for pedestrians and cyclists and frame an area of open space at the very centre of the development.

3. The Eastern Side of the Development

The eastern side of the development will be designed to accommodate the steeply sloping nature of this part of the site. Housing will be set out in rows following the contour lines and will rise in tiers towards the centre of the site. A focal building of status will mark the main point of arrival into the site from Wadesmill Road. For the purpose of this document a main point of arrival is defined as being located at the main vehicular entrance into the development with key points of arrival located at various locations within development. Housing plots will be less dense in this area to allow the existing topography to be successfully integrated into the design.

Existing trees and hedgerows will be retained and reinforced around the site perimeter providing an attractive leafy outlook along lanes to the western fringe and combining with public open spaces to the north to create an attractive and harmonious setting.

A carefully considered tree and planting strategy will be integral to the main primary streets and north-south thoroughfare to create verdant, overlooked routes through the development leading to green links and public open spaces.

The internal street network will be privately managed and designed to adoptable standards.

Design Principles - Masterplanning Framework



Sustainable Drainage Systems (SuDs)

Sustainable Drainage Systems

The new development will explore and incorporate a variety of sustainable drainage systems to mitigate the potential threat of flooding and as part of a comprehensive landscaping strategy to enhance the sustainability of the site and will seek to promote water efficiency through innovative design.

The proposed SuDs strategy for the site is to have a combined hard and soft approach with the potential inclusion of swales, soakaways, permeable surfaces and below ground storage.

The site does not benefit from being located in the vicinity or close by to an accessible ditch to which surface water could discharge. The on-site infiltration testing demonstrated that the site could however benefit from the use of infiltration with a below-ground system, soakaways and use of porous driveways.

Underground storage areas will be located within open spaces and parking areas and in those areas identified by favourable infiltration testing results.

The combined hard/soft approach will mitigate the impact of surface water discharge from the development to decrease any risk of flooding.

The development will connect (subject to agreement with Thames Water) to the existing foul sewer and drainage network beneath Sacombe Road. Other utilities including electricity and communications are available locally for connection with minimal disruption and a small substation may be required within the development.

Thames Water have confirmed that a private foul pump station will be required. To minimise impact the station will be designed below ground with a small service kiosk above ground concealed within a landscaped setting.

Maintenance & Management

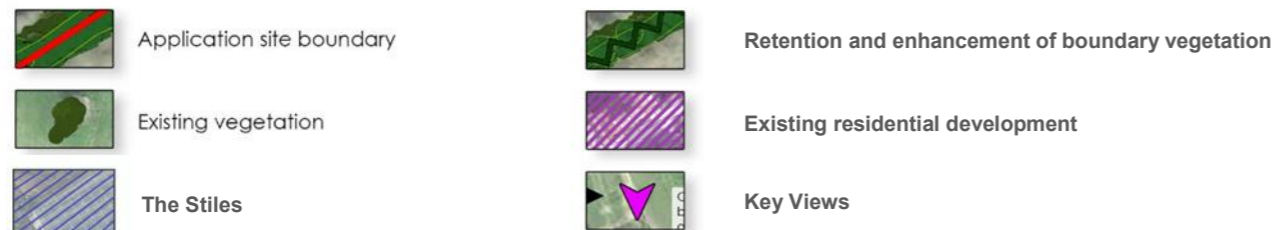
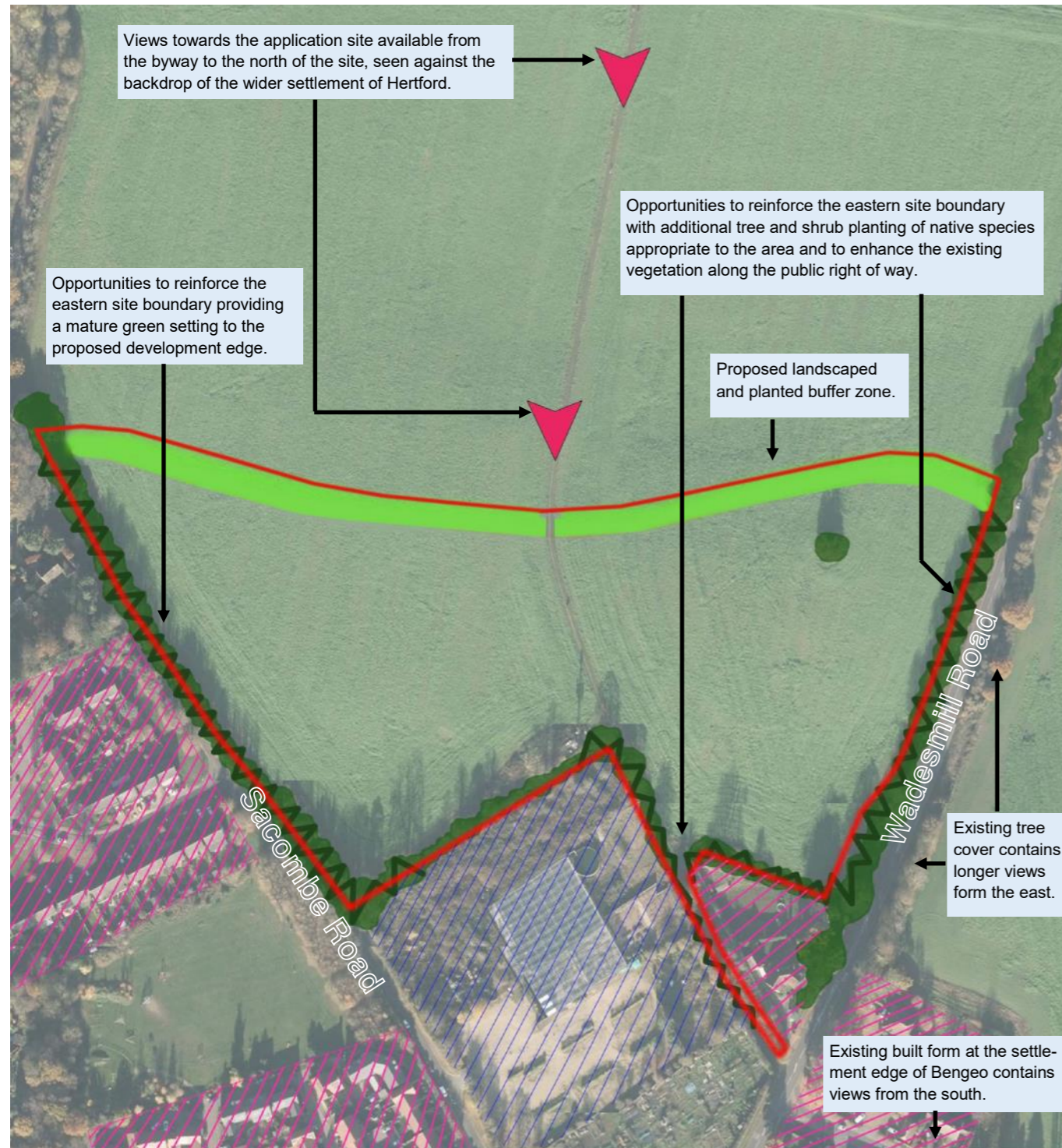
The purpose will be to set out the long term aims and objectives for all stakeholders involved and how components will be developed & maintained through timed operations in perpetuity.

These items will include all publicly assessable open space, SuDs & drainage features, lighting & boundary features, foul pump station and parking management for communal & visitors spaces. The site will be handed over to a resident led management company following practical completion of the site.

It is expected that an estate management company will be responsible for the maintenance and management of public areas and spaces. The estate management company will be established by the developer, and future residents will contribute towards the associated maintenance costs. Once fully established and the scheme is complete, the developer will transfer the land to the estate management company where residents will be encouraged to participate and decide how these areas are governed.



Landscape Strategy - Landscape



Landscape

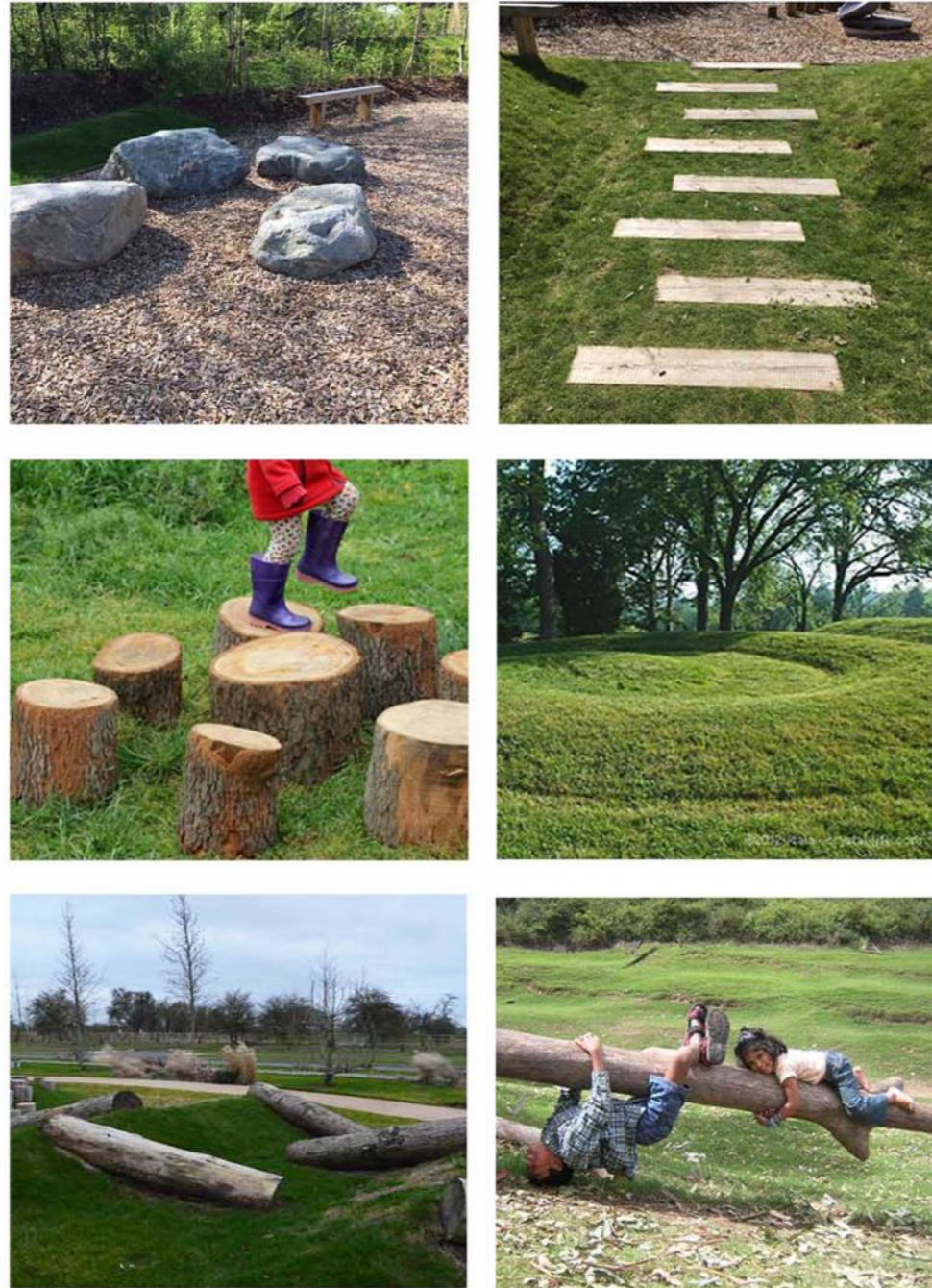
The development layout will seek to conserve the site's existing perimeter hedges and trees. These landscape features will be reinforced by high quality landscaping and the introduction of new hedgerow and tree planting in and around the built form (Policy DES3). This strategy of proposed vegetation will assist in enhancing existing landscape features and help assimilate the new development into the wider landscape.

The landscape proposals include the following:

- Native tree and shrub planting to provide a buffer around the edge of the site, forming a transitional area between the development proposals and existing vegetation.
- A natural greenspace which forms the setting to a high quality, existing hornbeam tree, to ensure a suitable development off-set and ensure the soft landscaping feature is prominent within the public realm, forming a focal point within the development.
- All areas of greenspace will be well overlooked by properties to ensure that they are attractive and safe to use.
- The design of the publicly accessible open space will provide the following benefits:
 - Encourage biodiversity
 - Landscape and sustainability benefits;
 - Create amenity value
 - Enhance existing hedges and trees with additional landscape elements to provide a mix of habitats.

Views of the site are localised due to topography, built form and vegetation. There are a number of short and medium distance views of the site from the countryside to the north and across the existing allotments and enclosing hedging from the southern approach continuing east along Wadesmill Road. Due consideration will be given to design, scale, form, layout and landscaping which will minimise the visual impact of the development (Policy DES2).

Landscape Strategy - Images



Childrens play combined with landscaping

Strategic landscape proposals will be designed to improve the local environment and create spaces for relaxation, support wildlife and generate additional sensory experiences for residents and visitors.



Wildflower and SuDs areas

Boundary native tree and shrub planting



Street and feature trees and planting

Design Aspirations - Illustrative Images

Summary

Successful placemaking requires the creation of quality spaces that people want to live, work and play in forming connections that can be fully integrated into wider surroundings.

We aim to create a scheme that promotes attractive and sustainable place-making objectives, to produce an environment residents are proud to call home.

