



James Ellis

Head of Legal and Democratic Services

**MEETING** : OVERVIEW AND SCRUTINY COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 20 SEPTEMBER 2022  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

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

**MEMBERS OF THE COMMITTEE**

Councillor John Wyllie (Chairman)  
Councillors M Brady, A Curtis, I Devonshire, H Drake, J Frecknall,  
M Goldspink (Vice-Chairman), D Hollebon, I Kemp, S Rutland-Barsby,  
D Snowdon, N Symonds and C Wilson

**Substitutes**

Conservative Group: Councillors D Andrews and A Ward-Booth  
Liberal Democrat Councillor S Bell  
Group:  
Labour: Councillor C Redfern  
Green: Councillor B Crystall

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

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- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
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## AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 21 June 2022 (Pages 6 - 22)

To approve as a correct record the Minutes of the meeting held on 21 June 2022

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Council Tax Reduction Scheme 2023/24 (Pages 23 - 45)

6. Review of Potential Opportunities for Delivering More Homes at Social Rent Levels (Pages 46 - 78)

7. First Homes Technical Advice Note (Pages 79 - 93)

8. Planning Enforcement 2022 (Pages 94 - 106)

9. Future Service Design of Waste, Recycling and Street Cleansing Services (Pages 107 - 224)

10. Licensed vehicles Emissions Update (Pages 225 - 237)

11. Overview and Scrutiny - Draft Work Programme 2022/23  
(Pages 238 - 256)

12. Urgent Items

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

# Agenda Item 2

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MINUTES OF A MEETING OF THE  
OVERVIEW AND SCRUTINY COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON TUESDAY 21  
JUNE 2022, AT 7.00 PM

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PRESENT: Councillor J Wyllie (Chairman)  
Councillors M Brady, A Curtis, I Devonshire,  
H Drake, J Frecknall, M Goldspink,  
D Hollebon, S Rutland-Barsby, D Snowdon,  
N Symonds and C Wilson

ALSO PRESENT:

Councillors C Redfern, G McAndrew and  
G Williamson

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Scrutiny Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Steven Linnett	- Head of Strategic Finance and Property
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Ben Wood	- Head of

Communications,  
Strategy and  
Policy

56 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor Snowdon and seconded by Councillor Hollebon, that Councillor Goldspink be appointed Vice-Chairman of the Overview and Scrutiny Committee for the 2022/23 civic year.

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

RESOLVED – that Councillor Goldspink be appointed Vice-Chairman of the Overview and Scrutiny Committee for the 2022/23 civic year.

57 APOLOGIES

An apology for absence was submitted on behalf of Councillor Kemp.

58 MINUTES - 22 MARCH 2022

Councillor Snowdon proposed and Councillor Goldspink seconded, a motion that the Minutes of the meeting held on 22 March 2022 be confirmed as a correct record and signed by the Chairman.

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

**RESOLVED** – that the Minutes of the meeting

held on 22 March 2022, be confirmed as a correct record and signed by the Chairman.

59 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor Wilson to his first meeting of Overview and Scrutiny Committee. He also welcomed Councillor Redfern to the meeting and reminded Members to use the microphones.

60 DECLARATIONS OF INTEREST

There were no declarations of interest.

61 EAST HERTS CLIMATE CHANGE STRATEGY 2022 – 2026

The Executive Member for Environmental Sustainability explained that the Council already had a detailed living sustainability action plan in place, which was reviewed and published on a monthly basis. He said that this new strategy would add to the action plan by clearly and succinctly laying out the Council's overall vision and approach.

The Executive Member for Environmental Sustainability said that importantly and unlike many local authorities' strategies, the East Herts Climate Change Strategy makes clear what the Council was already doing and what changes would be assessed between now and 2030, in order to meet the goal in the climate change declaration of being carbon neutral by 2030.

Members were advised that the strategy had been



subject to public consultation with 35 responses being received from individuals and community groups. The Executive Member for Environmental Sustainability said that analysis of the responses was included in the covering report. He said that he was concerned that the majority of respondents had disagreed that the Council had got the overarching priorities right. He welcomed comments from Members and said that the strategy had been rewritten to make clearer the links between the ambitions of the respondents and those of the Council.

Councillor Wilson asked if the Council had looked at other similar district councils' climate strategies when developing its own and if so, how East Herts' strategy compared to theirs. The Executive Member for Environmental Sustainability said that other Hertfordshire district strategies and other districts outside Hertfordshire had been considered which had been highly rated in the climate coalition's recent review. He explained that the East Herts Strategy set out a road map for the actions that the Council would need to consider year by year to become carbon neutral by 2030.

Councillor Wilson asked if advice and schemes for councillors could be incorporated into the strategy, to help reduce the Council's contributions to emissions etc by encouraging car shares, and by hosting civic events in places that were more accessible via public transport.

The Executive Member for Environmental Sustainability said that providing training for Members

was already included in the environmental sustainability action plan as well as a timescale for this to be provided.

Councillor Frecknall asked if there was any plan to replace the electric vehicle (EV) car club and could this be included in the strategy. The Executive Member for Environmental Sustainability referred Councillor Frecknall to a detailed answer he had given on a related question from Councillor Crystall. He explained that the DEFRA funding had ended and the Council would soon be replacing five diesel vans with electric vehicles, which would be available for Officers as an e-car club and then available to the public once the e-car club was up and running.

Councillor Frecknall asked if there could be a direct referral to the re-writing and refresh of the District Plan in 2023, and in particular the inclusion of the Sustainable Planning SPD into the District Plan. The Executive Member for Environmental Sustainability explained that this matter was included in the table on page 24 of the draft strategy and he would be happy for this to be made clearer.

Councillor Symonds asked if there was any way for paper and plastic recycling to be separated. The Executive Member for Environmental Sustainability referred to the joint waste contract which was currently under review and said that there would be nine workshops to discuss matters such as how waste would be managed and collected separately from other materials going forward.

Councillor Wilson said that the access to the council building was not pedestrian friendly and it was not easy to cross the road at the entrance on Pegs Lane. He asked if representations could be made so that this can happen. The Executive Member for Environmental Sustainability said that any Member could directly approach the highways team or the lead Member at Hertfordshire County Council regarding road improvements.

Councillor Wilson asked if the responses to the consultation had suggested that the strategy was perceived as a PR exercise. He asked if there was any evidence from these responses that this perception was due to the following things:

- Failure of the District Plan to impose strict environmental standards for the building of new developments
- Built car parks (if you build car parks, cars will come)
- Not written a Local Cycling and Walking Infrastructure Plan (LCWHIP)
- Charge for garden waste, meaning food waste had to go in the residual waste, causing an increase in emissions
- Agreement to build over the River Stort causing environmental damage
- Presiding over a car-dominated environment, with AQMAs still in place?

The Executive Member for Environmental Sustainability said that only one of the 35 respondents had made a specific comment that the strategy

appeared to be a PR exercise. He said that two respondents had mentioned the term “green washing” and they had been particularly keen to see cars taken off the road.

Members were advised that figure four in the covering report clearly showed that a sizeable proportion of respondents regarded the issues referred to by Councillor Wilson as priorities.

Councillor Frecknall asked if there could be a removal of the sentence stating that the strategy only accounted for 0.4% of the carbon emissions across the District. He said that he did not believe that this struck the right tone given that the Members were elected leaders and they should be indicating what they could do, rather than what Members were limited to.

The Executive Member for Environmental Sustainability said the strategy was aiming to demonstrate that the Council’s direct emissions formed only a small part of the overall picture. He commented that the emphasis was on the Council using its regulatory powers and influence to bring about a wider change and said that he was open to the views of the Overview and Scrutiny Committee as to how best to make this point.

Councillor Frecknall asked if there was any way that the Council could show leadership and use more positive language in the strategy document rather than simply stating what the Council had achieved and what it could not do.

Councillor Snowdon said it was essential that the Council was seen to lead and that this did happen. He asked the Executive Member how confident he was that the Council would achieve carbon neutrality by 2030. The Executive Member for Environmental Sustainability said that he was very confident and Officers were fully engaged with the process to make this happen.

Councillor Curtis said that he would be cautious about removing the examples of good work that had already been achieved by the Council. He commented on whether consideration had been given to how the Council could show leadership by liaising with partners as to how they could reduce emissions. The Executive Member said that he was open to any ideas that the Overview and Scrutiny Committee could put forward.

The Head of Housing and Health assured Members that the action plan was not just focussed on the Council's own work and emissions and the document did reach out to partner networks. He confirmed to Councillor Devonshire that the Council was working with housing associations in respect of moving towards achieving carbon neutrality.

Councillor Devonshire proposed and Councillor Curtis seconded, a motion that the draft Climate Change Strategy 2022 – 2026, as amended, be endorsed for consideration by the Executive for approval by Council.

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

**RESOLVED** – that the draft Climate Change Strategy 2022 – 2026, as amended be endorsed for consideration by the Executive and approval by Council.

## 62 SOCIAL VALUE POLICY

The Executive Member for Financial Sustainability submitted a report that presented the Council's Draft Social Value Policy, which detailed a set of local Themes, Outcomes and Measures ("TOMs") that would assist in leveraging investment in the Council's SEED priorities through procurement and, on a voluntary basis, until the District Plan was revised for major development planning applications.

The Executive Member for Financial Sustainability said that this was a new policy which aimed to bring in an element or dimension of social value when scoring new bidders or suppliers of contracts to the Council. He said that this policy had been developed as a result of the Public Services Social Value Act 2012 and the Council's need to consider how the procurement process might improve Economic, Social and Environmental Wellbeing of East Herts.

The Executive Member for Financial Sustainability said that securing the improvements for East Herts was in alignment the Council's corporate priorities. He explained that the Council would achieve the improvements by aligning with the national social value measurement framework, more commonly known as ("TOMs"). He referred Members to the detail of what was to be included in the policy in Appendix A.

He said that Appendix B covered specific matters that already existed within the framework. Members were also referred to Appendix C and the Social Value Maturity Index.

Councillor Goldspink welcomed the new policy and said that the proposals were a very good approach.

Councillor Curtis proposed and Councillor Hollebon seconded, a motion that the four recommendations detailed in the report be supported by Overview and Scrutiny Committee.

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

**RESOLVED** – that (A) the Social Value Policy at Appendix A, be endorsed;

(B) the delegation of authority to the Head of Legal and Democratic Services to amend Contract Procedure Rules to reflect the new policy, be endorsed;

(C) the Social Value Maturity Index results and the suggested action plan items for improvement at Appendix C, be endorsed; and that

(D) Councillor Williamson be endorsed as the Lead Member for Social Value and the Head of Strategic Finance and Property be the Lead Officer with responsibility for reporting, managing and delivering Social Value across

procurement and commissioning.

63 CORPORATE ANNUAL REPORT 2021/22

The Executive Member for Financial Sustainability submitted a report updating Members in respect of progress against the Corporate Plan priorities over the 2021/22 year.

The Head of Communications, Strategy and Policy presented a video of the Council's actions and achievements over the last 12 months. Councillor Curtis asked that a list of bike rack locations could be disseminated to Members.

Councillor Symonds asked if the Launchpad facility included Ware as well as Bishop's Stortford. The Head of Communications, Strategy and Policy said that the figures included the successful satellite facility in Ware. He said that demand for co-working space was stronger than ever.

The Head of Communications, Strategy and Policy confirmed to Councillor Symonds that a number of venues had been looked at including Jackson Square for small business to move into subject to the key milestones of the Old River Lane development and the planning permissions being determined.

Councillor Devonshire commented on the possibility of improvements to the telephone system. The Head of Communications, Strategy and Policy acknowledged that the telephone system had been an issue and a number of staff had left the organisation in quick



succession. He said that replacing staff and training new starters in taking calls took time. He said that four Officers had started in the last 6 weeks and two of these Officers were now trained and taking calls.

Councillor Wilson asked why the targets for the HMO applications had been missed and what was being done to avert this and what was the likelihood of this occurring again. The Executive Member for Financial Sustainability explained that in 2021/2022 only eight of the twenty four HMO licences were determined within eight months of the receipt of a valid application. He explained that Environmental Health Officers had been prioritising COVID-19 related duties and Officers had also been working with landlords to resolve any problems found during property inspections.

The Executive Member for Financial Sustainability said that the target time had been breached on four occasions whilst landlords carried out further works so that a positive determination could be made where it was known that a landlord was working closely with the Council. He explained that performance was improving now that COVID-19 pressures had dropped and Officers were working closely with genuine landlords. Members were advised that HMOs could be operated by landlords once a valid application had been made so long as there were no serious health and safety risks.

Councillor Wilson asked about the Castle Park project in Hertford and queried the intended completion date. He sought further information about what might happen if lottery funding was not secured in January.

He also asked what reduced costs might mean for this project.

The Executive Member for Financial Sustainability said that a report on Castle Park was to be submitted to the Executive on 12 July. He confirmed that the lottery funding was not in jeopardy.

Councillor Rutland-Barsby proposed and Councillor Drake seconded, a motion that the contents of the report be noted and the report be recommended to Council via the Executive.

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

**RESOLVED** - that (A) the contents of the report be noted; and

(B) the report be recommended to Council via the Executive.

64 REGULATION OF INVESTIGATORY POWERS ACT (RIPA)  
POLICY ANNUAL REVIEW

The Head of Legal and Democratic Services submitted a report updating Members on the Council's current use of RIPA and reports on the annual policy review. He said that the policy was now seldom used and a report was submitted to Members annually. The last time it was reported there was nothing to update Members about.

The Head of Legal and Democratic Services said that

the policy remained fit for purpose since the last time it was reported to Members. He advised that on this occasion, there was a slight addition to the policy as the Covert Human Intelligence Sources (Criminal Conduct) Act had received royal assent on 1 March 2021 and was operational from 15 September 2021.

Members were provided with an explanation of the aim of the legislation and were also advised of the definition of CHIS (CC) A). The Head of Legal and Democratic Services explained that the powers that this gave the police and other public authorities did not extend to local authorities. He said that it was important this was included in the RIPA policy as this demonstrated that the Council was aware of the change and could inform people that the policy included wording that the Authority was aware of the new powers granted to the police and other public bodies.

Councillor Symonds referred to the need for clarification in terms of the use of cameras in respect of fly tipping and rubbish. The Head of Legal and Democratic Services said that the policy did cover the use of covert surveillance technology where covert cameras were in use.

Members were advised that the Authority tended to make its cameras overt so as to avoid going through a lengthy legal process at the magistrate's court.

Councillor Curtis proposed and Councillor Snowdon seconded, a motion that the content of the report had been considered by the Overview and Scrutiny

Committee and observations provided to the Head of Legal and Democratic Services and the revised Regulation of Investigatory Powers Act (RIPA) Policy be recommended for adoption by the Executive.

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

**RESOLVED** – that (A) the report be considered by the Overview and Scrutiny Committee; and

(B) the revised Regulation of Investigatory Powers Act (RIPA) Policy be recommended to the Executive for adoption.

65 OVERVIEW AND SCRUTINY - DRAFT WORK PROGRAMME 2022/23

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The Scrutiny Officer said that this report was the usual draft work programme which was attached to the report as an appendix. She referred to a number of suggestions in the report in terms of what the Committee might wish to scrutinise during the 2022/23 civic year.

Members were advised that the aim was to achieve a confirmed work programme beyond November 2022 and that Members were welcome to suggest items for scrutiny.

The Head of Legal and Democratic Services said that it would be good to establish a skeleton outline of work programmed for the remainder of the civic year. He

referred in particular to having SEED priority forward plan items on the work programme for January and March 2023, furthermore this would also make it easier for Executive Members to plan ahead to attend future meetings.

Councillor Frecknall talked about the possibility of having Planning and in particular Enforcement on the Agenda for the September 2022 meeting. The Chairman said that September was already a heavy meeting in terms of agenda items and commented that the Head of Planning and Building Control had already discussed with him the issue of the Planning Enforcement and Pre-Planning Advice reports and why these needed to be deferred until November.

Councillor Goldspink said that she was pleased that the Housing Strategy item was in the work programme for September 2022 and she would not wish another matter to impact on the discussion on the Housing item.

Members agreed that the issue of Parking Signage at North End Car Park be included on the agenda for the September meeting. Members expressed concern that the Car Park at Charringtons House had generated so many PCNs.

It was proposed by Councillor Devonshire and seconded by Councillor Curtis, that the Committee Work Programme, as amended, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that (A) the main agenda items for the next meeting be agreed; and

(B) the proposed Overview and Scrutiny Committee Work Programme, as amended, be approved.

66 URGENT ITEMS

There was no urgent business.

The meeting closed at 8.03 pm

Chairman .....
Date .....

## East Herts Council Report

### Overview and Scrutiny Committee

**Date of Meeting:** 20 September 2022

**Report by:** Executive Member for Financial  
Sustainability

**Report title:** Council Tax Reduction Scheme 2023/24

**Ward(s) affected:** All

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### Summary

- To consider the latest available information around the current local Council Tax Support (CTS) scheme at East Herts and whether any changes to the scheme should be considered for 2023/24.

### RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY:

**(A)** Overview and Scrutiny Committee consider whether other options around scheme design should be explored further for East Herts local Council Tax Support scheme for April 2023.

#### 1.0 Proposal(s)

1.1 That Overview and Scrutiny committee consider, in accordance with the Governments requirement for an annual approval of the Council Tax support scheme, to propose to the Executive any changes to the scheme for 2023.

## 2.0 Background

- 2.1 The Government made provision within the Local Government Finance Bill to replace the former national Council Tax Benefit (CTB) scheme from 1st April 2013 with localised schemes for Council Tax Reduction Schemes (CTS) devised by individual local authorities (LA's). The schemes are valid for one year and must be approved by Council before the 11<sup>th</sup> March immediately preceding the financial year in which it is to take effect.
- 2.2 If the Council were to choose to consider any material revisions to the scheme, this would be the subject of public consultation, which would need to be considered by both those entitled to receive support as well as the general Tax payers of East Herts.
- 2.3 The Government require that major preceptors (County and Police) are consulted each year, and if there is any change to the scheme a full consultation open to all tax payers in the district is required. There is no specific timescale prescribed but the period must allow for meaningful consultation.
- 2.4 Additionally, consideration must be given to providing transitional protection where the support is to be reduced or removed. The financial impact of any decision on Council Tax Support also needs to be included when setting our budget and Council tax levels at the same time.
- 2.5 Since the introduction of CTS in April 2013 various changes have been considered but the scheme has remained the same. **Appendix A** provides details of the history of the scheme.
- 2.6 Previously Overview and Scrutiny committee received a presentation on a potential new scheme for 2019/20 based on income bands. The aim was to find a scheme which would simplify the criteria for customers as well as mitigating the



impact of changes in circumstances on workload and council tax collection, resulting from universal credit reassessments.

- 2.7 Members were advised that substantial modelling would need to be carried out to avoid any unintended consequences, as well as enabling full consultation with tax payers and major preceptors. Testing was carried out but did not produce the desired outcomes.
- 2.8 This report therefore details the current position on Council Tax, and seeks support to continue the current scheme for 2023/24.

### **3.0 Reasons**

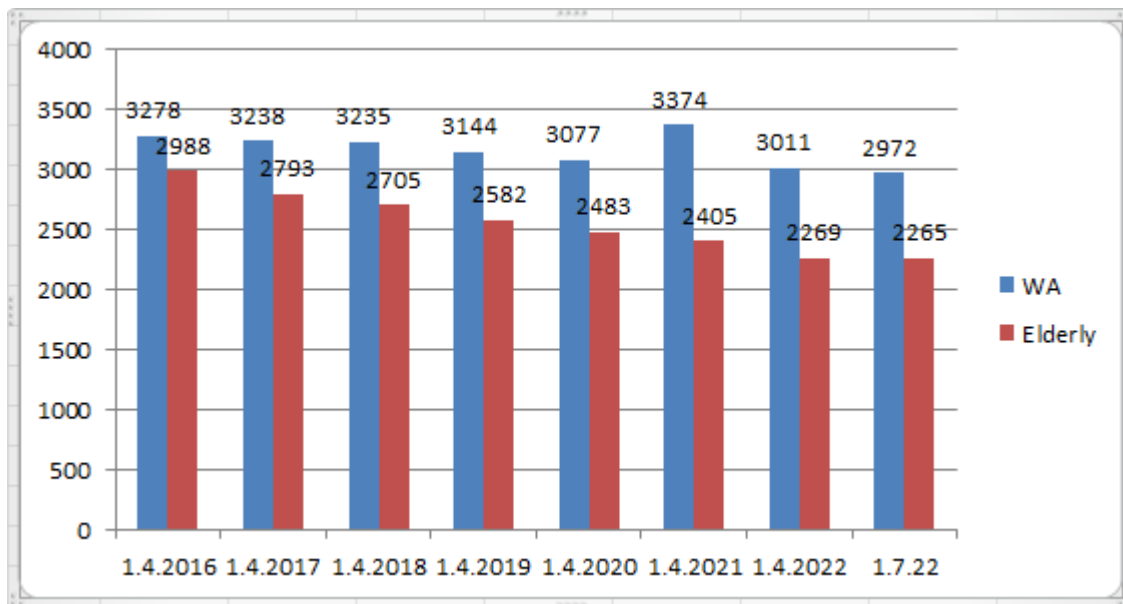
- 3.1 In 2013 the Council initially devised a scheme which replicated the previous Council tax Benefit scheme but limited the Council Tax liability that was used to assess entitlement to 91.5% for working age customers. The Council has maintained this position for the first 10 years of the scheme.
- 3.2 The cost of the scheme is reflected in the tax base, in the same way as other discounts which reduce the collectable debit.
- 3.3 Currently (2022/23) 75.81% of the tax base income is precepted by Herts County and Council and 11.06% by the Police, and accordingly they have a vested interest in the value of the CTS scheme as it directly impacts on their ability to raise funds. The lower the cost of the scheme, the higher the tax base on which they can precept.
- 3.4 Before the introduction of CTS there had been a number of years of constant case load increases, the caseload then stabilised with a small increase in 2020/21, however since then the caseload has been falling, alongside a growing taxbase due to new developments in the area. The impact on the cost of the scheme is demonstrated below.

<b>Year</b>	<b>Cost of the CTS scheme</b>		
<b>2013/14</b>	£6,448,794	Actual	
<b>2014/15</b>	£6,066,188	Actual	
<b>2015/16</b>	£5,734,780	Actual	
<b>2016/17</b>	£5,670,937	Actual	
<b>2017/18</b>	£5,813,163	Actual	The Band D value of the 2017/18 taxbase increased by 4.39% on 2016/17,
<b>2018/19</b>	£6,066,356	Actual	The Band D value of the 2018/19 taxbase increased by 5.76% on 2017/18
<b>2019/20</b>	£5,999,213	Actual	
<b>2020/21</b>	£ 6,497,160	Actual	The Band D value of the 2020/21 taxbase increased by 4.16% on 2019/20
<b>2021/22</b>	£6,564,088	Actual	The Band D value of the 2021/22 taxbase increased by 3.88% on 2020/21

- 3.5 The level of spend on CTS has reduced in real terms. This has supported previous recommendations to leave the scheme unchanged.
- 3.6 The long term impact of Covid -19, a war in Europe and the more recent increases in energy costs on the economy in the short, medium or long term are as yet unknown. The caseload has been reducing but we may experience a change in this trend before the end of the year.
- 3.7 The impact of any change in trend will be built into the taxbase for 2023/24 when it is constructed in October 2022.
- 3.8 The taxbase for 2022/23 was calculated in October 2021 and assumed Council Tax Support would cost the equivalent of 3611.04 band D values, with expected changes are built in. At

1 July 2022 the actual band D cost of Council Tax support was 3186.12, which is £857.4k less expensive. In context however the taxbase is set to produce £126.9m and has many variables.

3.9 The table below demonstrates the changes in caseload, and with the exception of April 21, has seen a continuous reduction.



3.10 Changes in caseload are monitored monthly so any trends are identified promptly.

3.11 The taxbase is also impacted by other variables, and changes in anyone of them can impact on its ability to generate the expected income levels on which the budget is set. The Covid-19 pandemic, war in Europe and the more recent increases in energy costs may for example have a dampening effect on new builds coming into the taxbase which will further reduce its income raising capacity.

3.12 Consideration of any variations to the existing scheme needs to consider:

- The cost of CTS

- The impact of other welfare benefits reforms on the ability to pay
- The cost of increasing arrears and recovery costs
- The buoyancy of the taxbase generally
- The unknown budget and finance settlements
- The roll out of Universal Credit

3.13 The CTS scheme for 2022/23 can be summarised as follows:

- That the CTS scheme for all working age claimants will be based on 91.5% of their council tax liability.;
- All local discretions currently in place continue e.g. war pension disregards;
- Other aspects of the new Council Tax Support scheme to mirror the previous Council Tax Benefit scheme.

3.14 A large proportion of customers affected by the introduction of the CTS scheme had not previously had to pay anything towards their Council Tax bill. If they had been 'passported' under the Council Tax Benefit scheme their liability would have been discharged in full by a credit transfer onto their Council Tax account. Under the CTS arrangements all working age customer have to pay at least 8.5% towards their bill.

3.15 It continues to be a challenge to support and educate these customers into a regular payment arrangement. We have:

- Offered flexible repayment options,
- Given more time to pay,
- Worked on a project with the Citizens advice Bureau to support customers with repeated arrears,
- Promoted other debt and advice agencies.

3.16 The in-year collection rate for working age claimants who had only the minimum 8.5% liability to pay was 67.49% in 2014/15 and 70.13% for 2021/22

3.17 The overall in-year collection rate for all working age CTS customers was 77.43% in 2014/15, and 73.85% in 2021/22. In contrast to the all tax payers in-year collection rate, which for 2014/15 was 98.2%, and 97.1% in 2021/22.

3.18 In recognition of the fact that the additional Council Tax liability is more difficult to collect, a collection rate of 98.9% has been assumed. The liability not paid in-year becomes arrears on which a bad debt provision has to be established, which is a further cost to the council. Where the outturn taxbase exceeds the estimated performance it generates a surplus on the collection fund, and conversely when the taxbase does not achieve its expected performance because of negative variations in the component elements, the collection fund would be in deficit. The Council is required to make precept payments during the year regardless of any in-year variations.

3.19 Many of these same customers have been affected by other welfare reforms introduced:

- the spare room subsidy scheme
- the Benefit CAP,
- Reviews of disability benefits etc.

Many families find that they have increasing debts with their councils and landlords for bills that were previously paid for them.

#### 4.0 **Options that could be considered in redesigning a scheme**

4.1 There are a number of options that could be considered when redesigning the scheme, although all revisions would affect working age customers only, given that pensioners have to be fully protected by our scheme.

4.2 The Government continues to make changes to the Housing Benefit regulations which are not currently mirrored in the CTS

regulations. This means the schemes are no longer aligned. The frequency of changes to Housing Benefit and Universal Credit schemes, make it impossible to mirror these in the CTS scheme, not least of which because of the difference in timing. The Housing Benefit and Universal Credit schemes are changed when needed during the year, and the CTS scheme can only be revised annually.

- 4.3 Consideration was been given previously to align some of the more significant differences between Housing Benefit and Council Tax support but the financial implications across the caseload have been assessed as small, and the changes would have required a full consultation exercise, to achieve only a temporary alignment, and therefore this was rejected.
- 4.4 The caseload for CTS indicates that the proportion of working age customers compared to pensioners is changing over time very slightly. It demonstrates a reduction in the proportion of the caseload for Elderly customers and this may be attributed to the rising of the national age threshold for becoming a pensioner. (1.4.2016 = 47.69% Pensioners , 1.4.2022 = 42.97% Elderly), consequently more customers would be affected by any changes.
- 4.5 Previously consideration was given to an income-band scheme which appeared to offer an opportunity to simplify entitlement criteria and the treatment of income and capital. This was driven by the roll out of 'full service' Universal Credit, (impacting in East Herts from October 2018) so there was a need to look to reduce the impact of monthly changes in universal credit on entitlement to CTS and Council tax collection.
- 4.6 Members were supportive of the approach, however subsequent testing has shown that there are unintended consequences for customers with disability premiums, and to

correct for these would make the scheme overly complex and thus not achieve the desired outcomes.

4.7 Consideration has previously been given to each of the following changes, but each relies on the basic scheme construction remaining the same.

a) Changing the level of “minimum payment” for all working age customers

- I. The current scheme assumes that all working age customers are asked to pay at least something towards their Council Tax, and as described earlier the minimum payment is 8.5% of liability. The Council could consider making a change to that amount but in doing so, the full impact of that decision needs to be considered.
- II. If the Council chose to increase this minimum payment to say 10%, this does not mean a straight line reduction in the amount that the Council will spend out. For individuals already finding it difficult to pay at the current level, it can be seen that increasing this amount could increase their hardship levels further, especially as these customers are likely to be receiving other benefits, which have been affected by the on-going Welfare reforms.
- III. Given our latest information shows that the collection rate for those working age customers in receipt of CTS is already significantly lower than the overall rate, we would need to consider adding further amounts to our bad debt provision in respect of potential non-collection of our debts. So any savings in expenditure would translate to increased bad debt provisions.
- IV. Conversely, if we were to consider reducing the minimum amount to be paid we would need to consider where we would find the additional amount that we would need to

fund Council Tax Support and the impact upon the totality of the funding for the Council and importantly, other precepting bodies too. These impact on their overall funding levels, and given we represent under 14% of the total cost of the scheme, EHC needs to consider the significant financial impact this could have on others. There would still be costs associated with administering the scheme whatever the level of award, as not everyone gets the full benefit so this would not mitigate the additional cost to the Council.

- b) Introducing a band cap (so limiting the amount that we would pay to a value of a lower property band, for example Band D)

In some Local Authorities, they have introduced a band cap where the scheme will only pay up to the equivalent of say a Band D property, even if you are in a higher banded property.

This could disproportionately affect those with a requirement for a larger property as they have children, other dependents due to caring responsibilities or a disability. These groups could already have been hit by other areas of Welfare reform including the Benefit Cap and the Spare Room subsidy limitation.

- c) Introducing a minimum amount that would be paid out

Some Councils have introduced a minimum level at which they will support residents. An example is that you have to be entitled to at least £5 a week to be supported. This means someone who is currently entitled to a lower amount, would not receive it, despite the fact that we have assessed them as currently requiring support. There are no real savings in terms of administrative costs because we would still have to undertake an assessment



to find out that we wouldn't award. In addition, the fact that they are currently entitled to support indicates that they are financially vulnerable and the likelihood of being able to collect that additional amount from those residents is low. Therefore the potential reduction in costs overall is minimal and outweighed by an increase in bad debt provision and recovery costs.

d) Changes around discretions for Disability, Children and other Dependents

- I. This would change the nature of the scheme overall. East Herts, when setting its original scheme were clear that all would contribute equally as the core scheme already differentiates preferentially to those with disabilities, children etc.
- II. Any complexity that is added to the way in which we calculate entitlement, will make the administration of the scheme both more complex for our officers to manage both in terms of calculation but more importantly, to explain to our residents.
- III. This would also mean that the general working age population may need to pick up an even greater share of the cost if the scheme is to remain affordable and equitable.

e) Other adjustments

There include; income tapers, non-dependent deductions, income disregards etc. but all carry the same risk to bad debt provisions, potential recovery costs and costs of administration. The more complex the scheme, the more difficult it is to comply with and customers' levels of understanding could be compromised.

## 4.8 **The impact, challenges and opportunities of Universal Credit.**

- 4.8.1 Customers claiming UC who apply for Council Tax Support do not require the Council to carry out means testing on their circumstances. They need only provide their UC entitlement letters (details of which can be confirmed through LA's access to the DWP systems). These claims are already means tested and have differential applicable amounts applied by the DWP, and the only income element that is needed for an award of CTS is earnings. Consideration has to be taken of any deductions being made for overpayments or recovery of advances, but these lend themselves to a simplified assessment and processing system, and could be incorporated into a discount scheme.
- 4.8.2 Universal credit full service roll out took effect in this area in October 2018. This means that working age customers who would previously have applied for Housing Benefit (HB) and CTS are now applying for UC and CTS. The DWP pilot for moving existing HB claimants on to UC was not successful and therefore they have deferred progressing managed migration until a further pilot or pilots are completed.
- 4.8.3 There is therefore no information available currently to determine when this council's existing working age HB caseload will move to UC.
- 4.8.4 There are certain groups of HB claimant that will not, in the foreseeable future migrate to UC, as they are deemed too complex. This means that in addition to the pensioner case load there will be a residual working age caseload to manage.
- 4.8.5 It has therefore been appropriate to consider if the current CTS scheme is fit for purpose now that a growing number of customers will be in receipt of UC.