A new development to benefit the Bengo community to include:

- The delivery of around 100 new high quality dwellings within a landscaped setting.
- An attractive high quality development with a strong sense of identity.
- Well defined streets and spaces.
- A network of cycle and footpath links in and around the site to be provided on land within the control of the landowner of the application or on adopted highway.
- The reinforcement and enhancement of the existing natural environment.
- A landscape led approach through the provision of a high quality landscape framework.
- The delivery of open market and affordable housing to meet local needs.
- Fully accessible dwellings built to the highest standards.
- A comprehensive SuDs strategy.
- Children's play area within the landscaped setting.
- Policy compliant car parking and cycle storage.
- A highly legible road, cycle and footway network incorporating shared surfaces where appropriate.
- Creating new and strengthening existing vehicular, pedestrian, cycling and equestrian connections in and around the site and to the wider Bengo area.
- Design and construction methods developed from Building Futures Sustainable Design Toolkit.
- Air source heat pumps.
- High speed broadband through FTTP provision subject to existing infrastructure.



Traditional housing designs with high quality materials along a verdant street



Traditional housing designs at phase 1 The Stiles



Traditional palette of materials (phase 1 The Stiles)



Well proportioned detached housing (phase 1 The Stiles)



Simple but effective features and detailing



Organic children's play areas



Housing along a lane at phase 1 The Stiles

Appendix B

North of Hertford – Land West of Wadesmill Road, Bengo (HERT4, Phase 2)
Masterplanning Framework. Summary of points received by East Herts Council
in relation to Durkan’s Public Consultation between 30 August and 14
September 2022

	Issue Raised	Comment
1	Objection to land being removed from Green Belt	The land has already previously been removed from the Green Belt on the adoption of District Plan in 2018.
2	Loss of landscape/open countryside/topography	The site is a strategic allocation in the District Plan and would of necessity result in development of this area. The principle of bringing the site forward for development has already been established through the Plan’s strategy to meet the district’s housing requirements.
3	Loss of the ‘lonely oak’	The lonely oak would remain as part of any development proposals.
4	Landscape currently used for recreation	The Masterplanning Framework provides for continued access to byway and countryside beyond as well as areas for play within the development. The public right of way is a protected feature.
5	Highways/Parking/Access/Traffic generation/Infrastructure objections	In principle agreement to development at the strategic development site was given by HCC at the District Plan formulation stage. Site promoters are known to be working with HCC Highways to agree a transport approach prior to submitting a scheme. Once a scheme is submitted Highways comments will guide the Council’s response in this respect in determining any future application.
6	Education – capacity/shortfall of places	In principle agreement to development at the strategic development site was given by HCC at the District Plan formulation stage. The site forms part of HCC’s agreed approach to delivering places at primary and secondary level to meet the District Plan strategy. Any applicants for planning permission at the site would be required to enter into a S.106 agreement to ensure that contributions towards necessary provision of services commensurate

	Issue Raised	Comment
		with the level of development would be met.
7	Lack of supporting facilities and services – shops, doctors and dentists	Local shopping opportunities are available at both The Avenue parade and at the Co-op in Bengo. Engagement with the NHS occurred during the plan making stage and the Inspector noted that “the IDP clearly identifies the necessary social and community infrastructure (including health and education) to support development sought by the Plan”. Any applicants for planning permission at the site would be required to enter into a S.106 agreement to ensure that contributions towards necessary provision of services commensurate with the level of development would be met.
8	Bengo Field successfully defended from gravel extraction so should not be developed	The HERT4 site allocation does not lie within the current Minerals Plan Preferred Area No.2 and did not form part of the recent minerals planning applications/appeals.
9	Policy HERT4 and previous statements by the Council detail that development would only take place after minerals extraction had occurred	The policy position is noted in respect of minerals extraction and would be an issue to be considered by the Council if and when an application is submitted. The masterplanning process, however, occurs as a separate stream in advance of this and it is a specific policy requirement of the District Plan that the Council is obliged to carry out this process with applicants (HERT4 and DES1). The masterplanning process for the HERT4 site is therefore taking place on a ‘without prejudice’ basis to the outcome of any application which may be submitted in due course.
10	Loss of Bengo Field	The area of Bengo Field which lies outside of the site allocation is protected by Neighbourhood Plan Policy LGS1, which designates the area as a Local Green Space (via Policy LGS1). The Public Right of Way is likewise protected
11	Water supply & Pressure/Sewage/Drainage/Potential risk to the drinking water aquifer below the site	Thames Water engaged with the Council at the plan making stage and confirmed that they would not object to development proposals in this location provided that developers demonstrate as part of any application that there is adequate wastewater capacity both on and off site to serve the development or that where there is a capacity issue to demonstrate

	Issue Raised	Comment
		how any necessary upgrades will be delivered ahead of the occupation of development. It would therefore be incumbent on the site promoter to demonstrate this as part of any future planning application and ensure that any potential effect on the aquifer is suitably assessed and mitigated.
12	Impact on skylarks (protected species) in the field and other wildlife	Impacts on wildlife and other ecological and biodiversity issues would be considered at the planning application stage. Applicants would need to demonstrate how proposals comply with the requirements of District Plan policies, in particular Policies NE3 and NE4.
13	Additional houses would add to noise, light and environmental pollution in the area	The site is a strategic allocation in the District Plan. While some effect would be inevitable, policies in the Plan aim to mitigate impact as much as possible and developers would need to demonstrate compliance with them in their proposals.
14	Housing not affordable	The District Plan requires the provision of 40% affordable housing (HOU3) and the Masterplanning Framework confirms provision in that amount.

Agenda Item 6

East Herts Council Report

Executive

Date of Meeting: Tuesday 22 November 2022

Report by: Councillor George Cutting – Executive Member for Corporate Services

Report title: Data Protection Policy

Ward(s) affected: (All Wards);

Summary

This report presents the newly drafted East Herts District Council Data Protection Policy (Appendix A) which sets out the obligations of the council regarding the collection, processing, transfer, storage and disposal of personal data as well as the rights of data subjects in respect of their personal data.

In a report taken to Overview and Scrutiny Committee on 8 November 2022, the committee supported the proposal to recommend this policy to Executive for adoption.

RECOMMENDATIONS FOR Executive:

- (A) Consider the comments from Overview and Scrutiny Committee, as shown at Appendix B, and endorse the recommended actions shown.**

- (B) That the Data Protection Policy is adopted following any amendments.**

(C) That the Information Governance and Data Protection Manager be authorised to make any minor amendments that may be required, in consultation with the Head of Legal and Democratic Services.

1.0 Proposal(s)

1.1. As above

2.0 Background

2.1 Following the adoption of key policies and procedural documents recommended in the council's information management audit, it was further identified that the council required the adoption of a data protection policy.

2.2 This policy will ensure that the council further enhances its compliance with data protection law by setting out how data protection practices are governed.

2.3 The report was considered by Overview and Scrutiny Committee at its meeting on 8 November 2022. There were comments and recommended actions are shown at Appendix B.

3.0 Reason(s)

3.1 The adoption of this policy will further enhance the council's compliance with the UK GDPR and the accountability principle within it, particularly article 24(1) which requires the council to have in place technical and organisational measures to ensure, and demonstrate, compliance with the UK GDPR wherever personal data is processed.

3.2 The Policy sets out how the council ensures:

- 3.2.1 compliance with the data protection principles and a privacy by design approach;
- 3.2.2 that high importance is placed on the correct, lawful and fair handling of personal data and respects the privacy rights of all individuals with whom it deals, particularly when working from home;
- 3.2.3 that an appropriate lawful basis is identified prior to the processing of data;
- 3.2.4 that appropriate privacy notices or privacy-related documentation are in place prior to the processing of personal data;
- 3.2.5 that procedures are in place to respond to data subject right requests;
- 3.2.6 that appropriate security measures, whether technical or organisational, are in place to sufficiently protect personal data;
- 3.2.7 that procedures are in place to ensure that sharing of personal data remains compliant;
- 3.2.8 that procedures are in place to ensure the lawful transfer or processing of personal data to or in countries outside of the UK where this is required;
- 3.2.9 that data protection impact assessments are carried out when required;
- 3.2.10 that roles and responsibilities are in place to support the above.

3.3 This policy will be regularly reviewed and updated as required to ensure that the council remains compliant with the ever changing UK GDPR regime, particularly in response to changes to data protection law proposed by the Government under its new 'Data: A New Direction' strategy.

4.0 Options

4.1 Not to adopt this policy and maintain existing data protection procedures and guidance without an adopted policy document. NOT RECOMMENDED as this would work against the council's aim to be able to demonstrate accountability as required by the UK GDPR.

4.2 To consider and adopt this policy. RECOMMENDED as a means of ensuring that the council has an up-to-date policy document in place to demonstrate its compliance with data protection law.

5.0 Risks

5.1 Failure to have in place means to demonstrate compliance with the UK GDPR principles may lead to enforcement action taken against the council by the Information Commissioner's Office.

5.2 There may be additional reputational implications if the Information Commissioner's Office were to investigate the council for non-compliance with UK GDPR principles regardless of the final decision.

6.0 Implications/Consultations

Community Safety

No

Data Protection

Yes – The adoption of this policy will ensure that the council further enhances compliance with the UK GDPR by being able to demonstrate compliance as required by the accountability principle.

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

Yes – By having a Data Protection Policy in place, the council is able to demonstrate how it will respect the rights of data subjects and the overarching right to privacy.

Legal

Yes – the council is under an obligation to ensure it complies with UK data protection law, and the adoption of this policy strengthens the council's compliance with the relevant data protection legislation.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – DRAFT – East Herts Council - Data Protection Policy

7.2 **Appendix B** - Comments from the Overview and Scrutiny Committee

Contact Member: Councillor George Cutting, Executive Member for Corporate Services.
george.cutting@eastherts.gov.uk

Contact Officer: James Ellis, Head of Legal and Democratic Services, Tel: 01279 502170
james.ellis@eastherts.gov.uk

Report Author: Tyron Suddes, Information Governance and Data Protection Manager, Tel: 01279 502148
tyron.suddes@eastherts.gov.uk



East Herts District Council

Data Protection Policy

Document Control

Organisation	East Hertfordshire District Council
Title	Data Protection Policy
Author – name and title	Tyron Suddes, Information Governance and Data Protection Manager
Owner – name and title	Tyron Suddes, Information Governance and Data Protection Manager
Date	September 2022
Approvals	Executive
Version	1.0
Next Review Date	September 2023

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1. Introduction

This Policy sets out the obligations of East Hertfordshire District Council (“the Council”) regarding data protection and the rights of data subjects in respect of their personal data under Data Protection Law. “Data Protection Law” means all legislation and regulations in force from time to time regulating the use of personal data and the privacy of electronic communications including, but not limited to, the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (the “UK GDPR”), as it forms part of the law of England and Wales, Scotland, and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018, the Data Protection Act 2018, the Privacy and Electronic Communications Regulations 2003 as amended, and any successor legislation.

This Policy sets the Council’s obligations regarding the collection, processing, transfer, storage, and disposal of personal data. The procedures and principles set out herein must be followed at all times by the Council, its employees, councillors, agents, contractors, or other parties working on behalf of the Council, including when working from home.

2. Definitions

“consent”	means the consent of the data subject which must be a freely given, specific, informed, and unambiguous indication of the data subject’s wishes by which they, by a statement or by a clear affirmative action, signify their agreement to the processing of personal data relating to them;
“data controller”	means the natural or legal person or organisation which, alone or jointly with others, determines the purposes and means of the processing of personal data. For the purposes of this Policy, the Council is the data controller of all personal data relating to data subjects;
“data processor”	means a natural or legal person or organisation which processes personal data on behalf of a data controller;
“data subject”	means a living, identified, or identifiable natural person about whom the Council holds personal data;
“EEA”	means the European Economic Area, consisting of all EU Member States, Iceland,

	Liechtenstein, and Norway;
“personal data”	means any information relating to a data subject who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that data subject;
“personal data breach”	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored, or otherwise processed;
“processing”	means any operation or set of operations performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
“pseudonymisation”	means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data is not attributed to an identified or identifiable natural person; and
“special category personal data”	means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sexual life, sexual orientation, biometric, or genetic data.

3. Scope

- 3.1. The Council is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.
- 3.2. The Council recognises that blended working arrangements and, in particular, home working, are important in providing a better work life balance. While working from home, it remains vitally important to continue protecting personal data and the rights and privacy of individuals, as set out in this Policy.
- 3.3. The role of Data Protection Officer is carried out by the Council's Information Governance and Data Protection Manager. The Data Protection Officer is responsible for administering this Policy and for developing and implementing any applicable related policies, procedures, and/or guidelines.
- 3.4. All line managers and councillors are responsible for ensuring that all employees, agents, contractors, or other parties working on behalf of the Council comply with this Policy and, where applicable, must implement such practices, processes, controls, and training as are reasonably necessary to ensure such compliance. Where possible and appropriate, such measures and, in particular, training, should be made available remotely to staff working from home.
- 3.5. Any questions relating to this Policy or to Data Protection Law should be referred to the Data Protection Officer. In particular, the Data Protection Officer should always be consulted in the following cases:
 - 3.5.1. if there is any uncertainty relating to the lawful basis on which personal data is to be collected, held, and/or processed;
 - 3.5.2. if consent is being relied upon in order to collect, hold, and/or process personal data;
 - 3.5.3. if there is any uncertainty relating to the retention period for any particular type(s) of personal data;
 - 3.5.4. if any new or amended privacy notices or similar privacy-related documentation are required;
 - 3.5.5. if any assistance is required in dealing with the exercise of a data subject's rights (including, but not limited to, the handling of subject access requests);
 - 3.5.6. if a personal data breach (suspected or actual) has occurred;
 - 3.5.7. if there is any uncertainty relating to security measures (whether technical or organisational) required to protect personal data;

- 3.5.8. if there are any questions relating to the implementation and maintenance of security measures in a home working environment;
- 3.5.9. if personal data is to be shared with third parties (whether such third parties are acting as data controllers or data processors);
- 3.5.10. if personal data is to be transferred outside of the UK and there are questions relating to the appropriate safeguard on which to do so;
- 3.5.11. when any significant new processing activity is to be carried out, or significant changes are to be made to existing processing activities, which will require a Data Protection Impact Assessment;
- 3.5.12. when personal data is to be used for purposes different to those for which it was originally collected;
- 3.5.13. if any automated processing, including profiling or automated decision-making, is to be carried out; or
- 3.5.14. if any assistance is required in complying with the law applicable to direct marketing.

4. The Data Protection Principles

4.1 This Policy aims to ensure compliance with Data Protection Law. The UK GDPR sets out the following principles with which any party handling personal data must comply. Data controllers are responsible for, and must be able to demonstrate, such compliance. All personal data must be:

- 4.1.1. processed lawfully, fairly, and in a transparent manner in relation to the data subject;
- 4.1.2. collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- 4.1.3. adequate, relevant, and limited to what is necessary in relation to the purposes for which it is processed;
- 4.1.4. accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased, or rectified without delay;
- 4.1.5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research

purposes, or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the UK GDPR in order to safeguard the rights and freedoms of the data subject;

- 4.1.6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

5. The Rights of Data Subjects

5.1. The UK GDPR sets out the following key rights applicable to data subjects:

- 5.1.1 the right to be informed;
- 5.1.2 the right of access;
- 5.1.3 the right to rectification;
- 5.1.4 the right to erasure (also known as the 'right to be forgotten');
- 5.1.5 the right to restrict processing;
- 5.1.6 the right to data portability;
- 5.1.7 the right to object; and
- 5.1.8 rights with respect to automated decision-making and profiling.

6. Lawful, Fair, and Transparent Data Processing

6.1. Data Protection Law seeks to ensure that personal data is processed lawfully, fairly, and transparently, without adversely affecting the rights of the data subject. Specifically, the processing of personal data shall be lawful if at least one of the following applies:

- 6.1.1. the data subject has given consent to the processing of their personal data for one or more specific purposes;
- 6.1.2. the processing is necessary for the performance of a contract to which the data subject is a party, or in order to take steps at the request of the data subject prior to entering into a contract;
- 6.1.3. the processing is necessary for compliance with a legal obligation to which the data controller is subject (not including contractual obligations);
- 6.1.4. the processing is necessary to protect the vital interests of the data subject or of another natural person;

- 6.1.5. the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller; or
- 6.1.6. the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.
- 6.1.7. If the personal data in question is special category personal data at least one of the following conditions must be met:
 - 6.1.7.1. the data subject has given their explicit consent to the processing of such data for one or more specified purposes (unless the law prohibits them from doing so);
 - 6.1.7.2. the processing is necessary for the purpose of carrying out the obligations and exercising specific rights of the data controller or of the data subject in the field of employment, social security, and social protection law (insofar as it is authorised by law);
 - 6.1.7.3. the processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
 - 6.1.7.4. the data controller is a foundation, association, or other non-profit body with a political, philosophical, religious, or trade union aim, and the processing is carried out in the course of its legitimate activities, provided that the processing relates solely to the members or former members of that body or to persons who have regular contact with it in connection with its purposes and that the personal data is not disclosed outside the body without the consent of the data subjects;
 - 6.1.7.5. the processing relates to personal data which is manifestly made public by the data subject;
 - 6.1.7.6. the processing is necessary for the conduct of legal claims or whenever courts are acting in their judicial capacity;
 - 6.1.7.7. the processing is necessary for substantial public interest reasons, on the basis of law which shall be proportionate to the aim pursued, shall respect the essence of the right to data protection, and shall provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject;

- 6.1.7.8. the processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of an employee, for medical diagnosis, for the provision of health or social care or treatment, or the management of health or social care systems or services on the basis of law or pursuant to a contract with a health professional, subject to further conditions and safeguards set out in Data Protection Law;
- 6.1.7.9. the processing is necessary for public interest reasons in the area of public health, for example, protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject (in particular, professional secrecy); or
- 6.1.7.10. the processing is necessary for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes with a basis in law which shall be proportionate to the aim pursued, respect the essence of the right to data protection, and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

7. Consent

- 7.1 If consent is relied upon as the lawful basis for collecting, holding, and/or processing personal data, the following shall apply:
 - 7.1.1 Consent is a clear indication by the data subject that they agree to the processing of their personal data. Such a clear indication may take the form of a statement or a positive action. Silence, pre-ticked boxes, or inactivity are unlikely to amount to consent.
 - 7.1.2 Where consent is given in a document which includes other matters, the section dealing with consent must be kept clearly separate from such other matters.
 - 7.1.3 Data subjects are free to withdraw consent at any time and it must be made easy for them to do so. If a data subject withdraws consent, their request must be honoured promptly.
 - 7.1.4 If personal data is to be processed for a different purpose that is incompatible with the purpose or purposes for which that personal data was originally collected that was not disclosed to the data subject when they first provided their consent, consent to the new purpose or

purposes may need to be obtained from the data subject.

- 7.1.5 If special category personal data is processed, the Council shall normally rely on a lawful basis other than explicit consent. If explicit consent is relied upon, the data subject in question must be issued with a suitable privacy notice in order to capture their consent.
- 7.1.6 In all cases where consent is relied upon as the lawful basis for collecting, holding, and/or processing personal data, records must be kept of all consents obtained in order to ensure that the Council can demonstrate its compliance with consent requirements.

8. Specified, Explicit, and Legitimate Purposes

8.1 The Council collects and processes:

- 8.1.1 personal data collected directly from data subjects; and personal data obtained from third parties.
- 8.1.2 The Council only collects, processes, and holds personal data for specific purposes or for other purposes expressly permitted by Data Protection Law.
- 8.1.3 Data subjects must be kept informed at all times of the purpose or purposes for which the Council uses their personal data. Please refer to Part 15 for more information on keeping data subjects informed.

9. Adequate, Relevant, and Limited Data Processing

9.1 The Council will only collect and process personal data for and to the extent necessary for the specific purpose or purposes of which data subjects have been informed (or will be informed) as under Part 8 above.

9.2 Employees, councillors, agents, contractors, or other parties working on behalf of the Council may collect personal data only to the extent required for the performance of their job duties and only in accordance with this Policy. Excessive personal data must not be collected.

9.3 Employees, councillors, agents, contractors, or other parties working on behalf of the Council may process personal data only when the performance of their job duties requires it. Personal data held by the Council cannot be processed for any unrelated reasons.

10. Accuracy of Data and Keeping Data Up-to-Date

10.1 The Council shall, with the aid of data subjects, ensure that all personal

data collected, processed, and held by it is kept accurate and up-to-date. This includes, but is not limited to, the rectification of personal data at the request of a data subject, as set out in Part 17, below.

- 10.2 If any personal data is found to be inaccurate or out-of-date, all reasonable steps will be taken to amend or erase that data, as appropriate.

11. Data Retention

- 11.1 The Council shall not keep personal data for any longer than is necessary in light of the purpose or purposes for which that personal data was originally collected, held, and processed.
- 11.2 When personal data is no longer required, all reasonable steps will be taken to erase or otherwise dispose of it without delay. Further detail is provided in Part 27 of this Policy (including the disposal of personal data for home workers) and in the Council's Data Retention Policy.
- 11.3 For full details of the Council's approach to data retention, including retention periods for specific personal data types held by the Council, please refer to the Council's Data Retention Policy and Retention Schedule.

12. Secure Processing

- 12.1 The Council shall ensure that all personal data collected, held, and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction, or damage. Further details of the technical and organisational measures which shall be taken are provided in Parts 25 to 30 of this Policy.
- 12.2 All technical and organisational measures taken to protect personal data shall be regularly reviewed and evaluated to ensure their ongoing effectiveness and the continued security of personal data.
- 12.3 Data security must be maintained at all times by protecting the confidentiality, integrity, and availability of all personal data as follows:
- 12.3.1 only those with a genuine need to access and use personal data and who are authorised to do so may access and use it;
 - 12.3.2 personal data must be accurate and suitable for the purpose or purposes for which it is collected, held, and processed; and
 - 12.3.3 authorised users must always be able to access the personal data as required for the authorised purpose or purposes.

13. Accountability and Record-Keeping

- 13.1 The Council shall follow a 'privacy by design' approach at all times when

collecting, holding, and processing personal data. Data Protection Impact Assessments shall be conducted if any processing presents a significant risk to the rights and freedoms of data subjects (please refer to Part 14 for further information).

13.2 All employees of the Council shall be given appropriate training in data protection and privacy, addressing the relevant aspects of Data Protection Law, this Policy, and all other applicable Council policies.

13.3 The Council's data protection compliance shall be regularly reviewed and evaluated by means of Data Protection Audits.

13.4 The Council shall keep a Record of Processing Activity (ROPA) of all personal data collection, holding, and processing, which shall incorporate the following information:

13.4.1 the name and details of the Council, its Data Protection Officer, and any applicable third-party data transfers (including data processors and other data controllers with whom personal data is shared);

13.4.2 the purposes for which the Council collects, holds, and processes personal data;

13.4.3 the Council's legal basis or bases for collecting, holding, and processing personal data;

13.4.4 details of the categories of personal data collected, held, and processed by the Council, and the categories of data subject to which that personal data relates;

13.4.5 details of any transfers of personal data to non-UK countries including all mechanisms and security safeguards;

13.4.6 details of how long personal data will be retained by the Council (please refer to the Council's Data Retention Schedule);

13.4.7 details of personal data storage, including location(s);

13.4.8 descriptions of all technical and organisational measures taken by the Council to ensure the security of personal data.

14. Data Protection Impact Assessments and Privacy by Design

14.1 In accordance with the privacy by design principles, the Council shall carry out Data Protection Impact Assessments for any and all new projects and/or new uses of personal data which involve the use of new technologies and where the processing involved is likely to result in a high risk to the rights and freedoms of data subjects.

14.2 The principles of privacy by design should be followed at all times when collecting, holding, and processing personal data. The following factors should

be taken into consideration:

- 14.2.1 the nature, scope, context, and purpose or purposes of the collection, holding, and processing;
 - 14.2.2 the state of the art of all relevant technical and organisational measures to be taken;
 - 14.2.3 the cost of implementing such measures; and
 - 14.2.4 the risks posed to data subjects and to the Council, including their likelihood and severity.
- 14.3 Data Protection Impact Assessments shall be carried out with the assistance of the Data Protection Officer and shall address the following:
- 14.3.1 the type(s) of personal data that will be collected, held, and processed;
 - 14.3.2 the purpose(s) for which personal data is to be used;
 - 14.3.3 the Council's objectives;
 - 14.3.4 how personal data is to be used;
 - 14.3.5 the parties (internal and/or external) who are to be consulted;
 - 14.3.6 the necessity and proportionality of the data processing with respect to the purpose(s) for which it is being processed;
 - 14.3.7 risks posed to data subjects;
 - 14.3.8 risks posed both within and to the Council; and
 - 14.3.9 proposed measures to minimise and handle identified risks.

15. Keeping Data Subjects Informed

- 15.1 The Council shall provide the information set out in Part 15.4 to every data subject:
- 15.2 where personal data is collected directly from data subjects, those data subjects will be informed of its purpose at the time of collection; and
- 15.3 where personal data is obtained from a third party, the relevant data subjects will be informed of its purpose:
- 15.3.1 if the personal data is used to communicate with the data subject, when the first communication is made; or
 - 15.3.2 if the personal data is to be transferred to another party, before that transfer is made; or
 - 15.3.3 as soon as reasonably possible and in any event not more than one month after the personal data is obtained.
- 15.4 The following information shall be provided in the form of a privacy notice:

- 15.4.1 details of the Council including, but not limited to, contact details, and the names and contact details of any applicable representatives and its Data Protection Officer;
 - 15.4.2 the purpose(s) for which the personal data is being collected and will be processed and the lawful basis justifying that collection and processing;
 - 15.4.3 where applicable, the legitimate interests upon which the Council is justifying its collection and processing of the personal data;
 - 15.4.4 the categories of personal data collected and processed;
 - 15.4.5 where the personal data is to be transferred to one or more third parties, details of those parties;
 - 15.4.6 where the personal data is to be transferred to a third party that is located outside of the UK, details of that transfer, including but not limited to the safeguards in place (see Part 31 of this Policy for further details);
 - 15.4.7 details of applicable data retention periods;
 - 15.4.8 details of the data subject's rights under Data Protection Law;
 - 15.4.9 where applicable, details of the data subject's right to withdraw their consent to the Council's processing of their personal data at any time;
 - 15.4.10 details of the data subject's right to complain to the Information Commissioner's Office;
 - 15.4.11 where the personal data is not obtained directly from the data subject, details about the source of that personal data;
 - 15.4.12 where applicable, details of any legal or contractual requirement or obligation necessitating the collection and processing of the personal data and details of any consequences of failing to provide it; and
 - 15.4.13 details of any automated decision-making or profiling that will take place using the personal data, including information on how decisions will be made, the significance of those decisions, and any consequences.
- 15.5 The information above shall be provided either directly through a first tier detailed privacy notice or, where appropriate, through a short form second tier privacy notice. The privacy notice shall be made available directly to the data subject via, for example, an online form, email, over the phone or on the Council's website.

16. Data Subject Access

- 16.1 Data subjects may make subject access requests ("SARs") at any time to find out more about the personal data which the Council holds about them,

what it is doing with that personal data, and why.