- 4.8.6 The reduction in new claims for HB might seem to reduce the services workload, however as the current scheme requires the same preparation and processing to award a CTS claim as an HB one, there is no saving. Currently claims or changes in circumstances are prepared and input and both awards (HB and CTS) are processed simultaneously. Claims not requiring an HB assessment simply produce one output (CTS award) rather than two.
- 4.8.7 UC claimants have to apply to the council for CTS entitlement. There is a common misunderstanding among claimants that it is all covered by their claim for UC. The Council therefore often only gets to engage with these customers when their Council Tax account is in arrears, and additional recovery action has to be taken. Clearly this is an additional administrative burden for the council, and costly for the customer.
- 4.8.8 Universal Credit is reassessed monthly, and those customers who are working (nationally this is estimated at more than 40%) are likely to experience variations in the UC entitlement each month. This is attributed to salary and wages frequencies affecting their assessments. Each time there is a change in the UC award, their entitlement to CTS has to be reassessed. Every time the CTS is reassessed, it produces a new Council Tax Bill. These constant changes in bills and amounts due are not only confusing to the customer trying to budget, but it also resets any recovery action being taken for non-payment.
- 4.8.9 The service has received a significant increase in workload from these monthly changes. They are received electronically from the DWP. However development of automation routines has mitigated the impact of this increase workload on resources. Further developments in this area are being pursued.

4.8.10 Identifying and acknowledging these challenges from UC requires any potential change to the CTS scheme to consider:

- I. The potential for further automation of UC notices on live CTS claims, thus reducing the new workflow
- II. Mitigations for changes in UC entitlements to revise council tax liability, and thus avoid resetting recovery action.

This could be achieved if the CTS scheme set bands of entitlement, or fixed periods in which changes in income would not result in a change in entitlement, within the scope of a set range.

These options have the potential to be very expensive.

- III. The costs of changing the scheme.

The software supplier is estimating a cost in excess of £25k for each Council moving towards a banded CTS scheme. Herts County Council has already declined to contribute to any costs associated with changing the scheme, despite being the biggest preceptor for Council Tax.

Any changes to the scheme require full and meaningful consultation with all taxpayers in the district and there are significant costs associated with this level of consultation.

#### **4.9 What others are doing:**

- Some councils have moved to a banded scheme, but they still require substantial means testing of each claim.
- St Albans moved to a banded scheme in 2019. Their residual caseload is on the 'default' scheme. (essentially the old Council Tax Benefit scheme).

- Unfortunately we cannot replicate a scheme like this currently as we are unable to have two different live working age CTS schemes at the same time.
- Other councils are considering various options but anecdotally are awaiting more information around migration before changing current schemes.

	<b>Current scheme</b>	<b>Any planned changes for 22/23?</b>
<b>North Herts</b>	Non banded schemes –  % of liability paid by customer on maximum entitlement? = 25%	Will look to change to a banded scheme.
<b>Dacorum</b>	Maximum 100% for protected Groups (Disabled and Families with under 5 ) All others restricted to 75% council Tax liability a flat non-dep deduction of £5.00	We are still considering our plans for 2023/24 <i>Non Banded</i>
<b>Welwyn Hatfield</b>	Maximum 100% for protected Groups (Disabled and Families with under 5 ) All others restricted to 75% council Tax liability Non dept deductions aligned with prescribed regulations	We are still considering our plans for 2023/24 <i>Non Banded</i>
<b>Broxbourne</b>	<i>Non Banded</i>	We are still considering our

		plans for 2023/24 <i>Non Banded</i>
<b>Hertsmere</b>	<p>Banded for UC not banded for everyone else <i>The non banded is basically the default scheme with some variations (non dep deductions etc)</i></p> <p>% of liability paid by customer on maximum entitlement ? =20% unless protected then maximum entitlement</p>	No
<b>St Albans</b>	<p>Banded for UC Non Banded for others Previously on default scheme % of liability paid by customer on maximum entitlement = 0</p>	No
<b>Three Rivers</b>	<p>Not banded % of liability paid by customer on maximum entitlement = 0</p>	No
<b>Watford</b>	<p>Not banded % of liability paid by customer on maximum entitlement = 0</p>	No
<b>Stevenage</b>	<p>Not banded % of liability paid by customer on maximum entitlement 8.5%</p>	TBC

#### **4.10 Current position:**

The current CTS scheme works and protects the most vulnerable customers by the use of applicable amounts and income disregards.

Work has been carried out over a period of time on developing a banded scheme for all working age claimants. This has included modelling of current claimants into a banded scheme, to assess the impact and identify any unintended consequences.

As it is not currently possible to have a separate schemes for just UC cases, all current working age claimants would have to be included. After testing the data it is clear that the intended simplicity of a banded scheme would be compromised as the need to differentiate between all the many and varied disability premiums and incomes would require too many bands for each category of household, to ensure sufficient protection for these groups.

In addition there would be all the costs of changing the scheme but no savings in administration, or increased simplicity for the customer.

#### **4.11 Conclusion**

The improvement in automation of UC notices is mitigating the increased workflow. It is proposed that we continue with a two stage approach for the future.

- Firstly, instead of looking to change the current scheme in the short term, that further automation of UC change notices continues.
- Secondly, once actual caseload migration is timetabled, consideration of a banded scheme or a discount scheme

is revisited. At this time the majority of cases will convert to UC, and will have the means testing carried out by the DWP, thus offering opportunity for administrative savings.

- This will remove the current challenge around protecting the needs of those with disability incomes as this will be incorporated in the DWP assessment of UC entitlement.
- The impact of Covid-19, the war in Europe and energy costs increasing and their impact on the caseload and tax base will be monitored closely and if significant, an early consideration of changes to the scheme for 2024/25 be recommended.
- Members will also be able to review the original principles of the scheme, including that all WA customers pay 8.5% of their liability.
- This approach should ensure that costs associated with the change of schemes will be matched by efficiencies achievable in the administration processes.

## **5.0 Risks**

No

## **6.0 Implications/Consultations**

6.1 Herts County Council and the Police will be consulted on the proposal.

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No



## **Environmental Sustainability**

No

## **Financial**

Finance had been consulted and support the proposal.

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

No

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

**Appendix A** – details the history of the Council tax support scheme.

### **Contact Member**

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### **Contact Officer**

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## **Appendix A - The origins of Council Tax Support (CTS)**

1. Before April 2013, the service administered Council Tax Benefit on behalf of the Government. This national scheme was specified in legislation and LA's were reimbursed by the Department of Work and Pensions (DWP) through a subsidy claim submitted annually and subject to audit.
2. The level of subsidy reimbursement varied dependant on whether benefit had been awarded, backdated or overpaid, but the point to note is that entitlement and subsidy were based on assessing entitlement on 100% of somebodies council tax liability, net of discounts (like a single person discount).
- 3 The scheme was means tested and whilst the scheme differentiated between different client groups (providing extra support for disabled groups for example) there was little differential between Elderly and Working Age clients.
- 4 Clients fell into one of two groups, "passported" and "standard claims." A passported claim was one in which the DWP had already carried out a means test and then notified us that the customers income was at or below the minimum income level for their household composition. They would be automatically entitled to 100% of their Council Tax to be paid by Council Tax Benefit. A deduction would however be made from this entitlement where there were non dependants living in the home.
5. The second group were called 'standard claims'. These customers had their means testing done by the council and awarded Council Tax benefit in accordance with the national scheme criteria. These customers had income above the minimum requirements and would be required to pay something towards their council tax liability. A deduction

would also be made from this entitlement where there were non dependants living in the home.

6. In very simple terms entitlement was determined by comparing eligible incomes against relevant applicable amounts. When income equalled or fell below applicable amounts, the maximum entitlement is achieved. If income exceeded applicable amounts, entitlement was reduced by 20% of the excess. The applicable amounts were determined by the DWP in respect of Housing Benefit claims.
7. In more complex terms, every income and capital source had to be assessed in accordance with its type, and then determined if it was included in the assessment. Child benefit, maintenance paid to a child, PiP and DLA, war pensions etc were fully disregarded, whilst earned income was calculated after tax & NI, and 50% of pension contributions, averaged over the relevant period. Payments to certain child care providers were disregarded, whilst capital (excluding the property occupied) included savings, shares etc and if the total exceeded £16k, the customer was excluded from entitlement.
8. In very general terms the full expenditure on the scheme was reimbursed by the DWP.

### **The impact of changes from 1<sup>st</sup> April 2013**

9. The national scheme for Council Tax Benefit ceased, and Councils had to devise their own Council Tax Reduction Schemes for working age claimants. The Government continues to specify the scheme for Elderly customers through prescribed regulations.
10. Instead of the scheme being funded through a subsidy claim based on actual expenditure, the Government moved the

funding into the Revenue Support Grant (RSG) settlement, fixing it at only 90% of the subsidy paid in a previous year. RSG was the amount of grant that Government gave to Councils to support their wider service delivery, and made up one part of the income of the Council in addition to Council Tax receipts, fees and charges and an element of Business rate collection. However the move away from RSG makes this funding element less obvious.

11. From 14/15 the 90% grant that was included in the RSG was no longer individually identifiable. Therefore calculating the total cost of the scheme i.e. the cost of the CTS scheme versus the CTS grant given by Government is now impossible.
12. Each Council had to consider how to fund 100% of the cost of the Elderly 'national' scheme and provide a Working age scheme, whilst receiving 10% less funding.
13. Pensioner claimants are protected from changes through the provision of a statutory scheme.
14. Schemes must support work incentives.
15. The DCLG Policy Statement of Intent did not give a recommended approach to be taken, but indicated the scheme should not contain features which create disincentives to find employment. The current East Herts scheme complies with this statement.
16. Local authorities must ensure that appropriate consideration has been given to support for other vulnerable groups, including those which may require protection under other statutory provisions including the Child Poverty Act 2010, the Disabled Persons Act 1986 and the Equality Act 2010, amongst others.

17. The DCLG issued Policy Statements that addressed a range of issues including the following:

- Vulnerable People and Key Local Authority Duties;
- Taking work incentives into account;
- Information Sharing and Powers to Tackle Fraud.

18. The Local Government Finance Bill stated that a Billing Authority must have regard to any guidance issued by the Secretary of State. Our current scheme has sought to address these requirements.

19. The Council initially devised a scheme which replicated the previous national scheme but limited the Council Tax liability that was used to assess entitlement to 90% for working age customers. The Government offered a one off transitional grant to Councils who would restrict the reduction to 91.5%, and accordingly the Council amended the proposal and took the one off transitional grant. The Council has maintained this position for the first 10 years of the scheme.

# Agenda Item 6

## East Herts Council Report

### Overview and Scrutiny Committee

**Date of meeting:** 20 September 2022

**Report by:** Councillor Peter Boylan, Executive Member for Neighbourhoods

**Report title:** Review of potential opportunities for delivering more homes at Social Rent levels

**Ward(s) affected:** All

### Summary

- The East Herts Council Housing Strategy for 2022-2027 was approved by Council on 11<sup>th</sup> May 2022. The Housing Strategy contains four strategic priorities, each of which will have an associated action plan.
- The action plan for Strategic Priority 1, which focuses on the delivery of affordable homes in East Herts, has been developed first. With regard to the delivery of affordable homes, members, and in particular members of the Overview and Scrutiny Committee, have expressed considerable interest in exploring opportunities for increasing the supply of affordable homes with lower rents at or akin to a Social Rent level.
- This report gives Overview and Scrutiny Committee members sight of the first draft of the Strategic Priority 1 action plan and work carried out by Officers in consultation with various partners on potential opportunities for providing more affordable homes with lower rents. Members' views and comments are now sought to inform the Executive Member

for Neighbourhoods' consideration and approval of both documents.

## **RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE: THAT**

- (A) the draft action plan to further the supply of affordable homes across all tenures; and**
- (B) the draft report of potential opportunities for providing more homes with lower rents at or akin to Social Rent levels are considered, with comments passed to the Executive Member for Neighbourhoods to take into account when finalising the documents prior to his approval.**

### **1.0 Proposal(s)**

1.1 Members of the Overview and Scrutiny Committee are invited to consider and comment on:

- the draft strategic action plan for furthering the supply of affordable homes across all tenures – attached at Appendix 1 and
- the draft report into potential opportunities for providing more affordable housing with rents at or akin to Social Rent levels – attached at Appendix 2.

1.2 Members' comments on both documents will be considered by the Executive Member for Neighbourhoods, in consultation with Officers, prior to finalisation and his approval.

### **2.0 Background**

2.1 In pursuance of delivery of the Housing Strategy 2022 – 2027,

Officers have drafted an action plan in support of the first priority in the strategy, that is, to deliver more affordable homes. This is attached at Appendix 1.

2.2 A key element of delivery of the action plan is work undertaken to enable more homes with Social Rent levels to come forward. To this end, Officers have drawn on the research from the independent study conducted by the Housing Quality Network (HQN), carried out further research and have consulted partners to develop a range of potential opportunities. The report at Appendix 2 gives the outcome of this work.

2.3 Of note, the report embeds the findings within the context of:

- some 75% of existing affordable homes for rent in the district let in 2021/22 had Social Rents rather than Affordable Rents
- the evidence indicates that rent levels in the range of 50% to 60% of local market rents can be considered akin to Social Rent levels.

2.4 Officers have assessed ten broad-ranging opportunities for providing further affordable housing with lower rents. Details of each of these opportunities are included in Appendix 2 and are presented in terms of practicability and deliverability.

### **3.0 Reason(s)**

3.1 Research carried out for the new East Herts Housing Strategy 2022 to 2027, including the report *Affordable Housing Provision in East Herts* by HQN, has identified that there is an acute need to increase the supply of new homes offered which have lower rents at or akin to Social Rents. The report attached at Appendix 2 suggests routes to achieving this.



## **4.0 Options**

4.1 To not produce a review of potential opportunities for delivery of more Social Rent Homes – NOT RECOMMENDED. The set of proposals will form a basis for future actions within Strategic Priority 1 Action Plan in the East Herts Council Housing Strategy.

## **5.0 Risks**

5.1 The East Herts Council Housing Strategy, and its accompanying action plans, takes the form of information and guidance to its partners, rather than specific contractual obligations. Therefore, there is no risk associated with the production of this set of options.

## **6.0 Implications/Consultations**

### **Community Safety**

Yes. Genuinely affordable housing options will prevent households in receipt of the lowest incomes from having to resort to more insecure housing options.

### **Data Protection**

No.

### **Equalities**

The profile of households housing need in East Herts shows that certain Protected Characteristic groups, as defined under the Equality Act 2010, are highly represented among households who approach East Herts Council for assistance because they are in housing need are thus would positively benefit from the council's efforts to enable more affordable housing and in particular rented homes with rent at Social Rent levels. Of note, among those in housing need:

- 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

### **Financial**

Some of the potential methods to reduce Affordable Rents to Social Rent levels have financial implications that are detailed in Appendix 2. Members should balance the desire to see increases in Social Rent equivalent levels with the potential reduction in affordable housing numbers which will increase the overall cost to taxpayers by limiting potential increases in affordable housing supply. This would limit the potential reductions in the housing benefits bill that more properties at affordable rent would achieve. In addition, the reduction in the supply of affordable homes for rent can have implications for the council in terms of housing benefit administration costs; Registered Providers of housing send bulk uploads of rental amounts leading to less administration uprating claims and reduced rental verification evidence requirements compared to private sector rental properties.

### **Health and Safety**

No

### **Human Resources**

No

## **Human Rights**

No

## **Legal**

No. The East Herts Council Housing Strategy, and its accompanying action plans, takes the form of information and guidance to its partners, rather than specific contractual obligations. Therefore, there are no legal obligations associated with the production of this set of options.

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

Appendix 1: Strategic Priority 1 Action Plan: to deliver more affordable homes

Appendix 2: Potential opportunities to increase the amount of Social Rent housing in East Herts

## **Contact Member**

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## Appendix 1: East Herts Housing Strategy – Strategic Priority 1 Action Plan 2022 to 2025

Version completed: 6 September 2022

This action plan will be reviewed on an annual basis.