- 16.2 Employees wishing to make a SAR should do so using a Subject Access Request Form available on the Council's website or by contacting the Council's Data Protection Officer.
- 16.3 Responses to SARs must normally be made within one month of receipt, however, this may be extended by up to two months if the SAR is complex and/or numerous requests are made. If such additional time is required, the data subject shall be informed.
- 16.4 All SARs received shall be handled by the Council's Data Protection Officer and/or Information Officer in liaison with the relevant service and in accordance with the Council's Access to Information Policy.
- 16.5 All employees, councillors, agents, contractors, or other parties working on behalf of the Council working from home must ensure that all personal data that they are working with is kept organised and only stored and processed within the Council's hosted desktop system in order to enable rapid search and retrieval.
- 16.6 The Council does not charge a fee for the handling of normal SARs. The Council reserves the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

17. Rectification of Personal Data

- 17.1 Data subjects have the right to require the Council to rectify any of their personal data that is inaccurate or incomplete.
- 17.2 If required, the Council shall rectify the personal data in question, and inform the data subject of that rectification, within one month of the data subject informing the Council of the issue. The Council may restrict the processing of the data while the accuracy of the data is determined.
- 17.3 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification that must be made to that personal data.
- 17.4 All employees, councillors, agents, contractors, or other parties working on behalf of the Council working from home must ensure that all personal data that they are working with is kept organised and only stored and processed within the Council's Hosted Desktop system in order to enable rapid and/or centralised rectification.

18. Erasure of Personal Data

- 18.1 Data subjects have the right to request that the Council erases the

personal data it holds about them in the following circumstances:

- 18.1.1 it is no longer necessary for the Council to hold that personal data with respect to the purpose(s) for which it was originally collected or processed;
 - 18.1.2 the data subject wishes to withdraw their consent to the Council holding and processing their personal data;
 - 18.1.3 the data subject objects to the Council holding and processing their personal data (and there is no overriding legitimate interest to allow the Council to continue doing so) (see Part 21 of this Policy for further details concerning the right to object);
 - 18.1.4 the personal data has been processed unlawfully;
 - 18.1.5 the personal data needs to be erased in order for the Council to comply with a particular legal obligation;
 - 18.1.6 the personal data is being held and processed for the purpose of providing society services to a child.
- 18.2 Unless the Council has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject's request. The period can be extended by up to two months in the case of complex requests. If such additional time is required, the data subject shall be informed.
- 18.3 In the event that any personal data that is to be erased in response to a data subject's request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).
- 18.4 All employees, councillors, agents, contractors, or other parties working on behalf of the Council working from home must ensure that all personal data that they are working with is kept organised and only stored and processed within the Council's Hosted Desktop system in order to enable rapid and/or centralised erasure.

19. Restriction of Personal Data Processing

- 19.1 Data subjects may request that the Council ceases processing the personal data it holds about them. If a data subject makes such a request, the Council shall, if required, retain only the amount of personal data concerning that data subject (if any) that is necessary to ensure that the personal data in question is not processed further.
- 19.2 In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort

to do so).

- 19.3 All employees, councillors , agents, contractors, or other parties working on behalf of the Council working from home must ensure that all personal data that they are working with is kept organised and only stored and processed within the Council's Hosted Desktop system in order to enable the rapid and/or centralised application of restrictions.

20. Objections to Personal Data Processing

- 20.1 Data subjects have the right to object to the Council processing their personal data based on legitimate interests, for direct marketing (including profiling), and processing for scientific and/or historical research and statistics purposes.
- 20.2 Where a data subject objects to the Council processing their personal data based on its legitimate interests, the Council shall cease such processing immediately, unless it can be demonstrated that the Council's legitimate grounds for such processing override the data subject's interests, rights, and freedoms, or that the processing is necessary for the conduct of legal claims.
- 20.3 Where a data subject objects to the Council processing their personal data for direct marketing purposes, the Council shall cease such processing promptly.
- 20.4 Where a data subject objects to the Council processing their personal data for scientific and/or historical research and statistics purposes, the data subject must, under Data Protection Law, "demonstrate grounds relating to his or her particular situation". The Council is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

21. Direct Marketing

- 21.1 The Council will be subject to certain rules and regulations when undertaking direct marketing, however, the majority of messages that public authorities send to individuals are unlikely to constitute direct marketing.
- 21.2 If undertaking electronic direct marketing including email and text messaging, prior consent of data subjects is required.
- 21.3 The right to object to direct marketing shall be explicitly offered to data subjects in a clear and intelligible manner and must be kept separate from other information in order to preserve its clarity.
- 21.4 If a data subject objects to direct marketing, their request must be complied with promptly. A limited amount of personal data may be retained in such circumstances to the extent required to ensure that the data subject's marketing preferences continue to be complied with.

22. Personal Data Collected, Held, and Processed

Data collected, held, and processed by the Council is documented in the Council's Record of Processing Activity available on the Council's intranet (for details of data retention, please refer to the Council's Data Retention Policy and Retention Schedule).

23. Data Security - Transferring Personal Data and Communications

The Council shall ensure that the following measures are taken with respect to all communications and other transfers involving personal data:

- 23.1 All emails and attachments used for the transfer of personal data must be encrypted using password protection;
- 23.2 Employees, councillors, agents, contractors, or other parties working on behalf of the Council working from home must only access and process personal data when connected to the Council's Virtual Hosted Desktop Network;
- 23.3 Personal data may be transmitted over secure networks only; transmission over unsecured networks is not permitted in any circumstances. All employees, councillors, agents, contractors, or other parties working on behalf of the Council working from home must ensure, as far as is reasonably possible, that their home network is secure at all times and that, where applicable and reasonably possible, any and all security software or firmware updates for network equipment such as modems and routers are installed;
- 23.4 Personal data contained in the body of an email, whether sent or received, should be copied from the body of that email and stored securely. The email itself should be deleted;
- 23.5 Where personal data is to be transferred in hardcopy form it should be passed directly to the recipient. Personal data shall not be transferred to home workers in hardcopy form except in exceptional circumstances and only with permission from their line manager;

24. Data Security – Storage

The Council shall ensure that the following measures are taken with respect to the storage of personal data:

- 24.1 All electronic copies of personal data should be stored securely using passwords and data encryption;
- 24.2 All hardcopies of personal data should be stored securely in a locked box, drawer, cabinet, or similar;
- 24.3 All personal data stored electronically should be backed up daily during the working week and the Council should retain 1 month of backups.
- 24.4 The storage of personal data on mobile devices (including, but not limited to, laptops, tablets, and smartphones), whether such device belongs to the Council or otherwise, should be limited to the extent absolutely necessary for the performance of the relevant work. Furthermore, employees, councillors, agents, contractors, or other parties working on behalf of the Council working from home must only access and process personal data when connected to the Council's Hosted Desktop System.

25. Data Security – Disposal

- 25.1 When any personal data is to be erased or otherwise disposed of for any reason (including where copies have been made and are no longer needed), it should be securely deleted and disposed of and a deletion record should be kept;
- 25.2 For further information on the deletion and disposal of personal data, please refer to the Council's [Data Retention Policy](#).

26. Data Security - Use of Personal Data

- 26.1 The Council shall ensure that the following measures are taken with respect to the use of personal data:
 - 26.1.1 No personal data may be shared informally and if an employee, agent, contractor, or other party working on behalf of the Council requires access to any personal data that they do not already have access to, such access should be formally requested from the relevant data administrator;
 - 26.1.2 No personal data may be transferred to any employee, agent, contractor, or other party, whether such parties are working on behalf of the Council or not, without the authorisation of the relevant data administrator;
 - 26.1.3 Personal data must be handled with care at all times and should not be left unattended or on view to unauthorised employees, councillors, agents, contractors, or other parties at any time;
 - 26.1.4 If personal data is being viewed on a computer screen and the computer in question is to be left unattended for any period of time, the user must lock the computer and screen before leaving it;

- 26.1.5 All employees, councillors, agents, contractors, or other parties working on behalf of the Council working from home must ensure that they use all reasonable efforts to comply with Parts 26.1.3 and 26.1.4 above including, for example, setting aside a specific room or part of their home (ideally behind a lockable door, in a room with lockable windows) for home working, particularly when handling personal data. The Council recognises that home workers may not always be able to ensure a degree of security comparable to the Council's premises, but all reasonably practicable efforts should be made to ensure the best security possible in the circumstances;
- 26.1.6 Where personal data held by the Council is used for marketing purposes, it shall be the responsibility of the relevant data administrator to ensure that the appropriate consent is obtained and that no data subjects have opted out, whether directly or via a third-party service;

27. Data Security - IT Security

- 27.1 The Council shall ensure that the following measures are taken with respect to IT and information security:
- 27.1.1 All passwords used to protect personal data should be changed regularly and should not use words or phrases that can be easily guessed or otherwise compromised. All passwords must contain a combination of uppercase and lowercase letters, numbers, and symbols;
- 27.1.2 Under no circumstances should any passwords be written down or shared between any employees, councillors, agents, contractors, or other parties working on behalf of the Council, irrespective of seniority or department. If a password is forgotten, it must be reset using the applicable method;
- 27.1.3 All software (including, but not limited to, applications and operating systems) installed on IT equipment provided by the Council shall be kept up-to-date by the Council's IT staff.
- 27.1.4 No software may be installed on any Council-owned computer or device without the prior approval of the IT Department.

28. Organisational Measures

- 28.1 The Council shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:
- 28.1.1 All employees, councillors, agents, contractors, or other parties

working on behalf of the Council shall be made fully aware of both their individual responsibilities and the Council's responsibilities under Data Protection Law and under this Policy, and shall be provided with a copy of this Policy;

- 28.1.2 Only employees, councillors, agents, contractors, or other parties working on behalf of the Council that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to that relevant personal data held by the Council;
- 28.1.3 All sharing of personal data shall comply with the information provided to the relevant data subjects and, if required, the consent of such data subjects shall be obtained prior to the sharing of their personal data;
- 28.1.4 All employees, councillors, agents, contractors, or other parties working on behalf of the Council handling personal data will be appropriately trained to do so;
- 28.1.5 All employees, councillors, agents, contractors, or other parties working on behalf of the Council handling personal data shall be required and encouraged to exercise care, caution, and discretion when discussing work-related matters that relate to personal data, whether in the workplace or otherwise;
- 28.1.6 Methods of collecting, holding, and processing personal data shall be regularly evaluated and reviewed;
- 28.1.7 All personal data held by the Council shall be reviewed periodically, as set out in the Council's Data Retention Policy;
- 28.1.8 All employees, councillors, agents, contractors, or other parties working on behalf of the Council handling personal data will be bound to do so in accordance with the principles of Data Protection Law and this Policy;
- 28.1.9 All agents, contractors, or other parties working on behalf of the Council handling personal data must ensure that any and all of their employees who are involved in the processing of personal data are held to the same conditions as those relevant employees of the Council arising out of this Policy and Data Protection Law;
- 28.1.10 Where any agent, contractor or other party working on behalf of the Council handling personal data fails in their obligations under this Policy that party shall indemnify the Council against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure;

29. Transferring Personal Data to a Country outside the UK

- 29.1 The Council may, from time to time, transfer ('transfer' includes making

available remotely) personal data to countries outside of the UK. The UK GDPR restricts such transfers in order to ensure that the level of protection given to data subjects is not compromised.

29.2 Personal data may only be transferred to a country outside the UK if one of the following applies:

29.2.1 The UK has issued regulations confirming that the country in question ensures an adequate level of protection (referred to as 'adequacy decisions' or 'adequacy regulations'). From 1 January 2021, transfers of personal data from the UK to EEA countries will continue to be permitted. Provisions are also in place to recognise pre-existing EU adequacy decisions in the UK.

29.2.2 Appropriate safeguards are in place including binding corporate rules, standard contractual clauses approved for use in the UK (this includes those adopted by the European Commission prior to 1 January 2021), an approved code of conduct, or an approved certification mechanism.

29.2.3 The transfer is made with the informed and explicit consent of the relevant data subject(s).

29.2.4 The transfer is necessary for one of the other reasons set out in the UK GDPR including the performance of a contract between the data subject and the Council; public interest reasons; for the establishment, exercise, or defence of legal claims; to protect the vital interests of the data subject where the data subject is physically or legally incapable of giving consent; or, in limited circumstances, for the Council's legitimate interests.

30. Data Breach Notification

30.1 All personal data breaches must be reported immediately to the Council's Data Protection Officer. For more information on data breach reporting, please see the Council's Data Breach Policy and its related procedures.

Appendix B: Comments from the Overview and Scrutiny Committee

Comment from Committee	Reasons from the Committee	Executive Member/Officer Comment	Recommended Action
To include reference to Councillors in the scope of the policy.	So that Councillors are included in the policy and aware of their responsibilities.	Following consultation with the Information Governance and Data Protection Manager, the Executive Member supported the recommendation.	To note 'councillors' in the scope of the policy and throughout wherever responsibilities are noted.
Unclear on the use of 'information' in paragraph 18.1.6 in reference to 'Information Society Services'. It was suggested 'information' is removed.	So that it is clear the requirement is only in reference to personal data and not wider information.	Following consultation with the Information Governance and Data Protection Manager, the Executive Member supported the recommendation.	To remove 'information' from paragraph 18.1.6
That the Data Retention Policy is linked to this policy in paragraph 25.2	So that further information on personal data retention is easily available.	Following consultation with the Information Governance and Data Protection Manager, the Executive Member supported the recommendation.	To add a hyperlink to the Data Retention Policy in paragraph 25.2

East Herts Council Report

Executive

Date of Meeting: Tuesday 22 November 2022

Report by: Councillor George Cutting – Executive Member for Corporate Services

Report title: Surveillance Technologies Policy

Ward(s) affected: (All Wards);

Summary

This report presents the newly drafted East Herts District Council Surveillance Technologies Policy (Appendix A) which governs the use of overt surveillance technologies controlled by the council and utilised by employees with relevant roles.

In a report taken to Overview and Scrutiny Committee on 8 November 2022, the committee supported the proposal to recommend this policy to Executive for adoption.

RECOMMENDATIONS FOR Executive:

- (A) That the Surveillance Technologies Policy is adopted following any amendments.**
- (B) That the Information Governance and Data Protection Manager be authorised to make any minor amendments that may be required, in consultation with the Head of Legal and Democratic Services.**

1.0 Proposal(s)

1.1. As above.

2.0 Background

- 2.1. Following identification of the council's use of overt surveillance technology across various service areas, it was found that a surveillance technologies policy is required to govern the council's control and staff use of surveillance technologies.
- 2.2. This policy will ensure that the controllership and use of surveillance technologies are in line with data protection legislation and good practice guidelines and codes issued by the Surveillance Camera Commissioner and the Information Commissioner's Office.
- 2.3. This policy will apply only to overt surveillance technologies operated by the council and utilised by employees with relevant roles.
- 2.4. The report was considered by Overview and Scrutiny Committee at its meeting on 8 November 2022. There were no comments.

3.0 Reason(s)

- 3.1 This policy sets out how the council will comply with the 12 guiding principles in the Surveillance Camera Code of Practice (SCCP) when carrying out new or existing surveillance activities by ensuring:
- 3.1.1 through a data protection impact assessment, that there is a defined and limited purpose and that the use of the

- surveillance is in pursuit of a legitimate aim and takes into account the effect on individuals;
- 3.1.2 that there is transparency through the publication of privacy notices;
 - 3.1.3 that roles and responsibilities are clearly defined;
 - 3.1.4 that there are procedures in place for the appropriate storage of and access to surveillance data.
- 3.2 This policy will ensure compliance with the fifth principle in the SCCP which requires clear rules, policies and procedures to be in place before a surveillance camera system is used, and that these must be communicated to all who need to comply with them.
- 3.3 Additionally, the policy ensures compliance with the accountability principle within the UK GDPR and particularly article 24(1) which requires technical and organisational measures to be implemented to ensure, and demonstrate, compliance with the UK GDPR wherever personal data is processed.
- 3.4 A surveillance asset register has been included in the policy so that the location and scope of council-controlled surveillance technologies and the steps taken to mitigate risks to each location are recorded.
- 3.5 The register will be reviewed annually to ensure any new surveillance systems have been added and that existing information is kept up to date. Additionally, the register will ensure that the council remains informed of the purpose, type, and location of surveillance technologies that it controls.

4.0 Options

- 4.1 Not to adopt this policy and maintain the use of existing and future surveillance technologies without an adopted policy

document. NOT RECOMMENDED as this would work against the council's aim to comply with the SCCP and the accountability principle within the UK GDPR.

- 4.2 To consider and adopt this policy. RECOMMENDED as a means of ensuring that the council has an up-to-date policy document in place to demonstrate its compliance with the SCCP and UK GDPR.

5.0 Risks

- 5.1 The council is under a duty, by virtue of section 33(1) of the Protection of Freedoms Act 2012, to have regard to the Surveillance Camera Code of Practice when, in exercising any of its functions, it considers that the future deployment or continued deployment of overt surveillance camera systems is required. In the event of an investigation by the Surveillance Commissioner, the council would be required to explain non-consideration of the code and may be subject to enforcement action should a suitable explanation not be offered.
- 5.2 Failure to have in place means to demonstrate compliance with the UK GDPR principles may lead to enforcement action taken against the council by the Information Commissioner's Office.
- 5.3 There may be additional reputational implications if the Information Commissioner's Office or the Surveillance Commissioner were to investigate the council for non-compliance regardless of the final decision.

6.0 Implications/Consultations

Community Safety

No

Data Protection

Yes – The adoption of this policy will ensure that the council further enhances compliance with the UK GDPR.

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

Yes – By having a Surveillance Technologies Policy in place, the council is able to demonstrate how it will respect the rights of data subjects and the overarching right to privacy.

Legal

Yes – the council is under an obligation to ensure it complies with UK data protection law and associated codes, and the adoption of this policy strengthens the council's compliance.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – DRAFT – East Herts Council – Surveillance Technologies Policy

Contact Member: Councillor George Cutting, Executive Member for Corporate Services.

george.cutting@eastherts.gov.uk

Contact Officer: James Ellis, Head of Legal and Democratic Services, Tel: 01279 502170

james.ellis@eastherts.gov.uk

Report Author: Tyron Suddes, Information Governance and Data Protection Manager, Tel: 01279 502148

tyron.suddes@eastherts.gov.uk



East Herts District Council

Surveillance Technologies Policy

Document Control

Organisation	East Hertfordshire District Council
Title	Surveillance Technologies Policy
Author – name and title	Tyron Suddes – Information Governance and Data Protection Manager
Owner – name and title	Tyron Suddes – Information Governance and Data Protection Manager
Date	September 2022
Approvals	Executive
Version	1.0
Next Review Date	September 2023

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1. Introduction

East Hertfordshire District Council (the Council) operates and manages a number of surveillance technologies.

Subject to an annual assessment, the Council currently uses surveillance technologies for the purposes of:

- **Parking service and off street car parks**
- **Monitoring and/or witnessing statutory nuisances**
- **Monitoring and/or witnessing suspected environmental crimes**
- **Monitoring Council Offices**
- **Monitoring Council owned premises, including hostel sites**
- **Monitoring Launchpad premises**

All systems operate within the requirements of the Data Protection legislation (noted in section 5 below) and good practice guidelines, such as those issued by the Information Commissioner's Office (ICO) and the Surveillance Camera Commissioner (SCC). The ICO code provides good practice advice for those involved in operating surveillance technologies, including how organisations can meet their data protection obligations when using these devices. The aim of the SCC code is to ensure that surveillance technologies are used in pursuit of a legitimate aim to meet a pressing need and that any impact on privacy is balanced against such aims.

2. Scope

This policy applies to all overt surveillance (including audio) technologies controlled by the Council and utilised by employees with relevant roles. It covers live viewing of surveillance technology as well as replaying / reviewing footage / audio in response to a request.

If the Council introduces or considers introducing new forms of surveillance technology, the provisions of this policy will apply. The Council will consider whether this policy requires amendments to take into account new technology.

If applicable, only sections 6-8 and 10 of this policy will apply to the use of RIPA authorised surveillance to set out how this type of surveillance data will be managed. RIPA authorised surveillance is generally governed by Regulation of Investigatory Powers Act (RIPA) 2000 Policy.

3. Policy Statement

The purpose of this policy is to:

- ensure compliance with relevant legislation, as listed in Section 5;
- ensure adherence to the Surveillance Camera Code of Practice (Section 30 of the Protection of Freedoms Act 2012) and particularly the 12 principles set out in this code as listed in appendix 1;
- ensure adherence to the ICO CCTV Code of Practice;
- set out how surveillance technologies will be operated and monitored by the Council;
- outline the roles and responsibilities for the surveillance systems, their operation, monitoring, training, security, and compliance.

4. Surveillance Technologies

This policy shall apply to all forms of surveillance technologies (including audio technologies) operated by the Council including any that may be implemented in the future.

These technologies include the following:

- Fixed CCTV - static (including, pan, tilt and zoom) cameras, which may transmit images to a control, monitoring and/or recording facility, including cameras activated by motion;
- Body Worn Cameras - Cameras worn on person which may transmit images to a control, monitoring and/or recording facility;
- Surveillance technologies that also include audio recording.

A full list of the Council's current surveillance technology use is noted in Appendix 2 – Surveillance Asset Register.

5. Relevant Legislation

With regard to the installation and operation of Surveillance Systems, the Council must comply with all the relevant statutory legislation, in particular the following:

- Data Protection Act 2018
- The retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (the “UK GDPR”),
- Human Rights Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Protection of Freedoms Act 2012
- Regulation of Investigatory Powers Act 2000
- Private Security Industry Act 2001 Of Practice 2013

6. Roles and Responsibilities

The Council is a Data Controller under data protection legislation and has responsibility for the fair and lawful processing of personal data.

Surveillance systems are within the scope of the data protection legislation because they capture personal data.

If a staff role includes the use of surveillance systems, either as a direct responsibility or peripheral to normal tasks, the employee may only use surveillance systems as determined in this policy. It is essential that all Council staff understand and abide by the following appropriate responsibilities:

6.1. Service Manager Responsibilities

This section is aimed at service managers that operate and/or oversee surveillance systems and/or are looking to procure new systems within their service.

Service Managers have the following responsibilities:

- Working with the Information Governance and Data Protection Manager:
 - to complete a Data Protection Impact Assessment;
 - to ensure that Privacy Notices are up to date and, where required, implemented.
- Ensuring that all policy, procedures, and guidance on the operation of surveillance systems are implemented and followed.
- Liaise with ICT Services to ensure there is suitable ICT infrastructure in place.
- Annually review the requirement for the surveillance system in accordance with the SCCP.

- Regular updating of 'local' system operating procedures.
- Ensuring that appropriate physical security is in place to assure the integrity of the surveillance system and their recordings.
- Ensuring that access to data is strictly controlled and only made available to authorised personnel.
- Ensuring all staff who will use the system read, understand, and abide by this Policy.
- Identifying and implementing specific training for staff working with surveillance systems (operation, use and management of).
- Ensuring that the necessary controls are in place to safeguard compliance with the relevant legal requirements, guidance, and policy.
- Follow appropriate processes when requests for footage are received – see section 9.
- Ensure correct signage is used on all surveillance system installations.
- Updating the Surveillance Asset Register for new systems and maintaining the quality of information linked to systems in use.

6.2. Surveillance Operators' Responsibilities

Surveillance operators are defined as staff who, as part of their role, have a need to routinely use or access surveillance systems and must:

- Comply with this policy and other Council data protection policies, and any other relevant documentation when operating surveillance systems.
- Have an appropriate level of operational knowledge and training in the control, use and management of the surveillance devices.
- Undertake and complete any specific training linked to their duties and the surveillance technology being used.
- Ensure that the surveillance devices are working on a day-to-day basis.
- Bring defective equipment issues to the attention of their line manager
- Follow any local procedures and processes for the specific systems in use (e.g. signing out specific body cameras).
- Ensure that any member of staff asking to use surveillance technology has identified a specific purpose in line with the relevant legislation for doing so.
- Support appropriate processes when requests for footage are received – see section 9.

6.3. Information Governance and Data Protection Manager Responsibilities

The Information Governance and Data Protection Manager has the following responsibilities regarding surveillance technologies:

- Supporting services in the completion and approval of Data Protection Impact Assessments.
- Ensuring policy documentation related to overt surveillance and data protection legislation is up to date.
- Coordinating / investigating information incidents linked to surveillance systems.
- Supporting data subject right requests relating to surveillance recordings.

7. Storage and Security

Images and information will be stored in line with industry standards, relevant to the type of surveillance system used.

Recordings will be stored securely in digital format. Where there is a legitimate reason to keep recordings longer than the usual retention period, these will be copied and stored securely in digital format, with a new retention period being documented. Where relevant, other Council policies may also govern how certain aspects of the Council's surveillance systems are used.

Recordings and associated information will only be used for the purposes defined for each system. These will only be viewed when there is a legitimate reason to do so and the showing of recorded material to other internal or external individuals will only be allowed in accordance with the relevant legislation.

8. Retention

Recordings that are not required for the purpose(s) for which the surveillance system is being used will not be retained for longer than is necessary and in any event any recording will not be kept for longer than the period noted in the Council's Retention Schedule.

Access to and security of recordings will be controlled in accordance with the requirements of data protection legislation. Relevant security measures will be implemented to prevent unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

9. Access Requests

Council services, individual staff members, or members of the public may request access to surveillance data. There are a number of different reasons for requesting access and for a range of different purposes. These differing requests will need to be considered in different ways.

Under data protection legislation, individuals have the right to access data the Council holds about them. All staff involved in operating a surveillance system must be able to recognise a request for access to recordings by data subjects and be aware of an individual's rights. When a request (Subject Access Request) is made, the Council will handle it in accordance with data protection legislation and its Access to Information Policy.

Requests by external organisations for recordings containing personal data may be permitted under Schedules 2 -4 of the Data Protection Act 2018 but careful consideration needs to be given to whether disclosure is necessary and proportionate.

Recordings can be requested under the Freedom of Information Act 2000 (FOI) and/or the Environmental Information Regulations 2004 (EIR). Personal information is exempt from disclosure but there may be instances where footage does not contain personal information and will need to be considered for release. Requests made under FOI and/or EIR must be handled in accordance with the Access to Information Policy.

10. Regulation of Investigatory Powers (RIPA)

Local authorities can only authorise use of directed surveillance under RIPA to prevent or detect criminal offences that are punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment.

If the use of directed surveillance is authorised under RIPA, such surveillance will be governed and safeguarded using the roles, responsibilities and procedures noted in sections 6 to 8 above. Any personal data captured during the recording of RIPA authorised surveillance will be governed in line with the Council's Data Protection Policy.

RIPA authorised surveillance will only be retained for only as long as is required

for the prevention or detection of criminal offences and any associated investigations or proceedings. The retention and disposal of RIPA authorised surveillance will be carried out in line with the Council's Data Retention Policy and the relevant retention period will be noted in the Council's Retention Schedule so that it can be regularly reviewed. Any RIPA authorised surveillance technologies will be recorded in the Council's Surveillance Asset Register.