### Strategic Priority 1: Deliver more affordable homes

<b>Increase the supply of new homes offered with (a) social rents or (b) affordable rents at or very near to between 50 per cent and 60 per cent of market rents</b>				
<b>Objectives</b>	<b>Actions</b>	<b>Target date</b>	<b>Who is responsible</b>	<b>Proposed outcome</b>
1.1 To produce a Statement of Housing Affordability to support the aims of the Tenancy Strategy and improve affordability of the Social Housing being developed.	<ul style="list-style-type: none"> <li>Collate data on what constitutes affordability in the East Herts district.</li> <li>Present statement to East Herts Housing Forum (<i>The role of the Forum is to oversee the development and operation of the East Herts Council's affordable housing policies and programme</i>).</li> <li>Obtain approval from the Executive Member for Neighbourhoods.</li> <li>Publish statement.</li> <li>Work with RPs and Monitor</li> </ul>	31 March 2023	Housing Development and Strategy Manager	Maximisation of the number of genuinely affordable homes for households in East Herts, reducing the number of households who fail affordability checks/assessments for homes for affordable rent in the East Herts district.
1.2 To produce a set of options for increasing the amount affordable	<ul style="list-style-type: none"> <li>Identify options within East Herts and other local authority areas.</li> </ul>	31 December 2022	Housing Development	Assessment of which options could feasibly be adopted in East Herts and

housing at (a) social rents or (b) affordable rents at or very near to between 50 per cent and 60 per cent of market rents	<ul style="list-style-type: none"> <li>• Produce an options appraisal for the consideration of members and approval of the Executive Member for Neighbourhoods.</li> <li>• Consider which options could be included in further editions of the action plan for Strategic Priority 1.</li> </ul>		and Strategy Manager	implement in line with the report
1.3 To produce and publish a statement/policy on the use of the council's capital contributions to affordable housing development, including commuted sums and land, to increase the supply of affordable homes and increase affordability of the rent levels.	<ul style="list-style-type: none"> <li>• Carry out research into a comprehensive range of uses to which council resources can be put in order to increase supply and/or the affordability of rent levels.</li> <li>• Publish and consult on options</li> <li>• Develop policies</li> <li>• Work with RPs to put into practice and monitor</li> </ul>	31 March 2023  April 2024 – lifetime of the Strategy	Housing Development and Strategy Manager	Ability to select the most productive uses of council resources in order to produce genuinely affordable homes for rent at or around Social Rent level.
1.4 To review the Section 106 agreement template and standardise the document for housing development to provide clarity to RPs on key expectations for development including rent levels and nominations agreements.	<ul style="list-style-type: none"> <li>• Analyse recent problems encountered with Section 106 agreements.</li> <li>• Identify the sections within recent Section 106 agreements which require improvement and standardisation.</li> </ul>	30 June 2023	Housing Development and Strategy Manager, Housing Strategy Officer	Minimising the number of affordable homes for rent which are not genuinely affordable to low income households in East Herts.  Providing greater clarity to developers and registered providers on the

	<ul style="list-style-type: none"> <li>• Work in partnership with EHDC Legal Team to improve the Section 106 agreement.</li> </ul>			expectations of East Herts Council in terms of the affordability and quality of housing.
1.5 To explore with partners opportunities for developments using Modern Methods of Construction, with the aim of providing homes at a lower cost	<ul style="list-style-type: none"> <li>• Continued attendance at the Hertfordshire Off-Site Manufacture Consortium to monitor construction methods and good practice examples in other local authority areas.</li> <li>• Monitor the availability of grant from Homes England for developments using Modern Methods of Construction.</li> </ul>	31 March 2024	Housing Development and Strategy Manager	Possible provision of homes at a lower cost which attract grant funding from Homes England.

<b>Enable a range of low cost home ownership products in the district</b>				
<b>Objectives:</b>	<b>Actions</b>	<b>Target date</b>	<b>Who is responsible</b>	<b>Proposed outcome</b>
1.4 To draw up and publish a technical note for First Homes for the East Herts district to ensure developers are aware of the council's expectations.	<ul style="list-style-type: none"> <li>• Assess the affordability of the First Homes model in East Herts using income and house price data. Compare with other low cost home ownership products including Shared Ownership.</li> <li>• Obtain approval from Elected Members.</li> </ul>	31 October 2022	Housing Strategy and Development Manager	Clarification of the position of East Herts Council on First Homes, and to give guidance to developers and registered providers on the preferred low cost home ownership products for the district.

	<ul style="list-style-type: none"> <li>• Consult and publish</li> </ul>			
<b>Improve the focus on housing needs in our rural communities</b>				
<b>Objectives:</b>	<b>Actions</b>	<b>Target date</b>	<b>Who is responsible</b>	<b>Proposed outcome</b>
1.5 To research the need for smaller affordable homes in rural areas to estimate the level of need among younger people/first time buyers using a variety of desktop evidence sources to inform future development expectations.	<ul style="list-style-type: none"> <li>• Assess the supply of affordable homes (new and existing) in rural areas in East Herts, as defined by the Strategic Housing Market Assessment 2021-2033 in terms of overall numbers and property type. Focus on overall numbers and availability (turnover).</li> <li>• Produce an information database.</li> <li>• Use of the recommendations from the analysis of the research findings for development in rural parts of the district.</li> <li>• Incorporate affordable housing recommendations from Neighbourhood Plans in the rural areas.</li> <li>• Produce a report on the feasibility of pilot affordable housing schemes in rural areas for young people and/or first time buyers.</li> </ul>	31 March 2023 and ongoing	Housing Strategy and Development Manager	Evidence to support development of Rural Exception sites and other rural sites under Policy HOU4, and guidance for registered providers who wish to develop/acquire affordable homes in rural areas.

<b>Assist households in accessing the private housing market</b>				
<b>Objectives:</b>	<b>Actions</b>	<b>Target date</b>	<b>Who is responsible</b>	<b>Proposed outcome</b>
1.6 To review and expand the Housing Options pages of the council's web site in partnership with the Communications Team to improve self-service options and better enable households to seek advice on-line.	<ul style="list-style-type: none"> <li>• Set out the aims and objectives for the review of the webpages with the Housing Options Team.</li> <li>• Note good practice from other local authorities and organisations.</li> <li>• Work with the Communications Team and Housing Options team to provide more comprehensive housing options including a Homeless Portal .</li> </ul>	31 March 2023 and ongoing	Housing Strategy and Development Manager, EHDC Communications Team	A wider range of housing options is advertised on the East Herts housing website, enabling customers to more easily self-serve and publicising housing options more extensive to local residents.
1.7 To review and update the Housing Service's Rent Deposit Scheme to ensure it is supportive and relevant for maximising homelessness prevention outcomes.	<ul style="list-style-type: none"> <li>• Review information on the private rented sector in East Herts: rents, locations, property types.</li> <li>• Identify the barriers to the full effectiveness of the Rent Deposit scheme in homelessness prevention.</li> <li>• Draw up a list of recommendations for changes to the scheme.</li> <li>• Consult with Homelessness Forum/partners members regarding proposed changes</li> </ul>	31 December 2022	Homeless Services Manager and Senior Housing Options Officer.	An increase in the number of households whose housing need is prevented by facilitating greater access to suitable and affordable homes in the private rented sector.





<b>Gather and publish up to date housing need and supply data</b>				
<b>Objectives:</b>	<b>Actions</b>	<b>Target date</b>	<b>Who is responsible</b>	<b>Proposed outcome</b>
1.8 To review the published Census 2021 data as it relates to housing and publish on council's web site.	<ul style="list-style-type: none"> <li>• Draw down housing-related data from the Census 2021 as soon as it becomes available, at district, ward and lower super output level. To include: population, household types age groups, tenures, ethnicity, illness and disability, heating types.</li> <li>• Produce analysis to compare data with Census 2011 information and produce conclusions on housing-related trends in East Herts.</li> <li>• Produce a set of recommendations for housing development in the district based on the data, for use in future housing strategy action plan.</li> </ul>	31 December 2022	Housing Strategy and Development Manager	<p>An information database to inform priorities within future housing strategy action plans.</p> <p>Production of information which will contribute to future reviews of the East Herts Council District Plan.</p>
1.9 Publish key housing performance indicators each quarter on the council's web pages on housing supply and demand This will include the .Housing Needs	<ul style="list-style-type: none"> <li>• Work with the Communications Team on ways of publicising the briefings to maximise use of the data.</li> </ul>	31 December 2022 and ongoing	Housing Strategy Officer, EHDC Communications Team	Information on housing needs and housing options provided, on a regular basis, to Elected Members, interested partners and residents. To

<p>Quarterly Monitoring Briefing.</p>	<ul style="list-style-type: none"> <li>Update the briefing with new categories of data if requested by Elected Members.</li> </ul>			<p>inform on housing need trends.</p> <p>Production of information which will contribute to future reviews of the East Herts Council District Plan.</p>
<p>1.10 To contribute to the review of the Council's District Plan with a view to maximising opportunities for affordable housing development</p>	<ul style="list-style-type: none"> <li>Participate in data gathering and drafting in line with Planning timescales</li> </ul>	<p>As determined by the District Plan review process</p>	<p>Service Manager – Housing Services</p>	<p>Detailed, up-to-date guidance is provided to maximise affordable housing outputs.</p>

## Appendix 2: Review of potential opportunities to increase the amount of Social Rent housing in East Herts

### 1. Background

#### 1.1 Definitions of affordable housing for rent

There are two principal forms of affordable housing for rent; Social Rent housing and Affordable Rent housing. Both forms of housing can be provided by local authorities or registered providers. Both forms of housing are let in the same way on the same tenancy terms. The only difference between the two is the way in which the rents are set.

- **Social Rent housing** is affordable housing for rent with *rents set in accordance with a formula prescribed by central government*. The formula will result in rents that will vary property-by-property as the individual property's rent is calculated according to the market value of the property, the size of the property and the local income levels in the area in which the property is located. In East Herts, feeding *local* property values and incomes into the *national* formula results in Social Rents typically being at around 50% of local market rents but it is worth remembering that local market rents do *not* have any bearing on Social Rents.
- **Affordable Rent housing** was introduced 2011. Such properties are subject to a different mechanism for setting the rent than Social Rent. In this case, the registered provider may set a rent which, when combined with service charges if applicable, can be *up to a maximum of 80% of the market rent in the locality*. It is for the registered provider to work out the rent level for an individual property, with the Valuation Office Agency overseeing the process. Unlike Social Rents, Affordable Rents are set solely in relation to local market rents.

#### 1.2 Why are there two types of rents?

The government's aspiration when introducing Affordable Rent housing was to provide local authorities and registered providers with a higher rental income against which to borrow. If the housing organisation can borrow more, it will require less subsidy from the government to develop new homes, thus more homes could be developed from the same national resources or indeed, the national pot could be reduced without a corresponding reduction in new affordable housing delivery.

At the same time as introducing Affordable Rent housing, the government enabled registered providers to switch the rent of an existing property from a Social Rent to an Affordable Rent when it became vacant. This again was to increase providers' income that could be used to fund borrowing for new build housing.

### 1.3 How much Social Rent and Affordable Rent housing is there in East Herts?

Although virtually all newly provided housing in East Herts over the last decade has been let with Affordable Rents and some existing homes have been switched to Affordable Rents, there is still a considerable supply of existing homes with Social Rents.

Detailed records of the rent levels charged for all 8,300+ rented affordable homes in the district do not exist, although officers are currently exploring with the two largest registered providers, Network Homes and Clarion Housing, what information they can share.

Interestingly, an analysis of the reletting of *existing* homes during 2021/22 found that, excluding first time lets of new homes, 75% of all relets were at Social Rents and only 25% of relets were at Affordable Rents. This indicates that a significant number of existing properties in the district have Social Rents rather than Affordable Rents.

### 1.4 How is new affordable housing for rent developed in East Herts?

The council transferred its housing stock in 2002. So, since then, only registered providers have owned and developed affordable housing.

There are two principal ways in which new affordable housing is developed.

- **Registered provider-led development.** In this instance, the registered provider itself builds homes on land it already owns, say on one of its estates, or has purchased on the open market. There is very little registered provider-led development in East Herts because the registered providers do not own much developable land on their estates (of note, Network Homes' new build at The Ridgeway in Hertford relied on freeing up land by knocking down outdated blocks of flats) and land in East Herts is in such high demand that private developers can always outbid them.
- **Developer-led development.** Here, a private developer will build new housing with a proportion, ideally 40%, to be affordable. The provision of affordable housing is enshrined in a legally binding planning agreement (often referred to as a Section 106 agreement after section 106 of the Town and Country Planning Act 1990 which introduced such agreements). In these instances, the private developers will build the affordable housing and sell it to the registered provider which offers the highest receipt. Virtually all new affordable housing in East Herts over the last decade has been provided in this way.

The current East Herts District Plan (October 2018) and current East Herts Affordable Housing Supplementary Planning Document (May 2020) do *not* distinguish between Affordable Rent and Social Rent in terms of the overall need for affordable housing for

rent in the district and so there is no policy lever the council can use to enforce the development of homes for Social Rent as opposed to Affordable Rent.

#### **1.4 Do Affordable Rent homes always have to have higher rents than Social Rent homes?**

The simple answer is 'no'. This is because the definition of Affordable Rent is *up to* 80% of local market rents. Therefore, if a property had a rent below 80% of the market rent, it would still be an Affordable Rent home because its rent is set in relation to local markets rather than in accordance with the national formula for Social Rent. However, in this instance the Affordable Rent home could have a rent near, at or even below a Social Rent.

This is a rather technical point and it is officers' understanding that members are not so much interested in the mechanism for setting the rent (essentially the only difference between an Affordable Rent and a Social Rent) as they are eager to see more homes with Social Rents or Affordable Rent homes with rents set at levels akin to Social Rents. For ease of discussion, from herein the term 'Social Rent' is used interchangeably to be mean a Social Rent or a low Affordable Rent at a level akin to a Social Rent, regardless of which mechanism is used to determine that rent.

In reality, because registered providers (a) have been encouraged by central government to maximise their borrowing so as to build more homes and (b) are required by private developers to bid against each other to buy the affordable housing delivered through section 106 agreements, rents are almost always set at 80% of local market rents (or the local housing allowance) and not significantly below.

#### **1.5 How is new affordable housing development funded?**

For a property to be let at below market rent (whatever that rent level is), subsidy is required. The main sources of subsidy are as follows.

- **Private developer subsidy through section 106 agreements.** Here, the obligation on the developer to provide affordable housing will see a proportion, ideally 40%, sold to a registered provider at below open market value. Because the developer is providing this subsidy, Homes England will not ordinarily provide any additional Affordable Housing Grant.
- **Registered providers' loans.** Registered providers borrow money from banks and private investors with the capital repayment and interest on the loan paid from rental income.

- **Registered provider subsidy from their own resources.** Registered providers may be able to reduce the level of borrowing that will need to be repaid from newly built homes' rents by subsidising that new provision from a mixture of:
  - reserves built up over time
  - borrowing funded not from the rents of new homes but from higher income resulting from switching existing properties' previously Social Rents to Affordable Rents when they become vacant
  - commercial income, such as from building homes for market sale or market rent.
  
- **Homes England Affordable Housing Grant.** These grants are funded from national funds made available for affordable housing development and distributed by Homes England. As noted above, Homes England do not ordinarily provide grant for homes developed through a section 106 agreement. Grants are, however, available for development on a registered provider's own land.
  
- **Local authority subsidy.** Local authorities are legally allowed to use capital, from whatever source, to subsidise new affordable housing. As East Herts Council has exhausted its capital reserves, it would need to borrow in order to provide grants to registered providers; this is legally allowable but has revenue implications as the council would need to pay interest on the borrowed money and make provision to pay back the sum borrowed from its day-to-day revenues. The council does, however, have a reserve of commuted sums. These are payments from developers given to the council in lieu of affordable housing as part of their development in cases where the council found this acceptable.

## 2. How much are Social Rents and Affordable Rents in East Herts?

The following analysis compares Social Rents charged in East Herts with market rents.

	<b>Rent per calendar month – East Herts-wide averages, 2021/22</b>				
<b>Property size</b>	Social Rent for existing properties (% of market rent)	Market rent	Imputed Affordable Rent at 80% of market*	60% of market rent	50% of market rent
1 bedroom	£446 (52%)	£853	£682	£510	£425
2 bedroom	£565 (51%)	£1,100	£880	£660	£550
3 bedroom	£604 (42%)	£1,425	£1,140	£926	£713
4 bedroom	n/a	£1,978	£1,582	£1,187	£989

\* In some cases, the actual rent will be capped at the Local Housing Allowance.

The table indicates that Social Rents are around 50% of market rents. Given that it is reasonable to reflect new build premiums in the market in new build rents for affordable housing, especially as new build properties are more energy efficient and have higher accessibility standards, it would appear reasonable to consider a new build rent of 50% to 60% of the market rent to equate to a Social Rent for a new build.

## 3. Potential opportunities to provide more homes with Social Rents

Based on research and discussion with registered providers, Homes England and other partners, officers have drawn up ten potential opportunities for providing more homes at Social Rent.