11. Hertfordshire CCTV Partnership

East Hertfordshire District Council is a main partner of the Hertfordshire CCTV partnership which is a joint initiative aimed at reducing the fear of crime across the principal public, residential, retail, business and schools within the partnership. This policy does not govern the use of surveillance systems within the partnership; this is instead governed by the [partnership's code of practice](#). Surveillance assets that form part of the partnership that may be used by the Council are noted in Appendix 2 below.

12. Breaches of this Policy

Inappropriate access, use or disclosure of recordings may put members of the public, employees or surveillance operators at risk of serious harm, damage or distress. It may also put the Council at risk of reputational damage and / or be unlawful. Therefore, authorisation, access and disclosure of recordings will be strictly controlled, and any breaches of this policy or operational guidance will be investigated.

All breaches and suspected breaches of this policy must be reported to your line manager.

Actions or neglect leading to a breach of this policy, or failure to report a breach will be investigated and may lead to disciplinary action in line with the Code of Conduct for Employees.

Appendix 1 – Surveillance Code of Practice

The Council's use of surveillance technologies must always comply with the 12 principles set out in the **Surveillance Code of Practice**:

1. Use of a surveillance system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance system activities including images and information collected, held, and used.
5. Clear rules, policies and procedures must be in place before a surveillance system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance system, and such images and information should be securely deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.

9. Surveillance system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance system which compares against a reference database for matching purposes should be accurate and kept up to date.

Appendix 2 – Surveillance Asset Register

This register records the location and scope of Council surveillance systems and the steps taken to mitigate risks particular to each location.

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
Hertford Town Centre	Fixed CCTV	Hertfordshire CCTV Partnership public space CCTV coverage	Pre-set tours and operators	24 Hour Police airwaves Town Centre link radios CCTV Operators	Hertfordshire CCTV Partnership Code of Practice
Bishop's Stortford Town Centre	Fixed CCTV	Hertfordshire CCTV Partnership public space CCTV coverage	Pre-set tours and operators	24 Hour Police airwaves Town Centre link radios CCTV Operators	Hertfordshire CCTV Partnership Code of Practice
Ware Town Centre	Fixed CCTV	Hertfordshire CCTV Partnership public space CCTV coverage	Pre-set tours and operators	24 Hour Police airwaves Town Centre link	Hertfordshire CCTV Partnership Code of Practice

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
		coverage		radios CCTV Operators	
Stanstead Abbotts	Fixed CCTV	Hertfordshire CCTV Partnership public space CCTV coverage	Pre-set tours and operators	24 Hour Police airwaves Town Centre link radios CCTV Operators	Hertfordshire CCTV Partnership Code of Practice
Varying locations across East Herts District. Installed into properties as needed to monitor and/or witness statutory	Noise recording equipment	4	Varies depending on the nature of the nuisance.	All recordings will be reviewed.	The subject of a nuisance complaint is informed that we are investigating and noise recording equipment may be used to determine whether a statutory nuisance is likely to exist or not. Devices are

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
nuisances					generally controlled by the person being disturbed by the nuisance, though they can be used on a timer basis if needed.
Wallfields	Fixed CCTV	38	24hrs	During staffed office hours	Wallfields is signed with appropriate signage for CCTV, its use and purpose with contact details
Charringtons EHDC Office	Fixed CCTV	10	24hrs	During staffed office hours	Charringtons is signed with appropriate signage for CCTV, its use and purpose with contact details
Charringtons	Fixed CCTV	6	24hrs	During staffed	Buntingford is

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
Common Parts				office hours	signed with appropriate signage for CCTV, its use and purpose with contact details
Buntingford Service Centre (New)	Fixed CCTV	12	24 hrs	24hrs (Herts CCTV partnership)	Buntingford is signed with appropriate signage for CCTV, its use and purpose with contact details
Buntingford Service Centre (Old)	Fixed CCTV	10	24hrs	During Staffed Office Hours	Buntingford is signed with appropriate signage for CCTV, its use and purpose with contact details

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
Launchpad Charringtons house	Fixed CCTV	6 (5 of ground floor, 1 of 2nd floor south)	24hrs, (retained for 10 days)	Ad-hoc. 3 people have access if/when required. (2 x LP staff and maintenance)	Launchpad facility is open 24/7 - accessible with key-fob. No alarm. There is valuable equipment in the office belonging to members. The CCTV is necessary for security for both persons and belongings. Reassuring for lone workers. CCTV signage shown in entrance lobby

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
The Rectory & Cedar Hostels	Fixed CCTV	21	24 hrs (only records motion so retention of recordings depends on motion, however, generally recordings are not kept for more than 28 days)	Mon-Fri 9-5 Remote access via staff mobile phones	Low level; All residents are advised on move-in that CCTV is in operation in communal areas and sign a letter to confirm that they have been informed of this. Signage in communal areas
Hillcrest Hostel	Fixed CCTV	6	24 hrs	Staff working hours 10-2 Mon-Fri	Low level; Signage in car park
Varying locations - Licensing and	Bodycams	4	Activated by officer when an offence is suspected	Following surveillance if offence is suspected. Any	Officers will be trained on how to use and operate the devices

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
Enforcement Bodycams				surveillance not linked to an offence will be deleted	<p>Service Manager to make a decision about whether surveillance can be used</p> <p>Surveillance to be carried overtly by constantly notifying persons of ongoing recording</p> <p>Intrusion of individuals' privacy rights to be reduced by only recording when proportionate and necessary in line with legislation</p>

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
Varying locations - Licensing and Enforcement Radios	Radios	3	Activated by officer when an offence is suspected	Following surveillance if offence is suspected. Any surveillance not linked to an offence will be deleted	<p>Officers will be trained on how to use and operate the devices</p> <p>Service Manager to make a decision about whether surveillance can be used</p> <p>Surveillance to be carried overtly by constantly notifying persons of ongoing recording</p> <p>Intrusion of individuals' privacy rights to be reduced by only recording when proportionate</p>

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
					and necessary in line with legislation
Varying locations – Licensing and Enforcement Wildlife Cameras	Mobile cameras	7	24hrs (cameras relocated every 10 days)	Following surveillance if offence is suspected. Any surveillance not linked to an offence will be deleted	Cameras to be suitably camouflaged to avoid theft. Cameras to be frequently relocated (every 10 days maximum). Cameras not to be placed in areas of high foot fall or vehicle traffic. Cameras to be removed upon positive identification of a

Location Type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
					subject for prosecution. Cameras to have suitable signs linking to privacy information

Agenda Item 8

East Herts Council Report

Executive

Date of meeting: 22 November 2022

Report by: Councillor Peter Boylan, Executive Member for Neighbourhoods

Report title: Affordable Housing Needs Assessment Update 2022

Ward(s) affected: All

Summary

The East Herts District Plan 2018 encourages developers to discuss with the council the appropriate mix of house size, type and tenure to be provided in any new housing development. This is a key means of delivering the council's Housing Strategy 2022 – 2027. To inform discussion with developers, officers need to draw on up-to-date housing need data.

To maintain a current understanding of affordable housing requirements, an Affordable Housing Needs Assessment Update for East Herts was completed in May 2022 by an independent consultancy. This paper seeks approval for officers to incorporate the findings into negotiations with developers and updates of any planning guidance or documentation.

RECOMMENDATION FOR EXECUTIVE:

- (a) That the Affordable Housing Needs Assessment Update 2022 be endorsed and recommended to Council to form part of the evidence base to inform Development Management decisions and support the East Herts**

District Plan 2018 and any future reviews and revisions to it.

1.0 Proposal

- 1.1 An Affordable Housing Needs Assessment Update has been prepared by consultants, Opinion Research Services (ORS), to provide up to date information on affordable housing need in East Herts.
- 1.2 This report outlines the assessment and seeks members' endorsement to recommend to Council that it be used to inform future corporate strategies, including any review of the East Herts District Plan and any relevant supplementary planning documents, along with discussions with applicants seeking planning permission for residential development.

2.0 Background

- 2.1 Opinion Research Services (ORS) were first commissioned by the local authorities of West Essex (Epping Forest, Harlow and Uttlesford) and East Hertfordshire in 2015 to undertake a Strategic Housing Market Assessment (SHMA) to identify the functional housing market area and establish the Objectively Assessed Need for housing – both market and affordable housing.
- 2.2 In 2017, Opinion Research Services (ORS) were commissioned by East Herts, Epping Forest, Harlow and Uttlesford Councils to carry out an affordable housing need update in the Eastern Hertfordshire and West Essex area. This update identified a need for 3,800 affordable homes in East Herts over the period 2016 to 2033, or 224 per year.
- 2.3 Since 2017, new information has been released which can be used to inform affordable housing needs projections. The

definition of affordable housing in the National Planning Policy Framework (NPPF) was also changed in 2019, with a specific emphasis now placed on affordable home ownership. This change was retained in the NPPF 2021, with further guidance to reflect the need to consider First Homes added to Planning Practice Guidance (PPG) in May 2021. In addition, it has been made clear in the PPG that any assessment of affordable housing need must also now consider those households who would like to own but are unable to do so, that is, those that 'aspire' to own their own home, in addition to those households unable to afford to own or rent which have formed the longstanding basis for assessing affordable housing needs.

3.0 Reasons

- 3.1 Given the changes outlined in paragraph 2.3, officers considered it necessary to update the assessment of affordable housing needs for East Herts. ORS were commissioned to carry out this update.
- 3.2 Between April 2017 and March 2022 a total of 970 affordable homes were completed in East Herts – 600 for affordable rent and 370 for shared ownership. The 2022 update has taken this delivery into account and now provides estimates for the remainder of the District Plan period to 2033.
- 3.3 The 2022 update provides, for the first time, affordable housing need figures at the sub-district level to take account of need and the varying pattern of new build across the district in recent years. These sub-district needs projections will allow officers to provide more detailed advice to developers.

3.4 Overall, the 2022 update identifies a need for a total of 3,784 affordable dwellings over the period 2021-2033, or 315 per year. This represents a rise when compared with the Affordable Housing Update 2017 which showed a need for 224 affordable dwellings per year. This growth, however, is almost entirely due to the period to address the backlog of need being shorter and the new requirement to take account of the needs of those aspiring to own their own home within the affordable housing need calculation.

3.5 The main findings of the Affordable Housing Needs Assessment Update 2022 are presented in **Appendix A**.

4.0 Options

4.1 Not to use the research findings: NOT RECOMMENDED. Opinion Research Services have produced a comprehensive and in-depth report on affordable housing needs in East Herts using a wide range of sources. The research findings will play a useful role in contributing to corporate strategies and will assist officers when commenting on planning applications which include affordable housing.

5.0 Risks

5.1 The Affordable Housing Needs Assessment Update is intended to provide information and guidance to partners and stakeholders, rather than specific contractual or legal obligations. Within this context, it would be a risk to not use the most up-to-date housing needs information, as this could lead to development of the wrong type of affordable housing which does not meet affordable housing needs.

6.0 Implications/Consultations

6.1 The information contained within the Affordable Housing Needs Assessment Update was gathered from a prescribed set of desktop sources. No formal consultation has been undertaken as this is an evidence-based report. No consultation is required before using the findings as up-to-date evidence for commenting on planning applications that contain affordable housing

Community Safety

No implications arising from this report.

Data Protection

No implications arising from this report.

Equalities

The research findings support Strategic Priority 1 of the East Herts Council Housing Strategy: Deliver Affordable Homes. Demographic information for East Herts indicates that the people in the following protected characteristic groups are highly represented among households in housing need. They would be more positively impacted by an increased supply of affordable housing of the most appropriate sizes and in the most appropriate locations:

- age – a high percentage of younger households, with a household head aged between 18 and 44
- pregnancy and maternity – a high percentage of households with children, especially those headed by a lone parent.
- gender – a high percentage of households headed by females
- marriage and civil partnership – a high percentage of households headed by a single person and by a lone parent

- disability and health – a comparatively high percentage of households in housing need have poor health and/or a form of disability.

Environmental Sustainability

None. Any affordable housing proposals with environmental implications for the council would be subject to member decisions at the time.

Financial

There are no issues in from the research findings which obliges the council to expend revenue or capital resources. Any future housing proposals with financial implications for the council would be subject to member decisions at the time.

Health and Safety

No implications arising from this report.

Human Resources

No implications arising from this report.

Human Rights

No implications arising from this report.

Legal

Although there is no statutory obligation for local authorities to produce an Affordable Housing Needs Assessment Update, the information in the assessment will provide advice and guidance for devising new housing- and planning-related strategies and will enable the provision of well-informed comments on planning applications containing affordable housing.

Specific Wards

No implications arising from this report.

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A:** Affordable Housing Assessment Update 2022 –
Summary of Main Findings.

Contact Member

Councillor Peter Boylan

peter.boylan@eastherts.gov.uk

Contact Officer

Jonathan Geall

Contact Tel. No. 01992 531594

jonathan.geall@eastherts.gov.uk

Report Author

Helen George

helen.george@eastherts.gov.uk

Appendix 1: Affordable Housing Needs Assessment Update 2022 – Summary of Main Findings

1.0 Affordable housing needs at the district area level

1.1 In calculating the need for affordable housing between 2021 and 2033, ORS has taken account of, and produced estimates for, the following:

- the backlog of housing need, consisting of households currently living in unsuitable housing and unable to afford their own housing
- new households projected to form in East Herts each year, and the numbers within this category who will be unable to afford a home of their own
- new households migrating to the area who will be unable to afford their housing costs
- the Aspirational Home Ownership category for whom low cost home ownership would be a suitable housing affordable housing choice.

1.2 The research also takes account of the factors which can decrease the number of households who require affordable housing, including households no longer present following the death of members and households who have migrated away from the area.

1.3 Housing needs over the twelve year period 2021 to 2033 are calculated to be as follows.

Affordable homes required to 2033		
	Total number	Per year
Affordable housing for rent	3,076	256
Intermediate affordable housing and low cost home ownership, including shared ownership	709	59
Total	3,785	315

1.4 A total of 315 new affordable homes are estimated to be required each year between 2021 and 2033. This compares with the previous estimate of 224. The increase in the estimated number required is due to two factors:

- the period to address the backlog of housing need is now shorter. The total need for 2016 to 2033 was estimated to be 3,800 over a 17 year period (224 per year), whereas the total need for 2021 to 2033 is estimated to be 3,785 over a 12 year period (315 per year).
- the requirement to introduce an Aspirational Home Ownership category into the definition of those in housing need has added to the numbers requiring intermediate/low cost home ownership, including shared ownership.

1.5 In addition, the Assessment Update also calculates the numbers and percentages of affordable homes by size that is, number of bedrooms. The table below provides comparisons with the calculations made in 2017:

	Homes required							
	Affordable housing for rent				Intermediate affordable housing and low cost home ownership, including shared ownership			
	2016-2033		2021-2033		2016-2033		2021-2033	
	Number	%	Number	%	Number	%	Number	%
1 bed	659	20.8%	614	20.0%	80	13.1%	248	35.0%
2 bed	1,290	40.7%	1,013	32.9%	250	41.0%	249	35.0%
3 bed	970	30.6%	1,148	37.3%	240	39.3%	166	23.5%
4+ bed	251	7.9%	301	9.8%	40	6.6%	46	6.5%
Total	3,170		3,076		610		709	

1.5 The Assessment Update produced by ORS has shown an increase in the demand for larger family-sized accommodation in East Herts. This is reflected in the higher percentage of three and four bedroom affordable homes for rent which are now required. Conversely, the research into needs among the aspirational home ownership group has taken account of more potential first-time buyers who usually consist of smaller households. This is manifested in the increased need for smaller homes for low cost home ownership.

2.0 **Affordable housing needs at the sub-district area level**

2.1 ORS were also asked to calculate housing need by tenure and property size on a sub-district area basis for 2021 to 2033. Their analysis was based on the housing development which has already taken place in each sub-area between 2011 and 2021. A range of sources were used to make these calculations, including development records, Council Tax records by dwelling size, local house prices and rent data, and data on benefit claimants.

2.2 The sub-district areas consists of the following wards:

- ***Bishop's Stortford and Sawbridgeworth*** – Bishop's Stortford All Saints, Bishop's Stortford Central, Bishop's Stortford Meads, Bishop's Stortford Silverleys, Bishop's Stortford South and Sawbridgeworth
- ***Buntingford*** – Buntingford
- ***Hertford and Ware*** – Great Amwell, Hertford Bengoe, Hertford Castle, Hertford Kingsmead, Hertford Sele, Ware St Mary, Ware Trinity, Ware Christchurch, Ware Chadwell and Stanstead Abbots
- ***Rural East*** – Braughing, Hunsdon, Little Hadham, Much Hadham, Puckeridge, Thundridge and Standon

- **Rural West** – Datchworth and Aston, Hertford Heath, Hertford Rural North, Hertford Rural South, Mundens and Cottered, Walkern and Watton-at-Stone.

2.3 The amount of affordable housing completed within each sub-district area between 1 April 2017 and 31 March 2022 is given in the table below.

	Affordable homes delivered – 2017/18 to 2021/22					
	Affordable housing for rent		Intermediate affordable housing and low cost home ownership, including shared ownership		Total	
	Number	%	Number	%	Number	%
Bishop's Stortford and Sawbridgeworth	236	39.3%	102	27.6%	338	34.8%
Buntingford	175	29.2%	64	17.3%	239	24.6%
Hertford and Ware	129	21.5%	177	47.8%	306	31.5%
Rural East	60	10.0%	23	6.2%	83	8.6%
Rural West	0	0%	4	1.1%	4	0.4%
Total	600		370		970	

2.4 ORS has estimated that the affordable housing required in each of the sub-district areas from now until 2033 will be as follows.

	Affordable homes required to 2033					
	Affordable housing for rent		Intermediate affordable housing and low cost home ownership, including shared ownership		Total	
	Number	%	Number	%	Number	%
Bishop's Stortford and Sawbridgeworth	1,425	46.3%	341	48.1%	1,766	46.7%
Buntingford	93	3.0%	37	5.2%	130	3.4%
Hertford and Ware	1,160	37.7%	244	34.4%	1,404	37.1%
Rural East	213	6.9%	40	5.6%	253	6.7%
Rural West	185	6.0%	47	6.6%	232	6.1%
Total	3,076		709		3,785	

Note: totals include rounding up/down within the underlying calculations so may vary from the summation of the figures in the rows above by +/- 1

2.5 The seemingly low level of affordable housing required in Buntingford to 2033, even taking account of its smaller size as a settlement, is reflective of the high level of affordable housing development in the area between 2017 and 2022.

2.6 The affordable housing property sizes by sub-district area level are calculated as follows.

	Bishop's Stortford and Sawbridgeworth: homes required to 2033					
	Affordable housing for rent		Intermediate affordable housing and low cost home ownership, including shared ownership		Total	
	Number	%	Number	%	Number	%
1 bedroom	295	20.7%	145	42.5%	1,441	25.0%
2 bedroom	452	31.7%	98	28.7%	550	31.1%
3 bedroom	511	35.9%	57	16.7%	568	32.2%
4+ bedroom	168	11.8%	41	12.0%	208	11.8%
Total	1,425		341		1,766	

Note: totals include rounding up/down within the underlying calculations so may vary from the summation of the figures in the rows above by +/- 1

	Buntingford: affordable homes required to 2033					
	Affordable housing for rent		Intermediate affordable housing and low cost home ownership, including shared ownership		Total	
	Number	%	Number	%	Number	%
1 bedroom	13	14.0%	11	29.7%	24	18.5%
2 bedroom	25	26.9%	9	24.3%	34	26.2%
3 bedroom	44	47.3%	12	32.4%	56	43.1%
4+ bedroom	10	10.8%	5	13.5%	15	11.5%
Total	93		37		130	

Note: totals include rounding up/down within the underlying calculations so may vary from the summation of the figures in the rows above by +/- 1

	Hertford and Ware: affordable homes required to 2033					
	Affordable housing for rent		Intermediate affordable housing and low cost home ownership, including shared ownership		Total	
	Number	%	Number	%	Number	%
1 bedroom	267	23.0%	53	21.7%	320	22.8%
2 bedroom	432	37.2%	122	50.0%	554	39.5%
3 bedroom	391	33.7%	69	28.3%	460	32.8%
4+ bedroom	70	6.0%	0	0%	70	5.0%
Total	1,160		244		1,404	

Note: totals include rounding up/down within the underlying calculations so may vary from the summation of the figures in the rows above by +/- 1

	Rural East: affordable homes required to 2033					
	Affordable housing for rent		Intermediate affordable housing and low cost home ownership, including shared ownership		Total	
	Number	%	Number	%	Number	%
1 bedroom	30	14.1%	17	42.5%	47	18.6%
2 bedroom	65	30.5%	10	25.0%	75	29.6%
3 bedroom	88	41.3%	13	32.5%	101	39.9%
4+ bedroom	30	14.1%	0	0%	30	11.9%
Total	213		40		253	

Note: totals include rounding up/down within the underlying calculations so may vary from the summation of the figures in the rows above by +/- 1

	Rural West: affordable homes required to 2033					
	Affordable housing for rent		Intermediate affordable housing and low cost home ownership, including shared ownership		Total	
	Number	%	Number	%	Number	%
1 bedroom	27	14.6%	21	44.7%	48	20.7%
2 bedroom	47	25.4%	10	21.3%	57	24.6%
3 bedroom	86	46.5%	15	31.9%	101	43.5%
4+ bedroom	25	13.5%	0	0%	25	10.8%
Total	185		47		232	

Note: totals include rounding up/down within the underlying calculations so may vary from the summation of the figures in the rows above by +/- 1

Agenda Item 9

East Herts Council Report

Executive

Date of meeting: 22 November 2022

Report by: Councillor Peter Boylan– Executive Member for Neighbourhoods

Report title: First Homes Technical Advice Note

Ward(s) affected: All

Summary – The proposal for First Homes was introduced by the government in 2020. First Homes are a new form of low cost home ownership that can be sold at a discount of between 30% and 50% of the market value for all such homes, to be determined by the local authority.

The government requires that a maximum price cap, currently £250,000 per property, must apply regardless of the percentage discount.

Local authorities are obliged to produce a policy for the development of First Homes which will then be incorporated into future versions of their District Plan.

It is proposed that the Technical Advice Note here presented forms the council's guidance to developers.

RECOMMENDATIONS FOR EXECUTIVE:

- a) That the First Homes Technical Advice Note be recommended to Council for approval.**

1.0 Proposals

1.1 Each local authority is required to state its policy on First Homes. The proposed Technical Advice Note states that:

- East Herts Council does not consider First Homes to be a suitable form of affordable housing delivery in the district given its limited role in meeting locally identified housing need
- the council will not seek the inclusion of First Homes in new developments
- the council's preferred low cost home ownership product is shared ownership as this better addresses the needs of residents on lower incomes wishing to buy a home
- should a developer propose the inclusion of First Homes as part of a planning application, East Herts Council's policy will be to seek a tenure mix which maximises affordable housing for rent on the site
- where developers propose to construct First Homes, the discount should be 30% of the full market price, subject to the any government-specified price cap after the discount (currently £250,000)
- the local connection criteria should be consistent with the criteria applied for other low cost home ownership homes in East Herts, principally Shared Ownership.

2.0 Background

2.1 The proposal for First Homes was introduced by the government in 2020. First Homes are a new form of low cost home ownership that can be sold at a discount. The discount applying to all homes should be set by the local authority but must be between 30% and 50% of the market value for all First Homes.

- 2.2 The government requires that a maximum price cap, currently £250,000 per property, must apply regardless of the percentage discount.
- 2.3 First Homes meet the definition of affordable housing for planning purposes and therefore can be included within the overall percentage of affordable housing delivered on any particular site.
- 2.4 Local authorities are obliged to produce a policy for the development of First Homes which will then be incorporated into future versions of their District Plan.
- 2.5 First Homes must:
- be sold at a discount of no less than 30% of market value and no more than 50%, with the actual percentage discount that should be applied to all First Homes in a district determined by the local authority
 - have their initial sale price capped at no more than the government-set maximum, regardless of the percentage discount. The cap is currently £250,000
 - remain a First Home in perpetuity, with subsequent sales subject to the initial percentage discount. Note: local authorities are expected to keep track of subsequent sales through a mechanism yet to be defined by the government
 - only sold (initially and subsequently) to those eligible for a First Home, these primarily being first time buyers
 - be offered exclusively within the first three months of availability to those with a local connection as defined by the local authority with the local connection requirement falling away after the three months.

- 2.6 At present, there is no legislative requirement for local authorities to ensure the delivery of First Homes. Developers may, however, wish to include First Homes in their proposals and if the council were to provide an obstruction to this, developers could launch a legal challenge on the grounds that the local authority is failing to permit the development of a low cost home ownership product which is defined as Affordable Housing under the National Planning Policy Framework.
- 2.7 Although local authorities cannot preclude the development of First Homes in their district, it is reasonable to advise developers on their stance which can then guide developers when considering the tenure mix most likely to meet local need. The proposed Technical Advice Note would provide this guidance.

3. Reasons

- 3.1 The council wishes to publish a Technical Advice Note on First Homes to provide developers with guidance on the council's stance on the new product. The note lays out that First Homes are not considered by the council to be suitable in East Herts for the following reasons.

First Homes do not adequately address the needs of those on lower incomes in the district wishing to buy a home; shared ownership is better suited to meet these needs

- 3.2 Officers have compared the accessibility of the shared ownership product with First Homes for households incomes at the maximum within the lowest quartile of incomes in East Herts in 2021, that is £26,105 a year for each annual income considered (*source: Annual Survey of Hours and Earnings*).
- 3.3 Two important factors have been considered:

- could the household get the required mortgage with a 5% deposit?
- if the household were able to get the required mortgage, would their monthly housing costs be no more than 30% of the gross household earned income? (Assuming a mortgage rate of 3.5% and a rental payment for shared ownership homes of 2.75% of the unsold equity per year.)

3.4 If the answer to at least one of these questions is 'no', the property can be considered unaffordable and thus not accessible. The results are shown in the table below.

Can the household access the required mortgage and, if so, expend no more than 30% of gross earned income on housing costs?								
	1 bed		2 bed		3 bed		4 bed	
	Shared Ownership	First Home	Shared Ownership	First Home	Shared Ownership	First Home	Shared Ownership	First Home
Market value	£240,000	£240,000	£290,000	£290,000	£420,000	£420,000	£575,000	£575,000
Purchase price	£96,000	£168,000	£116,000	£203,000	£168,000	£250,000	£230,000	£250,000
Single full-time income	Yes	No	No	No	No	No	No	No
One full-time and one part-time income	Yes	No	Yes	No	No	No	No	No
Two full-time incomes	Yes	Yes	Yes	No	Yes	No	No	No

Notes

- Shared ownership purchased at 40% of market value.
- A 30% discount applied to First Homes, capped at a £250,000 maximum price.
- Mortgage rate of 3.5%.
- Purchase with a deposit of 5% of the purchase price.
- A rental payment for shared ownership homes of 2.75% of the unsold equity per year.
- Single full-time income = £26,105. One full-time income and one part-time income = £39,158. Two full-time incomes = £52,210.
- Market values based on typical new build values in East Herts. Note: 4 bed new build is 10th percentile to control for larger price range of this size of home.