An initial consideration of the opportunities in terms of practicability and deliverability has been carried out by Housing officers with, as a result, the ten potential opportunities presented under three categories:

- a) opportunities it is proposed to pro-actively explore with internal and external partners
- b) opportunities where further evidence of practicability and deliverability is required to determine whether to pro-actively explore the idea with partners
- c) opportunities with limited practicability and deliverability which it is not proposed to prioritise at this time



### 3.1 Opportunities it is proposed to pro-actively explore with internal and external partners

#### **Opportunity 1: On new build developments, the council provides a grant to a registered provider in return for a lower rent being charged**

##### **How would this work?**

Registered providers use an element of the income raised from rent to pay the interest charges on the money they borrow to buy the property in the first place.

So, if the council provided a grant to the registered provider, the registered provider would need to borrow less meaning there would be less interest for them to cover from the rent and so a lower rent could be charged.

##### **Implications for the council?**

In July 2022, East Herts Council held a total amount of commuted sum of £1,834,461 paid by developers in lieu of providing affordable on their developments. This money must be used for affordable housing purposes as a condition the planning agreements (often referred to as a Section 106 agreement after section 106 of the Town and Country Planning Act 1990 which introduced such agreements).

East Herts Council could use the monies to provide a grant to a registered provider to offset them borrowing money. Reduced borrowing by the registered provider means lower interest is payable from the rental income and so a lower rent could be charged. Indeed, a lower rent would be a condition of the council's grant being made.

Modelling provided by a registered provider currently developing in East Herts provides an illustration of the amount of grant needed to reduce the rent from an Affordable Rent.

##### **2 bedroom house:**

- £80,000 grant required per property to reduce rent to 50% of market rent
- £42,250 grant required to reduce Affordable Rent to 60% of market Rent

##### **3 bedroom house**

- £95,000 grant required per property to reduce rent to 50% of market rent
- £44,000 grant required to reduce Affordable Rent to 60% of market Rent

##### **4 bedroom house**

- £124,000 grant required per property to reduce rent to 50% of market rent

- £67,000 grant required to reduce Affordable Rent to 60% of market Rent

### **How many Social Rent homes could be provided?**

For example, if the council's current reserves of £1.8m commuted sums were used to provide a mix of 40% two bedroom, 40% three bedroom and 20% four bedroom homes this would yield a total of:

- 38 homes with a Social Rent at 60% of an Affordable Rent **or**
- 19 homes with a Social Rent at 50% of an Affordable Rent.

### **Advantages**

- i) This would lower the rents of new build affordable homes to or around Social Rent levels.

### **Disadvantages**

- ii) The number of homes for which rent levels could be reduced would be limited by the amount of commuted sums held by the council.

## **Opportunity 2: Council accepts fewer homes on a developer-led site in return for some homes at Social Rent**

### **How would this work?**

While the council's District Plan does not oblige a developer to provide homes at Social Rent, through negotiation, the council could seek to have some included.

Lower rents mean less income to the registered provider to cover the interest on money it borrows, so it could not afford to pay as much for a property to be let at a Social Rent, as opposed to an Affordable Rent. As a result, it is highly likely that the developer will not deem the overall housing development to be financial viable unless fewer affordable homes are provided, allowing the developer to sell a greater proportion of the homes on the open market.

The overall result would be more homes than otherwise with Social Rents but fewer affordable homes overall.

### **Implications for the council?**

On the face of it, there are no direct financial implications as no subsidy would be required from the council. It should be noted, however, that this potential approach would see more Social Rent homes at the expense of the overall amount of new

affordable housing developed which could have a knock-on effect on the council's ability to assist homeless households in a timely way. It is worth noting that a homeless household placed in bed and breakfast accommodation currently costs the council at least £190 per week.

**How many Social Rent homes could be provided?**

The number of Social Rent homes provided in this way will depend on the council's willingness to agree to less than 40% affordable housing on a developer-led site and developers' willingness to voluntarily agree to a tenure mix outside of the District Plan's requirements.

**Advantages**

- i) The development of more homes at or around Social Rent levels.

**Disadvantages**

- i) A likely overall reduction in the amount of affordable housing as fewer Social Rent homes would be developed in place of Affordable Rent homes. It is worth noting that Affordable Rent *is often still affordable to households in housing need.*
- ii) Restricting the supply of affordable homes for those households who need to move on from temporary accommodation to more settled housing.

**Opportunity 3: Sale of council land for Social Rent new build**

**How would this work?**

The council would sell land to a registered provider with a covenant on the land that only Social Rent homes can be built. The registered provider would then build, own and rent out the homes.

**Implications for the council?**

This council would benefit from the capital value of the land.

The council could use its commuted sums to subsidise the development.

**How many Social Rent homes could be provided?**

This, of course, would be determined by what land the council has and how easy to develop that land is. The truth is that the council has very limited land and what it does have rarely lends itself to development, as it is either in the form of (a) grass

verges and the like or (b) a revenue-generating asset such as a car park – see approach #8 below. Therefore, a detailed appraisal of the developability of any small parcels of council-owned land will need to be carried out.

Given the pressures on the council's budgets, the Head of Strategic Finance and Property has indicated that it would *not* be financially prudent for the council to dispose of any plots of land identified at nil or below market value although this would be legally allowable if sold for affordable housing. So, the expectation would be that any land identified is sold at market value (on terms so that the value of the planning permission subsequently gained by the registered provider would be retained by the council).

Homes England have recently introduced funding specifically for homes for Social Rent in local authority areas designated 'areas of high affordability pressure'; East Herts is one such area, so a registered provider could potentially access grant funding. Small developments can have higher per unit costs, so subsidy may still be required from the council.

#### **Advantages**

- i) The council could sell the land with a restriction that only homes for Social Rent can be built. It should be noted that this would most probably fetter the land's value so this would have to be carefully considered as it would reduce the receipt to the council.
- ii) Unlike on developer-led sites, the developing registered provider would have greater control over the design of the homes and potentially the registered provider could allow the council some influence.
- iii) The council, if willing to provide the necessary subsidy, could require higher build standards, such as Passivhaus.

#### **Disadvantages**

- i) The supply of sites for redevelopment in East Herts is extremely limited and no site is without issues such as access rights and topography.
- ii) Smaller sites can present development difficulties and increased costs because of a lack of economies of scale, thus registered providers may be reluctant to take on a site and/or the council may be required to provide relatively high levels of subsidy per unit.

## **Opportunity 4: Development of rural exception sites**

### **How would this work?**

A rural exception site is plot of land in a rural locality, typically in/adjacent to/near a village, on which planning permission would not ordinarily be given but will be if the following conditions are satisfied:

- the exception site is adjacent to an existing built-up area boundary or is related to existing residential development and local amenities
- the proposed development will contribute towards meeting an identified need for affordable housing in the parish
- the proposed development would be appropriate to the settlement and area in which it is proposed to be located.

As the value of the land is fettered by these requirements, its reduced price can enable affordable housing to become viable.

### **Implications for the council?**

East Herts Council's Planning Policy HOU4 sets out the council's policies regarding affordable housing development on rural exception sites. The council's Housing service typically assists parish councils in devising proposals, often with a registered provider partner.

The council could use its commuted sums to subsidise the development on rural exception sites.

### **How many Social Rent homes could be provided?**

Numbers are hard to quantify.

Development on rural exception sites is not as straightforward as it may first appear. There needs to be a suitable site with an owner willing to sell it for this purpose and local needs have to be established. There is also a risk of local opposition as affordable housing development in a small rural community is not always universally welcomed. In addition, the difficulty of achieving sufficient economies of scale on what are typically small sites only adds to the complexity. Perhaps unsurprisingly, few rural exception sites have been developed in recent years in East Herts.

That said, development on rural exception sites is far from impossible and some registered providers specialise in such development. The council could use its commuted sums to support development.

### Advantages

- i) Rural exception sites must provide affordable housing with open market housing only allowable if it is absolutely necessary to bring forward a predominantly affordable scheme.
- ii) Schemes need to be designed to meet the needs of local community which could include the need for Social Rent.

### Disadvantages

- i) Sites are likely to be small so affordable housing grant and other sources of investment would be required to ensure viability, even if some market homes were permitted to subsidise rents. It may be difficult to achieve viability while setting rents at a sufficiently low level to conform with Social Rent levels. Council financial support could potentially help.
- ii) The development would be tied to local housing needs so would be available to a limited number of households.

### 3.2 Opportunities where further evidence of practicability and deliverability is required to determine whether to pro-actively explore the idea with partners

#### **Opportunity 5: Vary tenures within a developer-led site – retain the overall number of affordable homes but provide a small number of Social Rent homes by increasing the number of Low Cost Home Ownership homes (usually Shared Ownership) homes**

##### **How would this work?**

It is understood that low cost home ownership properties, including shared ownership homes, typically have a higher value to a registered provider than a rented home. This is because the registered provider is able to realise at least a proportion of the capital value of the property from the initial tranche sold with more income from the sale of subsequent tranches. On developer-led sites, this translates into the registered provider paying the developer a higher price for a low cost home ownership property than a rented property.

So potentially, the *same overall number* of affordable homes (delivered by the typically 75% Affordable Rent and 25% shared ownership homes) could be delivered but with a different mix including Social Rent. The lower price paid by the registered provider to the developer for each Social Rent home would be balanced by acquiring

proportionally more shared ownership homes. So, perhaps, the same number of affordable homes could be provided but with a mix of, say, 10% Social Rent and 90% shared ownership homes – note: the exact percentages will need to be calculated through more detailed discussion with registered providers.

### **Implications for the council?**

The council's District Plan calls for a mix of affordable housing on a site to be 84% affordable rented and 16% shared ownership. To accommodate more recent national planning guidance, the mix is now more typically 75% affordable rented and 25% shared ownership. The council can, however, vary this mix in response to a developer's viability assessment or, as is suggested here, to effect a tenure mix more favourable to local need.

### **How many Social Rent homes could be provided?**

As noted above, this is unclear without more detailed modelling and discussion with developers and registered providers. Of note, it is not immediately apparent how much the proportion of shared ownership homes would have to increase in order to cross-subsidise the inclusion of Social Rent homes. It could be the case that the balance is skewed too heavily towards shared ownership homes to make this approach acceptable in housing need terms.

### **Advantages**

- ii) The development of more homes at or around Social Rent level.
- iii) Incidentally, the development of more shared ownership homes although this could be achieved without the inclusion of Social Rent homes.

### **Disadvantages**

- i) A reduction in the number of affordable homes for rent, whether for Social Rent or Affordable Rent.
- ii) This approach can lead to skewing towards shared ownership which is vastly out of balance with local housing need.

## **Opportunity 6: Convert existing properties from Affordable Rent to Social Rent**

### **How would this work?**

The council would seek to encourage registered providers to reduce the rent levels of some of their Affordable Rent homes through the payment of a grant.

### **Implications for the council?**

The council could *possibly* use its affordable housing commuted sums for this purpose, although the terms of the individual section 106 agreements typically refer to the provision of affordable homes in lieu of on-site provision. As this approach would not increase the overall number of affordable homes, it may fall foul of the agreements.

### **How many Social Rent homes could be provided?**

This is hard to judge without detailed discussions with registered providers.

Officers have, however, consulted Homes England (the government's affordable housing grant giving agency). Homes England have pointed out that under agreements struck between the agency and individual registered providers in order to access housing grants, the registered providers typically agreed to increase their incomes from rent, so as to borrow more money to develop more homes, by switching Social Rents to Affordable Rents when a property becomes vacant.

While locally active registered providers rarely convert existing homes to Affordable Rent in East Herts these days, there is a legacy of properties where the rent was switched from Social Rent to Affordable Rent. The incomes from these 'converted' properties have been built into registered providers' business plans and so they may find it very difficult to switch them back to a Social Rent because (a) this would fall foul of their agreement with Homes England and/or (b) this would leave a financial hole in their finances. A council grant *might* be able to fill that hole but this would be for the registered provider to determine.

### **Advantages**

- i) Within existing housing stock, there would be an increase in the number of homes available for Social Rent with a corresponding decrease in the number of homes available for Affordable Rent.

### **Disadvantages**

- i) Conversion from Affordable Rent to Social Rent will not result in any additional affordable homes.
- ii) The use of commuted sums may not be permitted for this purpose, as this approach will not create any additional affordable housing, and so the



council would have to fund this approach from its own borrowing which would not be cost-effective.

- iii) Homes England may disallow such conversions if they conflict with their agreements with individual registered providers.

### **Opportunity 7: Fund registered providers to purchase homes on the open market and let them at Social Rent**

#### **How would this work?**

The council could provide grants to registered providers to buy properties on the open market and let them at a Social Rent.

#### **Implications for the council?**

The council could use its commuted sums for this purpose.

#### **How many Social Rent homes could be provided?**

Detailed discussions with registered providers would be needed to determine the number of properties that could be developed. That said, the figure is likely to be lower than the number accruing from the conversion of new build homes from Affordable Rent to Social Rent because there would be no developer subsidy in the financial mix. As an example, for new build on a developer-led site, the developer may discount the open market value by around 30% when selling the property to a registered provider for Affordable Rent. If the registered provider was buying from a home owner on the open market, there would be no discount and so if the registered provider was still able to provide funding for 70% of the value, the council would have to provide 30% of the value just to deliver an Affordable Rent home (unless the purchase price was considerably under the new build price although this would also depress the rent and so the amount the registered provider was prepared to pay without council subsidy) plus more to make it a Social Rent home.

#### **Advantages**

- i) The homes would be available for use within a relatively short space of time as purchase on the open market will be far quicker than through new build.
- ii) Existing properties would not have the same price premiums as new build properties and so, to a degree, the council's grant could be stretched

further, although property values do impact rent levels and thus the monies registered providers can raise without council subsidy.

#### **Disadvantages**

- i) Without the developer subsidy accessed through section 106 agreements, the council would most probably have to provide more subsidy per property.
- ii) Because of high house prices in the East Herts district, the number of existing homes which could be purchased would be relatively small.

#### **Opportunity 8: Grant a lease to a registered provider to build over a council-owned ground level car park in return for Social Rents**

##### **How would this work?**

The council could provide a long term lease to a registered provider to build on stilts over a council-owned ground level car park. The registered provider would then build, own and rent out the homes.

##### **Implications for the council?**

The council would benefit from the capital value of the disposal on a long lease while retaining the much needed revenue income from the car park on the ground level.

The council could use its commuted sums to subsidise the development.

##### **How many Social Rent homes could be provided?**

This is hard to determine without detailed discussions with a number of parties, notably the council's Finance and Planning teams in the first instance and registered providers.

Such a development would require a certain number of units in order to be viable and so, quite possibly, such a scheme would need to consist of at least two storeys above the ground use for car parking. This would in turn determine which, if any, council-owned car parks would be suitable.

Over the last year, a local registered provider has held very preliminary discussions about developing in this way on one of the district's car park and officers are aware of

other councils which have enabled this type of scheme. A good recent example is the Hope Rise development in Bristol.

A scheme of this type lends itself to modern methods of construction with the attendant benefits of speed of construction, sustainability and increased access to Homes England grant.

#### **Advantages**

- i) This could be a way to reduce prohibitive land costs from a development, with the lower development costs in turn enabling Social Rents.
- ii) Productive use could be made of the East Herts Council's land assets without losing the income from their current use.
- iii) Developments using modern methods of construction attract a higher level of grant from Homes England's Affordable Housing Development Programme.
- iv) Unlike on developer-led sites, the developing registered provider would have greater control over the design of the homes and potentially the registered provider could allow the council some influence.

#### **Disadvantages**

- i) At present there is no precedent for this type of development in East Herts, which means that establishing the financial model regarding the council's land and gaining planning permission would in all probability take longer than for a traditional development.
- ii) Registered providers may have limited appetite for such an innovative approach, for example, they may have concerns about the mortgageability of homes developed in this way and their ability to retain their value as assets. That said, one local registered provider has already approached officers about this approach.

### **Opportunity 9: Registered providers build for Social Rent on their own land**

#### **How would this work?**

The council could encourage registered providers to buy land on which to build or build on underused land on their estates, notably estates owned by Network Homes and Clarion Housing, to develop 'infill' sites, such as underused garages, drying areas.

As noted above, competition for private land for residential land is extremely strong in East Herts and registered providers are, in effect, locked out of the market because they cannot match private developers' offers. So, development on small site within estates would be more practicable.

Homes England could provide affordable housing grant for Social Rent development on registered providers' own land.

**Implications for the council?**

The council would need to signal a supportive stance on densification of existing estates and removal of garages as in the past planning considerations have been onerous and in some cases prohibitive. In addition, where the council has retained small plots of land on its former estates, it would probably need to dispose of these to the registered provider, possibly at their existing use value.

The council could use its commuted sums to provide grant for such development which could be combined with Homes England grant if/as necessary.