3.5 The table shows that shared ownership is a more accessible low cost home ownership product in East Herts for those on lower incomes. Of course, for those on higher incomes, First Homes become more affordable although, arguably, the market is able to provide a supply of homes for those on median incomes, that is £38,763 per year for a single earner household and £77,526 for a two earner household.

The government's requirement that where a development contains First Homes, the number of First Homes should constitute 25% of all affordable dwellings would reduce the supply of affordable homes for rent

3.6 At present, in practice the council's District Plan seeks 25% of affordable homes as shared ownership and 75% as affordable rent. Government guidance states, however, that where First Homes are provided in a development, they should make up a minimum of 25% of all affordable homes. The council could then apply its preferred tenure mix to the remaining affordable units.

3.7 This guidance would constrain the supply of much needed affordable homes for rent because if a quarter of the total were First Homes, affordable homes would only make up 75% of the remaining 75% of affordable properties, that is, 56% of all affordable homes on that site.

Consideration of matters raised by the Overview and Scrutiny Committee

3.8 The Overview and Scrutiny Committee considered the First Homes Technical Advice Note at its meeting on 20th September 2022. Before approving the recommendation to endorse the strategy for presentation to the Executive, members of the

committee raised several points which have been carefully considered by the Executive Member for Neighbourhoods, in consultation with the Head of Housing and Health. The table in Appendix B summarises the points raised and the Executive Member's responses.

3.9 Specifically, as a result of the discussion at Overview and Scrutiny Committee, the following information has been provided:

- how developers can make decisions about social housing and where these homes are built in East Herts
- the affordability of First Homes which contain four bedrooms and the wider point regarding larger homes for low cost home ownership.
- the levels of incomes required for First Homes in East Herts and how they compare with households on median average incomes in the district.

4.0 Options

4.1 Not to produce a First Homes Technical Advice Note – NOT RECOMMENDED. Under government guidance, local authorities are obliged to produce a policy for the development of First Homes which will then be incorporated into their District Plan. A First Homes Technical Advice Note will provide information for developers, registered providers and other stakeholder organisations. It will also set a framework for maintaining the supply of affordable housing for rent and of genuinely affordable low cost home ownership products in East Herts.

4.2 Amend the First Homes Technical Advice Note to support and promote the development of First Homes – NOT RECOMMENDED for reasons discussed in section 3 above.

4.3 Amend the First Homes Technical Advice Note to require First

Homes to be sold at a discount set at above the recommended 30% – NOT RECOMMENDED. If developers were obliged to sell First Homes at a higher discount than 30%, the 'subsidy' being provided by the developer would be greatly increased per property. In turn, this would in all probability significantly erode the viability of the whole scheme with the result would offer a far smaller percentage of the total development as affordable housing. This would compromise the council's ability to enable an ongoing supply of much needed affordable housing

- 4.4 Endorse the draft First Homes Technical Advice Note as proposed – RECOMMENDED for the reason laid out in this report.

5.0 Risks

- 5.1 The proposed East Herts Council First Homes Technical Advice Note takes the form of information and guidance to its partners, rather than specific contractual or legal obligations. Therefore, there is no risk associated with the production of this Technical Advice Note.

6.0 Implications/Consultations

- 6.1 The draft First Homes policy Technical Advice Note has been produced by the Housing team following consultation with the East Herts Council Planning Policy team and with the Executive Member for Neighbourhoods and the Executive Member for Planning and Growth.

Community Safety

No implications arising from this report.

Data Protection

No implications arising from this report.

Equalities

The First Homes Technical Advice Note seeks to bring forward a supply of low cost home ownership properties at prices which are affordable to local working people with low to average incomes. The Housing service's information indicates that the people in the following protected characteristic groups who are highly represented upon households in housing need are thus would be more negatively impacted by substitute the supply of shared ownership and affordable rent homes with First Homes which require higher incomes to access than these two tenures:

- age – a high percentage of younger households, with a household head aged between 18 and 44
- pregnancy and maternity – a high percentage of households with children, especially those headed by a lone parent.
- gender – a high percentage of households headed by females
- marriage and civil partnership – a high percentage of households headed by a single person and by a lone parent
- disability and health – a comparatively high percentage of households in housing need have poor health and/or a form of disability.

Environmental Sustainability

No implications arising from this report.

Financial

Whilst there are no direct financial implications arising from this report, any reduction in future affordable rental property supply will increase the cost of housing benefit payments and not lead to

reductions in housing benefit administration costs. Registered Providers of housing send bulk uploads of rental amounts. This leads to less administration in uprating claims and reduced rental verification evidence requirements for social housing compared to privately rented housing.

Health and Safety

No implications arising from this report.

Human Resources

No implications arising from this report.

Human Rights

No implications arising from this report.

Legal

East Herts Council does not have a legal obligation to ensure that First Homes are delivered in the district. The local authority could, however, be subject to legal challenge if it attempted to obstruct a developer from constructing First Homes in East Herts. The First Homes Technical Advice Note provides information and guidance and it not of itself obstructive. The document does not provide specific contractual or legal obligations.

Specific Wards

No implications arising from this report.

7.0 Background papers, appendices and other relevant material

7.1 Appendix A – draft First Homes Technical Advice Note

7.2 Appendix B – Response to comments from the Overview and Scrutiny Committee

Contact Members

Cllr Peter Boylan

peter.boylan@eastherts.gov.uk

Cllr Jan Goodeve

Jan.goodeve@eastherts.gov.uk

Contact Officer

Jonathan Geall, Head of Housing and Health

jonathan.geall@eastherts.gov.uk

Contact Tel. No. 01992 531594

firstname.surname@eastherts.gov.uk

Report Author

Helen George

Helen.george@eastherts.gov.uk

and

Jonathan Geall

jonathan.geall@eastherts.gov.uk


First Homes Policy Statement


Technical Advice Note


Planning Policy/Housing Strategy

September 2022



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01279 655261

www.eastherts.gov.uk



First Homes Policy Statement

Technical Advice Note

1.0 Introduction

1.1 The Government has introduced changes to the National Planning Policy Framework (NPPF) that require East Herts Council to review its affordable housing policies. The new NPPF introduces requirements for the inclusion of First Homes as an affordable housing product.

2.0 What are First Homes?

2.1 The proposal for First Homes was introduced by the government in July 2020 as a new low cost home ownership product. First Homes are newly built homes which constitute a discounted market sale product. Under government guidance, they should be considered to meet the definition of affordable housing for planning purposes.

2.2 First Homes must:

- be sold at a discount of no less than 30% of market value and no more than 50%, with the actual percentage discount that should be applied to all First Homes in a district determined by the local authority.

- have their initial sale price capped at no more than the government-set maximum, regardless of the percentage discount. The cap is currently £250,000
- remain a First Home in perpetuity, with subsequent sales subject to the initial percentage discount. Note: local authorities are expected to keep track of subsequent sales through a mechanism yet to be defined by the government
- sold only (initially and subsequently) to those eligible for a First Home, these being primarily first time buyers.
- be offered exclusively within the first three months of availability to those with a local connection as defined by the local authority, with the local connection requirement falling away after the three months.

2.3 At present, there is no legislative requirement for local authorities to ensure the delivery of First Homes. Developers may, however, wish to include First Homes in their proposals. If a local authority were to provide an obstruction to this, developers could launch a legal challenge on the grounds that the local authority is failing to permit the development of a low cost home ownership product which is defined as Affordable Housing under the National Planning Policy Framework.

2.4 Although local authorities cannot preclude the development of First Homes in their district, it is reasonable to advise developers on their stance. This can then guide developers when considering the tenure mix most likely to meet local need.

3. The Affordability of First Homes in East Herts

3.1 Affordability assessments carried out by East Herts Council have compared the accessibility of the Shared Ownership product with First Homes within the lowest quartile of incomes in East Herts. Two factors have been considered:

- Could the household get the required mortgage with a 5% deposit?
- If the household were able to get the required mortgage, would their monthly housing costs be no more than 30% of the gross household earned income?

3.2 The affordability assessments have shown that Shared Ownership is a more affordable low cost home ownership product in East Herts for those on lower incomes than First Homes.

3.3 First Homes do not adequately address the needs of those on lower incomes in the district wishing to buy a home; shared ownership is better suited to meet these needs.

4. The Impact of First Homes upon the supply of other types of affordable housing

4.1 East Herts Council's District Plan seeks 25% of affordable homes as shared ownership and 75% as affordable housing for rent. Government guidance states, however, that where First Homes are provided in a development, they should make up a minimum of 25% of all affordable homes. The council could then apply its preferred tenure mix to the remaining affordable units.

4.2 This guidance would constrain the supply of much needed affordable homes for rent. If a quarter of the total were First Homes, affordable homes would make up 75% of the remaining 75% of affordable homes; that is, 56% of all affordable homes on the site.

4.3 The government's requirement that where a development contains First Homes the number of First Homes should constitute 25% of all affordable dwellings would reduce the supply of affordable homes for rent.

5. Technical Advice on First Homes:

5.1 East Herts Council's technical advice on First Homes is:

- i) East Herts Council does not consider First Homes to be a suitable form of affordable housing delivery in the district, given its limited role in meeting locally identified housing need.
- ii) East Herts Council will not seek the inclusion of First Homes in new developments.

iii) East Herts Council's preferred low cost home ownership product is shared ownership as this better addresses the needs of residents on lower incomes wishing to buy a home.

iv) Should a developer propose the inclusion of First Homes as part of a planning application, East Herts Council's policy will be to seek a tenure mix which maximises affordable housing for rent on the site.

v) Where developers propose to construct First Homes, the discount should be 30% of the full market price, subject to any government-specified price cap after the discount (currently £250,000).

vi) The local connection criteria should be consistent with the criteria applied for other low cost home ownership homes in East Hertfordshire, principally Shared Ownership.

Appendix B: Response to comments from the Overview and Scrutiny Committee

Comment from the Overview and Scrutiny Committee	Comment made by the Executive Member for Neighbourhoods	Recommended action
<p>In relation to the new homes (first homes scheme) and providing housing for sale at a reduced cost, the report says that officers do not recommend this option but that developers can provide them if they want to – how can developers make decisions about social housing and where they are built?</p>	<p>The vast majority of new affordable housing in East Herts is provided on private developers’ sites. In these instances, the developer proposes what affordable homes are provided and where they should be within their development.</p> <p>The council will then negotiate with the developer to ensure that the developer’s proposals are compliant with the council’s District Plan, notably, that 40% of the homes are affordable. Typically, 75% of the affordable homes will be for Affordable Rent and 25% will be for shared ownership.</p> <p>As noted in section 2 of the covering report, as First Homes are a nationally recognised affordable tenure, developers can legitimately seek to include them in their proposals. The proposed Technical Advice Note seeks to strengthen the council’s position when</p>	<p>No further action.</p>

	negotiating with developers about the inclusion of First Homes.	
In principle, the council is very much in favour of options to improve the level of home ownership in East Herts. However, it appears that the First Homes scheme is not helpful for East Herts because of the potential negative impact upon more affordable types of home ownership such as shared ownership.	This comment is consistent with the recommendations of the First Homes report.	No further action.
Why haven't four bedroom homes been included in the analysis? Wouldn't it be an	Analysis has been added to the report which assesses the affordability of four bedroom homes if they were to be provided for shared ownership or as a First Home. It should be noted, however, there are no	Officer will be asked to explore with partners whether there are

<p>advantage for four bedroom homes to be provided at a price cap of £250,000? Could we make a statement that four bedroom First Homes would be a useful option for East Herts?</p>	<p>examples in East Herts of four bedroom homes being developed for either of these tenures.</p> <p>Assisting larger households onto the housing ladder is an issue that requires careful consideration as, given the finite level of 'subsidy' for affordable housing within developers' business plans, devoting a significant proportion of that subsidy to larger properties would most likely erode the ability for a scheme to deliver the overall percentage of affordable homes required.</p> <p>In addition, developers will need to be confident that there is a market for the properties.</p>	<p>financially viable options for bringing forward low cost larger homes for homes ownership as part of the ongoing work to deliver the Housing Strategy.</p>
<p>Referring to section 3.5 of the report, we need to be clear that we will provide homes for residents in the district in receipt of medium</p>	<p>The analysis underpinning the First Homes Technical Note is based on median incomes in East Herts in 2021 according to the Annual Survey of Hours and Earnings (ASHE) undertaken by the Office of National Statistics on a nationwide basis. The East Herts median single gross salary of £26,105 has been used</p>	<p>No amendments to the proposed First Homes Technical Note are proposed.</p>

incomes, for example, nurses.

in the analysis; this can be considered a 'medium income' locally.

The table below gives salaries for nurses and similar professions.

Profession	Starting salary – at time of drafting the report	Maximum	Midpoint
Nurse*	£27,055	£32,934	£29,180
Classroom teacher**	£28,000	£38,810	£31,750
Police constable	£29,680	£49,030	£33,060
Average of the three professions	£28,245	£40,258	£31,330

* Band 5, newly qualified Nurses and Nurses below the level of Senior Nurses, Deputy Ward Managers, Health Visitors and various specialist Nurses.

Officers will continue to promote the shared ownership option as the best way for residents on median income in professions such as nursing, teaching of the police to purchase their own home.

	<p>** Main Pay Range.</p> <p>Applying the average of the midpoint salaries of these three professions, that is £31,330, to the affordability analysis given in the table under paragraph 3.5 reveals that shared ownership is still more likely to be an affordable route to home ownership than First Homes in all cases, although:</p> <ul style="list-style-type: none">• a 1 bed First Home would now be affordable to a couple with 1.5 incomes at this level• a 2 bed First Home would now be affordable to a couple with 2 incomes at this level. <p>Neither 3 bed nor 4 bed First Homes would become affordable despite the higher salary applied to the analysis.</p>	
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