**How many Social Rent homes could be provided?**

Detailed discussions with registered providers would be required to determine the number and ease-of-development of any such infill sites before the number of homes that could be developed could be determined.

Of note, Network Homes has a track record of redevelopment on its Sele Farm estate and is already in talks with the council about further development in the area. Thus far, detailed discussions regarding tenure have yet to commence.

Affordable housing grant, however, is usually required for the redevelopment of smaller sites because of lack of economies of scale. A registered provider's recent attempts to redevelop three former garage sites in Ware have been hindered by difficulties in obtaining grant from Homes England.

**Advantages**

- i) Unlike on developer-led sites, the developing registered provider would have greater control over the design of the homes and potentially the registered provider could allow the council some influence.
- ii) Infill development can be tied in with wider regeneration. Network Homes' redevelopment of The Rigdeway in Hertford is a good example of this.

iii)	As the registered provider already owns the land, land acquisition costs can be deducted from the total scheme costs thus enhancing viability and potentially making the provision of Social Rent easier.
<b>Disadvantages</b>	
i)	Smaller sites can present development difficulties and with increased costs because of a lack of economies of scale, viability issues can erode cost-effectiveness. Council use of commuted sums as subsidy could potentially help.
ii)	There can be difficulties in obtaining sufficient grant funding for this type of development.
iii)	Infill development is particularly prone to difficult planning issues such as 'over-looking', neighbour objections and established rights of way over the site.

### **3.3 Opportunities with limited practicability and deliverability which it is not proposed to prioritise at this time**

#### **Opportunity 10: Use of council-owned flats over shops for Social Rent**

##### **How would this work?**

The council could convert the commercial leases attached to flats over shops in its ownership with a view to making the properties available for Social Rent, perhaps through the granting of a long lease to a registered provider.

##### **Implications for the council?**

The council owns a small number of flats over shops across the district, however, they are all let on business tenancies as part of the commercial leases of the shops below. The council gains a much needed revenue income from these commercial leases.

It would be legally very difficult, if not impossible, to end these commercial leases early so as to regain possession of the residential flats. Even if this was done when, say, the shop and flat become vacant, the council may find it difficult to lease the shop again without the flat. The views of the council's Property team would be required on this.

If the council were to decide to split the shop and residential leases apart, while the 200 homes minimum number necessitating the opening of a housing revenue account by the council would not be met, the council would still have to provide

secure tenancies with the Right to Buy, Right to Repair and other obligations. It would also be subject to the various annual accounting and reporting requirements. Thus, it would be preferable to grant a long lease of the residential units to a registered provider so as to avoid these onerous requirements.

The acquiring registered provider could possibly require a capital dowry from the council to bring the properties up to the Social Housing Regulator's lettable standard. This could be funded from commuted sums. Furthermore, it is possible that the council would need to lease the units at a peppercorn (essentially a nil income) so as to enable the registered provider to afford to let them at a Social Rent. This would deprive the council of much needed revenue income.

### **How many Social Rent homes could be provided?**

There are currently twenty council-owned flats above shops, however, the issues outlined above suggest that this would be an unduly difficult route to the provision of Social Rent housing and so officers would suggest no units could readily be provided in this way.

#### **Advantages**

- i) The flats are already in existence and so would not have all the planning issues of new build or conversion of use.

#### **Disadvantages**

- i) The flats are all let on business tenancies as part of the shop lettings. They could not easily be separated from the shops as the tenants have protection under the Landlord and Tenant Act 1954. If a valid reason is presented, it could be possible to negotiate the removal of the leases, but East Herts Council would be required to negotiate statutory compensation which would be costly.
- ii) The properties would most likely need to be let at a peppercorn to a registered provider thus depriving the council of a revenue income.

## **East Herts Council Report**

### **Overview and Scrutiny Committee**

**Date of Meeting:** 20 September 2022

**Report by:** Councillor Boylan – Executive Member 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 OVERVIEW AND SCRUTINY COMMITTEE:**

- A. That Overview and Scrutiny Committee considers and endorses the proposed First Homes Technical Advice Note for presentation to the Executive.**

## **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.

### **3.0 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.

<b>Can the household access the required mortgage and, if so, expend no more than 30% of gross earned income on housing costs?</b>						
	1 bed		2 bed		3 bed	
	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
Purchase price	£96,000	£168,000	£116,000	£203,000	£168,000	£250,000
Single full-time income	Yes	No	No	No	No	No
One full-time and one part-time income	Yes	No	Yes	No	No	No
Two full-time incomes	Yes	Yes	Yes	No	Yes	No

#### **Notes**

- Shared ownership purchased at 40% of market value.
- A 30% discount applied to First Homes.
- Mortgage rate of 3.5%.
- 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.

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.

#### **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 – First Homes Technical Advice Note**

### **Contact Members**

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# First Homes Policy Statement

Technical Advice Note


Planning Policy/Housing Strategy

September 2022



 @Eastherts

 EastHertsDC

 easthertscouncil

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# 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.

### **3.0 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.

#### **4.0 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.

## **5.0 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.

# Agenda Item 8

## East Herts Council Report

### Overview and Scrutiny Committee

**Date of Meeting:** 20 September 2022

**Report by:** Executive Member for Planning and Growth

**Report title:** Planning Enforcement 2022

**Ward(s) affected:** All

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### Summary

- This report sets out the Council's approach to Planning Enforcement following adoption and implementation of a new Planning Enforcement Plan in March 2021.

### **RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE that:**

**The Committee considers the content of the report and provides any observations to the Executive Member for Planning and Growth.**

#### **1.0 Proposal(s)**

- 1.1 This report explains the Council's current approach to Planning Enforcement following adoption and implementation of a new Planning Enforcement Plan in March 2021.

#### **2.0 Background**

- 2.1 Concern has been expressed that there is a lack of planning enforcement action being taken by the Council. This report

outlines the Council's current approach to planning enforcement following adoption of the Planning Enforcement Plan in March 2021<sup>1</sup> and provides a review of the effectiveness of the measures within it.

2.2 Under the current Planning Enforcement Plan all reported enforcement reports are triaged. In terms of how the triage works, a desktop study is undertaken in the first instance and then an investigation file is opened, and a site visit undertaken if a breach of planning is identified. If a planning breach is not identified, the reporting party is informed once this desktop assessment has been concluded. This process is usually undertaken quickly and means that timely responses can be made. If a planning breach is identified and an investigation file is opened, the reporting party is informed.

2.3 The Planning Enforcement Plan establishes the following investigation priorities:

*Priority 1 – cases where the breach is likely to lead to significant harm to public amenity and matters of wider public interest and are therefore likely to result in enforcement action being taken.*

*Priority 2 – cases where the breach is likely to result in a degree of harm where the balance of considerations indicate that enforcement may be warranted by the service of a Notice or other informal enforcement action.*

*Priority 3 – cases where the breach is likely to result in some harm to issues of acknowledged importance and where further investigation to obtain the facts is justified.*

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<sup>1</sup> Planning Enforcement Plan March 2021 [https://cdn-eastherts.onwebcurl.com/s3fs-public/2021-08/EHDC Planning Enforcement Plan APPROVED 02 March 2021\\_0.pdf](https://cdn-eastherts.onwebcurl.com/s3fs-public/2021-08/EHDC%20Planning%20Enforcement%20Plan%20APPROVED%2002%20March%202021%200.pdf)

2.4 The Planning Enforcement Plan also set out the performance targets which are summarised as:

- The Council will aim to record a report and allocate an investigation reference number to it within 5 working days of receipt and the report will be acknowledged.
- The Council will aim to determine whether it is expedient to investigate the matter and assess investigation priority within 10 working days of receipt.
- In cases where the Council decides that it is not expedient to investigate further the Council will aim to advise the complainant within 14 working days of receipt.
- Investigations of cases within Priority Level 1 will commence immediately.

2.5 It is not possible to set target timescales for the completion of investigations as all enforcement cases have different circumstances and require differing degrees of investigation. As outlined in paragraph 5.8 in The Planning Enforcement Plan, some investigations are very complex, and these will take a considerable time to complete. However, the Council will keep the individual who made the report advised of any significant changes or progress.

### **3.0 Considerations**

3.1 Concern has been expressed that there is a lack of enforcement action being taken by the Council to address identified breaches of planning.

3.2 The Planning Enforcement function of the Council is under constant pressure and the level of work arising from reports about potential breaches of planning control requires



constant monitoring to ensure that staff resources are available to investigate the cases coming forward.

- 3.3 In addition, work of high priority and intensive in nature such as gypsy and traveller site monitoring has severely impacted on the ability to respond to other enforcement cases and increased the overall pressure.
- 3.4 Planning enforcement is not a statutory service and it is not legally incumbent on the Council to investigate all matters that are alleged as a breach of planning control.
- 3.5 The vast majority of investigations do not lead to formal enforcement action. Government advice states that an enforcement notice should only be served when it is “expedient” to do so in the public interest having regard to the level of harm caused. Enforcement action is not used merely to regularise a breach of planning control. Action should be proportionate to the breach of control and the level of harm caused.
- 3.6 Many potential breaches of planning control are reported by members of the public, which on investigation fall into the following categories:
  - There is not a breach, for example the works either do not amount to development or the works involve development that is permitted by the Town and Country Planning (General Permitted Development) Order without the need to apply for planning permission.
  - The issue is not a planning matter e.g. It may be a neighbour dispute which is a civil matter (e.g. boundary disputes, anti-social behaviour etc.)

- There is a breach of planning control but planning permission would have been granted if an application had been made.
- There is a breach but this is of a minor nature and having regard to the level of harm caused it is not “expedient” to take any further action.

3.7 Following the updated Planning Enforcement Plan in March 2021, a triage system was introduced in order to help manage the number of cases opened in relation to those that are not a breach of planning control, those that are trivial or minor or where it would not be expedient to investigate further or those that are permitted development. 264 cases were triaged in 2021. Currently for 2022, 369 cases have been triaged.

<b>2021</b>		
Number of alleged breaches reported	266	
Total cases opened	155	58%
No Action required	104	39%
Duplicate cases	2	1%
Further information required	5	2%
Total	266	100%

3.8 As indicated above, from the 1<sup>st</sup> March 2021 to the 31<sup>st</sup> December 2021 the Council received 266 reports of breaches of the planning system. Following the triage protocol 155 formal cases were opened which is 58%.

The table below shows that from the 1<sup>st</sup> January 2022 up to the 17<sup>th</sup> August 2022, 369 reports were received and following triage 193 cases have been opened which is 52%.

<b>2022</b>		
Number of alleged breaches reported	369	
Total cases opened	193	52%
No Action required	67	18%
Duplicate cases	104	28%
Further information required	5	1%
Total	369	100%

3.9 Notwithstanding that a significant proportion of investigations are resolved without the need for formal action, there are circumstances when this is the most appropriate course of action. Figures on action taken from 2020 to 2022 (to date) are summarised below.

Type of Notice Served	2020	2021	2022 (to date)
Breach of Condition (BCN)	6	2	7
Operation Development	7	2	1
Material Change of Use (MCOU)	6	0	0
Enforcement Notice (EN)	0	3	6
Temporary Stop Notice (TSN)	0	0	2
Injunction	2	1	2
Section 215	0	0	0
<b>Total Notices Served</b>	<b>21</b>	<b>8</b>	<b>18</b>

3.10 From the figures in the tables above it is clearly evident that there is a total mismatch between the number of investigations carried out annually in response to complaints and the number of breaches of planning control that are found to be sufficiently harmful to justify the service of an Enforcement Notice.

3.11 Given the disparity between the number of enforcement cases and the number of enforcement notices served there appears to be an assumption that the enforcement service is underperforming.

3.12 Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost-effective way of achieving a satisfactory and lasting remedy. For example, a breach of control may be the result of a genuine mistake where, once the breach is identified, the owner or occupier takes immediate action to remedy it. Furthermore, in some instances formal enforcement action may not be appropriate.

3.13 Central Government advises that enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case. In deciding, in each case, what is the most appropriate way forward, the Council would usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area.
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development.
- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

3.14 The service of an enforcement notice does not resolve the planning breach automatically. Nearly all served enforcement notices result in an appeal. The Planning Inspectorates published data for time taken to determine an enforcement appeal is:

- Written Representation 53 Weeks.

- Hearings 107 weeks.
  - Inquires 82 weeks.
- 3.15 So as an example, if a householder built an extension and the Council served a notice with a 2-month compliance period, the owner appeals and the appeal is dismissed. The appeal has taken a year after the 2 months the owner has not complied, the Council then prosecutes which in real terms would take at least 6 months. The owner is found guilty of failure to comply with the Notice and is issued a fine. After 2 months the owner has still not complied, so the Council prosecute again which results in a further fine, after minimum of 2 years the extension is still in situ.
- 3.16 Whilst many investigations are swiftly resolved, some are more complex and it shouldn't be assumed that just because formal enforcement action hasn't taken place, enforcement activity on the case has ceased. There are many cases where detailed discussions with planning agents and other bodies remain ongoing for significant periods before the issue is resolved. Currently the Council has 476 investigations that are ongoing. The most complex of these cases dating back to September 2018.
- 3.17 The government has published data on the number of notices served for the financial year 2021 to 2022 by local authority. The numbers vary considerably and whilst it is difficult to make a fair comparison because of the service impacts of Covid 19 over that period, and the fact that the circumstances and characteristics of every authority differ, it does show that East Herts is not bucking the trend. The data<sup>2</sup> shows that the most frequent number of notices served by the 180 District Authorities reported was 1 or 2 notices, East Herts served 4.

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<sup>2</sup> Published July 2022 by Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government.

The average was 7 but this average is considerably skewed by a small minority of districts that served in excess of 10 notices.

#### **4.0 Enforcement Business Processes**

4.1 In terms of business processes, enforcement has been through a lean process review with various recommendations being taken forward to improve the enforcement process and information to customers. As part of that, The Planning Enforcement Plan March 2021 procedure was reviewed. The lean process review identified a couple of areas that would benefit from collecting more information on the online reporting form at the time an alleged breach was being reported. The newly revised online reporting form would in turn assist Senior Officers when carrying out the triage process for alleged breaches. These recommendations will be followed up by the Enforcement Team.

#### **5.0 Conclusions**

5.1 From the above the following conclusions are evident:

- The level of enforcement complaints remains high.
- The triage system introduced in the 2021 Enforcement Plan is working effectively and has enabled Officer time to be directed on the reports that warrant investigation.
- The majority of enforcement investigations do not result in any further action being taken by the Council either because there is no breach of planning control found or planning permission would have been granted if an application had been made, or the breach is not sufficiently harmful to justify enforcement action (i.e., “not expedient”).
- There is no evidence to suggest East Herts is taking less formal enforcement action comparative to other District authorities in the country.

- 5.2 It is considered that the Council's current approach to planning enforcement as outlined in the 2021 Planning Enforcement Plan is in line with Central Government Guidance.
- 5.3 Enforcement investigations are often complex and are likely to involve the gathering of evidence over a considerable period of time before a position has been reached to enable the service of an enforcement notice. It is therefore not possible or appropriate to establish performance targets based on the completion of investigations.
- 5.4 However, it is appropriate to establish a method of quarterly reporting to Members and Town and Parish Councils based on:
1. The number of cases reported and triaged and the number of cases opened.
  2. The number of cases by ward opened and closed.
  3. The number and type of enforcement notices issued and appeal decisions.

Note detailed information on live investigations cannot be provided in order to ensure that cases are not prejudiced and that the Council is in line with GDPR.

- 5.5 Officers are proposing to commence with quarterly reporting from Q4 this year (reporting on Q3 information).
- 5.6 Those wishing to report suspected breaches (including Members) should continue to use the online reporting form as the information provided allows Officers to triage the case more effectively than having to spend time gathering all the required information manually. This is the quickest and most

effective way of engaging with us and enables us to register the concern, investigate, record and feedback information to the registered reporting party.

- 5.7 For information, a link to the enforcement online reporting form can be found here - <https://www.eastherts.gov.uk/planning-building/planning-enforcement/planning-enforcement-reporting-form>

## **6.0 Implications/Consultations**

- 6.1 Planning Enforcement is a confidential activity that does not involve public engagement.

### **Community Safety**

There are no specific community safety recommendations arising from the updated Planning Enforcement Plan 2021.

### **Data Protection**

All planning enforcement investigations are carried out on a confidential basis in line with GDPR. Anonymous enforcement reports will not normally be investigated.

### **Equalities**

Equalities implications must be considered when reaching decisions on all enforcement action.

### **Environmental Sustainability**

There are no specific environmental sustainability implications arising from this report. However, environmental sustainability may be a factor in determining whether enforcement action is taken.

### **Financial**

Planning Enforcement 2022 does not propose any additional resources.



## **Health and Safety**

There are no specific health and safety implications arising from Planning Enforcement 2022. However, some enforcement investigations may involve health and safety issues and are covered by the agreed risk assessment for the Planning Service.

## **Human Resource**

There are no human resources recommendations arising from this report.

## **Human Rights**

Private interests must be balanced against the wider public interest and against competing private interests. However, human rights issues must be considered when reaching decisions on all enforcement action. This position is outlined in the National Planning Practice Guidance and Planning Enforcement Plan 2021.

## **Legal**

Whilst enforcement action is discretionary there may be a risk, like with every decision that a customer may seek to challenge by way of a judicial review. However, the courts recognise the wide discretionary power of the Council in relation to planning enforcement and have been inclined not to interfere with that discretion.

## **Specific Wards**

None.

## **17.0 Background papers, appendices and other relevant material**

17.1 None

## **Contact Member**

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## East Herts Council Report

### Overview and Scrutiny Committee

**Date of meeting:** 20 September 2022

**Report by:** Councillor Graham McAndrew, Executive Member for Environmental Sustainability

**Report title:** Future Service Design of Waste, Recycling and Street Cleansing Services

**Ward(s) affected:** All

### Summary

- This report seeks the authority to proceed with a Competitive Dialogue procurement for the waste and recycling collection and street cleansing contract due to expire in May 2025. The report is based on outcomes from the Member lead joint working group between East Herts Council (EHC) and North Herts Council (NHC) and identifies key service changes affecting the contract specification drafting. The key drivers for the services changes are set in the context of the pending national Resources and Waste Strategy and the financial challenges authorities are facing which is exacerbated by inflationary pressures. The report covers details of both EHC and NHC changes in order to fully identify the impacts across the shared service.

### RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY

- A. To receive, consider and provide feedback to the Executive on the proposals outline in this report.**

## **1.0 Proposal(s)**

- 1.1 That a Competitive Dialogue procedure be used for the procurement of the joint Waste, Recycling and Street Cleansing contract with NHC.
- 1.2 That a joint project board with NHC be formed to include the Executive Members for Finance as well as the Executive Member for waste, recycling and street cleansing services for both EHC and NHC.
- 1.3 That the contract length be 8 years with the possibility of up to an 8 year extension.
- 1.4 That the customer services and call handling function be provided by the local authority.
- 1.5 That a new weekly separate food waste collection service in 23l caddys for houses and in wheeled bins for flats/communal areas in East Hertfordshire be introduced from 2025.
- 1.6 That residual waste collections occur on a three weekly collection cycle from 2025.
- 1.7 That the standard receptacle for residual waste be 180l in size and that all new and replacement residual waste containers for houses will be 180l as soon as is reasonably practicable and phased in as part of the normal replacement cycle.
- 1.8 That a standard bin colour set across East and North Hertfordshire is introduced and that colours are transitioned over time.
- 1.9 That plastic film be included in the mixed dry recycling collections from 2025.

- 1.10 That bring bank services for paper and textiles are removed by the end of 2023.
- 1.11 That Parish litter picking grants cease and for street litter bins currently maintained under this scheme to be serviced under the waste and recycling contract from 1st April 2023.
- 1.12 That the service policy statements are updated as outlined in **Appendix 3** 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.
- 1.13 That the garden waste collection charge is aligned with NHC from 2025.
- 1.14 That the service design described in 3.92 to 3.101, be implemented should the outcomes from the Resources and Waste Strategy Consistency consultation mandate the separate collection of fibre.

## **2.0 Background**

- 2.1 East Herts Council (EHC) and North Herts Council (NHC) entered into a Shared Service arrangement in 2017 and a joint contract was let beginning in May 2018.
- 2.2 A Councillor led Joint Partnership Board for waste meets twice per year and monitors the performance of the contract.
- 2.3 The service comprises a 'client' management structure located at the Buntingford Depot and two operational hubs comprising separate management teams and separate workforces for East and North Herts Councils.

- 2.4 The current contract covers the requirements for the collection of waste and recycling from approximately 124,000 households and over 1920 commercial customers as well as street cleansing services across East and North Hertfordshire.
- 2.5 In 2014 the Councils agreed to progress from a Strategic Outline Case to an Outline Business Case for the shared service specifically exploring potential additional savings in joint contracts, savings in client overheads including depot costs, governance and management proposals and jointly agreed policies to form the basis of a joint specification.
- 2.6 Prior to the formation of the shared service client team in December 2017, both Councils made unilateral decisions on the service offering to residents for waste, recycling and street cleansing services which formed the basis of the joint contract with Urbaser.
- 2.7 The independent decision making at each authority led to different decisions being made by North Herts Council and East Herts Council regarding the provision of services to residents, despite an original commitment to joint policies.
- 2.8 At the respective Executive/Cabinet meetings on 19<sup>th</sup> April 2022 and 22<sup>nd</sup> March 2022 a new aim and principles for the shared service were agreed focusing on efficient services which are environmentally and financially sustainable. The aim and principles are attached in **Appendix 4**.
- 2.9 To improve the service opportunities for operational efficiencies have been considered. If the service is aligned across both authorities bidders have an opportunity to fully optimise collection and cleansing operations and keep costs down.

- 2.10 The client would also benefit from these operational efficiencies by freeing up capacity for planning consultations, procurement, marketing and campaign work, tonnage allocation and complaint and performance management.
- 2.11 In addition, further efficiencies would be found if wider administrative functions were aligned in their delivery mechanisms such as customer services and the financial management of services through one Financial Management System (FMS). It is proposed that options for future administrative changes be presented in a separate report in Spring 2023.

#### Resources and Waste Strategy

- 2.12 In December 2018 the government released its Resources and Waste Strategy. There have subsequently been a number of government consultations linked to this strategy. The industry is currently waiting for the outcomes of these consultations and any subsequent policy or legislative updates.
- 2.13 It is expected to significantly change the way Council's operate waste collection services. The final strategy launch has been delayed following the pandemic and specific timescales for the implementation are yet to be determined. This creates difficulties in shaping the Council final service specification as there are still a number of unknowns. The two key areas of the strategy that affect collection services are the consistency agenda and the deposit return scheme (DRS).
- 2.14 The consistency agenda is a key topic in the government's resources and waste strategy and has so far been the subject of two government consultations. It is clear that there is a driving desire from central government to see consistency across service provision with the primary aim of ensuring that services provided to the public are simple to use and a core

set of materials are collected at the kerb side. Providing an aligned service across EHC and NHC will ensure a greater consistency over a wider area with both Councils collecting the same consistent set of materials at the kerbside.

- 2.15 The proposals in this report outline a key opportunity for both Councils to make a step change in their delivery of services and making these changes at the point of contract change will be the most financially viable solution. Experience with our own recent mid-contract changes has shown that these can be between 55% and 120% higher costs than at tendering.
- 2.16 At the time of writing this report; the outcomes from the governments consultations on deposit return schemes and the consistency agenda have not been published and it is anticipated that some outcomes will impact on the current services and change the way services will need to be delivered in the future. E.g. the separation of street litter and litter bin waste for the purposed of Extended Producer Responsibility (EPR) funding.
- 2.17 This report is based on changes which are expected to be mandated and seeks to provide a service solution which also meets the long term financial and environmental sustainability aims of the authorities.
- 2.18 Until the final outcomes are announced some risk exists in deciding on changes to service design. The procurement timeline however means that we have no choice but to progress with our procurement of a new contract. It is expected that should the outcomes be published during our procurement exercise (rather than prior) that any outcomes which conflict with our proposals can be discussed and redesigned during the competitive dialogue procedure. Given the anticipated changes in service delivery and changes in



market prices a contract extension would not be appropriate to ensure best value for the Council.

### Climate Change

- 2.19 In July 2019 EHC made a declaration on climate change and amongst a number of things committed to:- Join with other councils in recognising and declaring formally the necessity to do everything within the authority's power to reduce its impact on the climate and moreover do everything we can in supporting the whole of East Herts District to become carbon neutral by 2030 and develop an ambitious sustainability strategy for reducing the council's own emissions, with an objective that the council becomes carbon neutral by 2030.
- 2.20 Both Councils have developed a Climate Change Strategy to ensure that the Councils are doing all that they can to reduce their impacts on our climate. Waste, recycling and street cleansing services are a significant contributor to the Councils own carbon footprints due to the size and configuration of the fleet required to undertake those services.
- 2.21 It should be noted that the next waste and recycling collection and street cleansing contract will be in operation until at least 2033 and therefore decisions made now in relation to this contract will impact on how the council reaches it's objective of becoming carbon neutral by 2030.
- 2.22 The service also has a wider responsibility and role to play in reducing the carbon impact of individuals living in the districts. Reducing waste, in particular food waste, reusing more and recycling more all help to reduce the overall environmental and carbon impact individuals have.
- 2.23 During pre-engagement work we will be looking at all options in relation to reducing the Councils carbon footprints, and

how reductions in carbon emissions can see continuous improvement during the life of the contract. We will also be exploring scenarios around transitioning to zero or ultra low emission vehicles and any necessary infrastructure changes with consultants.

- 2.24 This report seeks to reduce or mitigate its service related carbon impact and enable the shared client team to proactively promote waste minimisation, reuse and recycling solutions.

### Financial Outlook

- 2.25 It is evident that the Government strategy will provide new challenges for the Council to manage operationally and financially. It is unknown what/if any new burdens funds will be available at a local level. Waste is the Council's single largest expenditure. Given the Council's financial position whereby it is required to find £5.054 million over 3 years from 2024/25, the Council will need to make some challenging decisions in order to mitigate the pressures of mandated changes. This comes at a time when we are experiencing inflationary pressures significantly above projections, in the case of the waste contract over double the budgeted figure for 2022/23. Any proposals to reduce services or generate income will not provide savings on the contract budget but mitigate the financial pressure. It is anticipated that cost pressures could be in excess of circa £1.5m.
- 2.26 For amounts contained within the report that relate to items that will be contained within the new contract, these are best estimates from knowledge of pricing of the current contract. The actual impact of these will be determined by bids for the new contract, and it may never be possible to determine the exact impact of any particular decision.

### **3.0 Reason(s)**

#### Procurement Route

- 3.1. A competitive dialogue tendering exercise is recommended due to the technical complexities of the proposed service changes and the impacts that any yet unknown legislative requirements resulting from the outcomes of the Resources and Waste Strategy consultations which are yet to be published.
- 3.2. Both Competitive Dialogue and A Competitive Procedure with Negotiation were considered. Dialogue refers to the discussion between the department and bidder to discuss any aspect of the procurement, e.g. the service requirements or proposed solution. Negotiation is the discussion between the department and bidder with a view to improving the content of tenders e.g. performance issues.
- 3.3. The current availability of technologically suitable fleet to reduce the services impacts on the Councils carbon emissions is also unclear and bidders are likely to propose differing solutions to deliver the services. It is hoped that a Competitive Dialogue will ensure we are fully able to understand the offer from prospective providers and understand the pros and cons of new and emerging technology.

#### Project Board Formation

- 3.4. The formation of a joint Member led project board to oversee the management of the project will ensure a consistent approach for both authorities; and allow an opportunity for discussion at early stages minor changes or decisions are required related to the procurement. It will also provide a conduit for Members on the project board to report back to

the wider elected Membership outside of the committee cycles on the progress of the project.

### Contract Length

- 3.5. Early discussions with our consultants Eunomia and early indications from soft market testing indicate a general preference for a minimum contract length of 8 years, with extension possibilities. Our current contract is 7 years with an extension option and the increase in length is not anticipated to negatively impact on the councils.

### Customer Services

- 3.6. Customer service at each Council is currently delivered under different models, with differing administrative responsibilities, processes and key performance indicators (KPIs). EHC manage contacts related to waste and street cleansing services in-house as part of a corporate customer service team. At NHC contacts for these services are managed by the current collection contractor with a small proportion of contacts also being handled by the corporate team.
- 3.7. At the joint cross party Member workshops, members explored options regarding the provision of customer services. Pros and cons were identified for both a council led customer service solution and an out-sourced customer service solution. In addition, indicative costs were provided for both council led and out-sourced solutions. The preference from the working group was for a joint council led customer service solution as it was felt this fits better with aspirations around an improved customer journey.
- 3.8. The staffing costs for customer services are broadly similar, whether provided in-house or out-sourced. The calculation of on costs for each authority and how on costs are allocated by

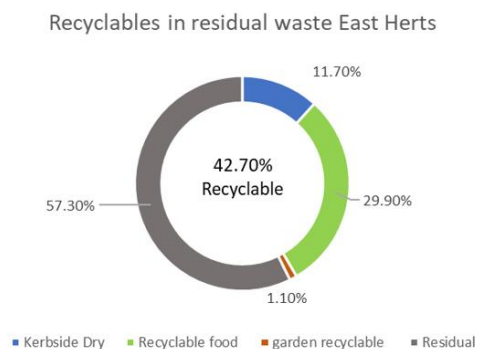
any bidder will differ and therefore present differing costs between the two service models. Costs from potential bidders cannot be fully estimated without going out to tender as the variations present too great a difference to reasonably estimate.

- 3.9. Some potential benefits of in-house customer service provision are identified below:
- a. Knowledge of all Council related processes and can therefore advise on other queries as a single point of contact
  - b. Greater resilience from a larger staff pool
  - c. Call handling procedures can be controlled and adjusted swiftly
  - d. Monthly quality monitoring in line with other in-house customer service provision.
  - e. Training in line and consistent with council core values and objectives
  - f. Increased transparency over contact types and complaint logging
  - g. Direct control over phone lines, IVR and email auto replies.
  - h. Perceived greater level of trust in reporting direct to the Council.
  - i. Service efficiencies (cost savings) can be realised more easily when channel shift is implemented and working effectively.
  - j. Direct control over payments to the Councils.
- 3.10. The customer services and call handling not be included in the specification of the next waste contract and it is therefore recommended that a further report be presented to Executive/Cabinet in due course covering non contractual elements of the management of the services. This will include proposals on governance (as recommended by the report to

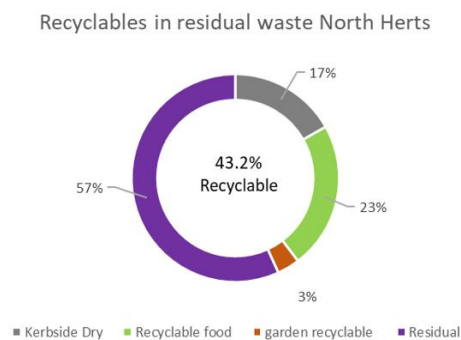
Executive on 19<sup>th</sup> April 2022 and the financial management arrangements as well as proposals for a council led customer service solution.

### Weekly food waste collection and 3 weekly Residual waste collection

- 3.11. A waste compositional analysis undertaken in late 2020 provided an insight into the composition of the residual waste bins at each authority.



The graphs below show details of the recyclable proportions of the residual waste bin



- 3.12. The proportion of food waste in EHC residual waste bins is significant at 29.9%. Food production, according to an article in the professional magazine 'New Scientist' contributes 37% of global greenhouse gases and a report by the UN's Environment Programme estimates that between 8% to 10% of greenhouse gas emissions are from food which is wasted. Campaign work to encourage behaviour change in EHC and

NHC over recent years and ongoing is only part of the solution to managing food waste.

- 3.13. According to a report by WRAP, (The impact of food waste collections on household food waste arisings); separate food waste collection schemes are significantly associated with lower total food waste arisings amongst householders.
- 3.14. In our public consultation 69% of respondents in EHC said that they were likely or quite likely to use a weekly food waste service.
- 3.15. This coupled with a government mandate for the weekly collection of separated food waste for 2025 leads to the recommendation that they be included for EHC in the new waste collection specification for implementation in 2025, despite confirmation of the mandated start date not being clear from central government.
- 3.16. The implementation costs for the food waste service change are anticipated to be in the region of circa £150k for one-off revenue implementation costs. Circa £400k for initial capital costs and circa £1.5m ongoing revenue costs associated with the collection. As with the mid-contract change for the introduction of chargeable garden waste services in East Herts it is anticipated that the introduction of a separate weekly food collection service later than the start of the contract (should the Government push back the date further) will significantly increase the price of the service putting further pressure on the EHC Medium Term Financial Plan (MTFP). From the experience of the garden waste service this has resulted in costs which are over 54% higher for East Herts than the original tender price. It is therefore recommended to provide a separate weekly food collection service early in the contract alongside a 3 weekly residual bin collection service.

- 3.17. There is an inevitable negative carbon impact from the introduction of food waste recycling in terms of the EHC fleet emissions. The current North Herts service produces approximately 94 tonnes of CO<sub>2</sub> per year. At this stage we are not clear on the methodology a new contractor would use for the collection of food waste and this would impact on the carbon emissions. However, based on the NHC service and extrapolating for higher property numbers it is likely additional fleet will be required. The carbon impact could therefore be in the region of 130 tonnes of additional CO<sub>2</sub> per year.
- 3.18. Removing food waste from the residual waste stream will however have a positive carbon impact. It is estimated using the governments conversion factors that treatment by EfW (Energy from Waste) results in 21.3kg CO<sub>2</sub>e per tonne or 626.9kg CO<sub>2</sub>e when landfilled. Whereas treatment by anaerobic digestion or composting produces 8.9 kg CO<sub>2</sub>e and therefore can result in a minimum net saving of 12.3kg CO<sub>2</sub>e per tonne. Based on 79 kg per household (based on capture rates from 21/22 NHC data) this could see a district wide carbon saving linked to disposal of approximately 65 tonnes of CO<sub>2</sub>e. Mitigating in part the negative fleet impact.
- 3.19. The waste hierarchy requires a consideration of waste minimisation before recycling however it is clear that residents still have a significant proportion (around 43% of the residual waste bin) of recycling which could be recycling at the kerbside.
- 3.20. In addition the waste compositional analysis showed a significant proportion of food waste in the residual waste bin nearly 30% in EHC and 23% in NHC despite the provision of a weekly separate food waste collection service in a 23L caddy.



- 3.21. In our public consultation, 45% of residents in EHC and 49% of NHC residents in said their residual waste bin was ½ full or less at the time of the fortnightly collection.
- 3.22. In order to reduce the amount of residual waste collected by both authorities it is proposed to extend the emptying cycle from fortnightly to three weekly for houses. This change has already been implemented by a number of authorities across the United Kingdom. A summary of local authorities known to have undertaken a change to a three weekly collection cycle are shown in **Appendix 6**.
- 3.23. The demographics of both the EHC and NHC districts mean that with the proposed change and a reinvigorated communications campaign that an increase in recycling rate could be seen. However, based on the results of the public consultation where a high proportion residents stated that their residual waste bin was ½ full or less. It is also possible that a significant proportion of residents will cope with the residual waste change without a need to change either their buying or recycling behaviour.
- 3.24. In addition we asked a number of questions around extending the frequency of collections and the ability for resident to cope with an extended frequency. 75% of resident did not think that reducing the frequency of collections would reduce waste. However, when Daventry District Council adopted a three-weekly residual waste service in 2018 they had the highest fall in residual waste of any local authority in the country at a drop of 13%.
- 3.25. The table below shows an example of three Welsh Councils performance over a number of years following extended frequency collections and a change to three-weekly residual waste collections. These are not direct comparator Councils as they offer slightly different services and have a different

demographic however demonstrate that total waste arisings are likely to fall as a result of a change to three weekly residual waste collections.

Residual Waste Service Frequency	Authority	Year	Recycling rate (%)	Waste Arisings per person (kgs)	Percentage Drop in Per Person Waste Arisings (kgs)	Residual Waste Per Person (kgs)	% decrease Residual Waste
4 weekly	Conway	20/21	70	452	18.12%	135	43.98%
3 weekly in 2016 and 4 weekly in Jan 18		13/14	56	552		241	
3 weekly	Gwynedd	20/21	65	494	21.71%	117	59.65%
		13/14	54	631		290	
3 weekly	Pembrokeshire	20/21	73	455	17.12%	112	48.62%
		13/14	60	549		218	

3.26. When asked whether residents agreed or disagreed with the statement; *'I would be able to manage my waste effectively with three weekly residual waste (refuse) collections by recycling more and squashing items.'* The majority of residents disagreed. However, 24% agreed or strongly agreed.

3.27. Data from other local authorities is mixed but data does indicate that some level of recycling rate improvement can be expected. In particular in EHC where there would be the addition of food waste recycling options to support a positive behaviour change in recycling habits.

3.28. Reducing the emptying cycle as well as encouraging residents to recycle more and participate fully in services such as weekly food waste collections, will also help to mitigate the costs of service provision during the next 8 years of the contract. It is anticipated that a three weekly cycle would enable a reduction

of approximately three vehicles from the fleet across both EHC and NHC. The estimated direct cost of this is anticipated to mitigate contract cost increases by circa £550k annually.

- 3.29. The associated reduction in fuel consumption (based on current housing densities) is anticipated to be circa 40k litres which has a direct positive carbon saving of approximately 122k tonnes carbon annually based on our current diesel fleet.
- 3.30. There are alternative ways the councils could consider reducing their carbon footprint through this contract procurement, such as the use of HVO (hydrotreated vegetable oil) as fuel, however the current cost is approximately 20p per litre more than diesel and consequently could see annual contract cost rises in the region of circa £130k based on 2021 fuel usage data.
- 3.31. In the public consultation 82% of respondents described themselves as either a proactive environmentalist or caring about the environment and doing their bit. With a further 16% describing themselves as residents who recycle and don't drop litter but not much else in support of the environment. 84% of respondents also said that the Council should do more to make people recycle more and reduce waste, with 74% of people agreeing the council should invest or change services to reduce their carbon footprint. These outcomes all support the proposals in this report.
- 3.32. Comparison with other local authorities introducing three weekly residual waste collections is difficult as many will have introduced other changes at the same time. For example changes to what can be recycled at the kerbside or moves from box collections to bin collections. Many Councils undertaking this change are also lower performing Councils at the point of change and so behaviour change is more prominent.

- 3.33. Gwynedd Council predicted that its recycling rate would increase by 5.2 percentage points. In 2013/14, Gwynedd's recycling rate (calculated in line with Welsh Government targets) was 54.0%. By 2015/16, when the switch to three weekly collections had been fully rolled out, the reported recycling rate had risen to 58.7%, and in 2016/17 it increased further to 61.1%. The total increase has therefore been 7.1 percentage points, significantly more than expected.
- 3.34. Bracknell Forest's recycling rate has increased by 13% to 56%. This is a monumental achievement, in comparison, in 2020 to 2021 the largest increase recorded by a local authority in England was 5.2% however this was coupled with other changes like the introduction of food waste and chargeable garden waste collections.
- 3.35. Rochdale, predicted the increase in recycling that was anticipated from going three-weekly (39% in 2015/16, 45% in 2016/17), but did not set out the underlying waste flows. In practice, they achieved 42% in 2015/16 and 47% in 2016/17, exceeding expectations. With a further increase to 53.7% in 2017/18.
- 3.36. Based on the information we have been able find from other Councils improvements in performance are both a step change and improvements over an extended period. The step change occurs with an immediate behaviour change, e.g. residents recycling more with new recycling services. The extended improvement in recycling rates could be attributed to more lasting changes in behaviour such as buying habits with services having a greater focus on recycling than residual waste services. Residents learn over time that the vast majority of waste is recyclable so use these services rather than continuing to use the residual waste bin because items still fit in it.

- 3.37. Our Contract Officers (including the mobilisation Contract Officers) and proposed Waste Awareness Officer will have a suite of tools to guide and support residents and help them identify items which they perhaps did not realise were not recyclable to help prevent any increases in contamination of recycling. Officers will also be able to support residents in understanding items which can be recycled at the kerbside but are sometimes forgotten.
- 3.38. It is likely that at the start of the service change we will see a slight uplift in the number of fly tips. However, this is expected not to be significant as those residents who would consider fly tipping are a very small minority. We will work with the enforcement teams at both authorities to ensure we have a planned approach to the management of fly tipping of household waste expected to be as a result of the service change.
- 3.39. Following the NHC transition to 180L wheeled bins there was no attributable long-term impact on fly tipping. Fly tipping numbers in the first year of the service actually reduced when compared with the previous year and longer terms trends are consistent with the wider Hertfordshire districts. Therefore, a significant uplift in instances of fly tipping is not expected. Those residents who may initially struggle with a change to a three weekly collection cycle will be supported with advice on how to manage their waste and where appropriate will be supported by other policies. For example, the provision of extra capacity for larger households or households with two or more children in nappies and households producing healthcare waste such as incontinence wear. The proposal being for these households to continue to receive fortnightly collection services.

- 3.40. At the Members workshops an option for four-weekly residual waste collections was considered. There are a handful of Councils in the UK who have adopted this model, but Members felt this was too large a service change at the current time. Members were keen to ensure that a transitional option to four-weekly residual waste collections be drafted for the contract.
- 3.41. There is a risk that central government will mandate a requirement for fortnightly residual waste collections as a minimum. It is hoped that our need for fortnightly residual waste collections can be mitigated by supporting policies which can effectively manage the additional needs of some residents. This includes additional frequency collections of residual waste for those residents who require additional capacity for waste such as incontinence waste or nappy waste. The practicalities of this policy decision will be discussed as part of pre-market engagement with bidders.
- 3.42. Should the government mandate fortnightly residual waste collections and we are unable to mitigate this requirement with supporting policies for those who need additional waste collection support, we will have no alternative but to defer to our current residual waste collection model and provide collections fortnightly.
- 3.43. The provision of residual waste collections at flats will remain largely unchanged. Capacity provision at flats is based on per person calculations and as a consequence flats already have less capacity over six weeks of collection cycles than houses. Each flat block will be re audited and where flats participation in recycling services has been difficult, with high levels of contamination, advice and guidance will be given in liaison with the managing agents, to ensure that all flat blocks have access to recycling.

3.44. All flats will receive a review of residual waste collections alongside this audit, however it is not anticipated that flats will receive three weekly residual waste collections. It is possible that some flats currently receiving weekly collections may be able to receive fortnightly collections, as a result of a refocus on recycling. This is most likely in East Herts where flats will receive weekly food waste collections in wheeled bins alongside the service for houses.

#### Bin Colours and Size

3.45. Both authorities combined spent £377k on new bins and bin replacements in 21/22. The currently global shortage of plastic polymer and continued impacts of Brexit and the pandemic have also significantly increased the cost of bins and the availability and lead times. Our depot facilities have extremely limited storage space for wheeled bins, meaning stock has to be delivered in small quantities and we are housing multiple colours and sizes of bins to maintain stock levels.

3.46. The proposal is for all future bin replacements to have the standard 'grey/black' body with a coloured lid to depict the material type. This will provide a greater resilience in bin stock levels and reduce necessary storage space at both depots.

3.47. The standard 'grey/black' bin body is cheaper to procure and can often contain a higher proportion of recycled plastic polymer supporting our aspirations for a circular economy solution for broken and redundant plastic wheeled bins.

3.48. It is also proposed that in EHC the standard residual waste bin size be changed from 240L to 180L. This will apply to all new build houses and any replacement bins.

3.49. Reducing the residual waste bin size supports waste minimisation principles and is known to impact on the waste

produced with NHC seeing a drop of 4,600 tonnes of residual waste when making a wholesale change to 180L residual waste bins. This being a gradual change; it will not impact as significantly on recycling rates until a larger proportion of residual waste bins are 180L. It is expected that the majority of bins will have been replaced over a 15 year life through wear and tear and damage.

- 3.50. It is not expected that new build properties will find the change problematic as services are generally accepted and managed well by new home owners. Individual households who struggle to manage on a smaller bin size will be supported in their waste management and where appropriate our policy on additional capacity will be applied.
- 3.51. It is recommended that replacement recycling bins have a blue lid, replacement residual waste bins have a purple lid and replacement garden waste bins have a brown lid. Details of the proposed bin colours are shown in **Appendix 5**.
- 3.52. The additional benefit of aligning bin colours across the contract is consistency in the long term over a wider area and more effective joint communications. It is already the case that residents moving from EHC to NHC are contaminating the recycling bin which is currently the 'grey/black' bin in North Herts but in EHC this bin colour is used for residual waste.
- 3.53. Collection staff will also find less confusion working across the boundary if bin colours are consistent.
- 3.54. The estimated cost saving annually for a coloured lid only bin purchasing model is circa £9,000 annually.



## Plastic Film

- 3.55. The summary response to the consultation on Extender Producer Responsibility stated the following:- 'With plastic film and flexible packaging comprising around a third of the plastic packaging placed on the UK market each year, we proposed that these materials should be added to kerbside recycling collections across the UK by 31 March 2025 for businesses and 31 March 2027 for households'.
- 3.56. Given our contract start in May 2025 we propose the introduction of plastic film to our commingled recycling bin at the start of our major service changes. This will not only help transition residents to a three weekly collection service by removing a material from the residual bin, but it will also ensure we have secured processing capacity when the current processing capacity in the UK is not sufficient to support all proposed local authority collections.
- 3.57. It can also be anticipated that with mandated changes around extended producer responsibility some manufacturers will shift their packaging to lighter weight materials such as plastic film.
- 3.58. Early discussions with our existing Material Recovery Facility supplier (MRF) supplier post decision. This is a separate contract to our waste and recycling collection and street cleansing contract and officers will determine the steps in relation to this contract following this report.

## Bring Banks and Textiles Collections

- 3.59. NHC has not operated bring bank collections since the introduction of commingled recycling and a roll out of recycling at flats. An audit of services in EHC demonstrated that all flat blocks located near to the existing bring bank

network have recycling collections and therefore there is no longer a need for paper bring sites, with all residents having access to this service at the kerbside. The public consultation indicated that 2.7% of residents still use the bring banks however any residents who do not currently have a box can request one via our online forms.

- 3.60. We have in recent months experienced a number of issues associated with our bring banks, this includes fly tipping, significant levels of contamination meaning paper loads had to be disposed of as residual waste and we have also had a fire at one of the sites.
- 3.61. The collection costs associated with the paper bring bank service are currently circa £22,000 and are provided by Welwyn Hatfield Council. We anticipate that we will still capture paper currently entering the bring bank scheme via the kerbside services and therefore anticipate this being a whole cost saving for EHC.
- 3.62. In addition to paper bring sites there is also a network of textiles bring sites in EHC. These sites suffer from similar issues to those identified in 3.60 above.
- 3.63. In our public consultation over four times the number of people using our textiles banks donate their textiles to charity in East Herts with over 92% of respondents saying that had used either charity doorstep collections or charity shops.
- 3.64. The cleansing of bring sites currently has a core contract cost of £27k and additional ad hoc costs associated with the clearance of larger fly tips. There is therefore a direct saving from the removal of bring sites although careful management will be required as material will be dumped at the sites once the bins are removed. It is therefore proposed to remove the bring banks as soon as is reasonably practicable and before

the end of 2023 but maintain the cleansing requirements to the end of the current contract.

- 3.65. In North Herts 42% of residents indicated they were not aware of the textiles service despite recent promotion of the service on social media and in Outlook magazine. Over six times the number of residents indicated they donate textiles to charity rather than use our kerbside service. with 82.5% saying they had recycled their textiles via charity doorstep collections or charity shops.
- 3.66. Under the Extended Producer Responsibility changes it is expected that textiles producers will face requirements to make their products more sustainable. A number of brands are now offering reuse options and some stores are offering take back solutions too.
- 3.67. The recommendation therefore is to remove the textile bring bank and kerbside collection service in favour of more proactive support for charity textile banks and promotion of specific local charity shops which accept textiles and which will also accept textiles of poor quality for rags.
- 3.68. With additional promotional work it is expected that we can ensure that textiles are kept to a minimum in our residual waste stream and also ensure that a greater proportion of textiles in East and North Hertfordshire heads for reuse rather than industrial recycling.
- 3.69. NHC also operate kerbside battery collections where residents can place batteries out in a plastic bag on top of their recycling bin lid for collection. These material must be collected separately, both from a legislative point of view and also a health and safety point of view.

- 3.70. A small quantity of batteries end up in the mixed dry recycling as contamination. If struck or cracked open during collection or transfer station operations these can present a fire risk. Additional fire risks are associated with batteries exploding in extreme heat, such as we have experienced this year.
- 3.71. The quantity of batteries collected at the kerbside has been extremely low with only 0.9 tonnes being collected since the start of the contract in 2018. Sellers of batteries are required to provide collection locations and therefore every supermarket will have the facility to take batteries for recycling. It is therefore proposed to removed the kerbside collection of batteries from the NHC service at the same time a removing the textile collection service and promote alternative recycling points across the district.

#### Parish Litter Picking Grants

- 3.72. The EHC street cleansing service currently operates with a historical parish grants scheme which provides 25 parishes with a regular payment for either litter picking and/or litter bin emptying over and above the existing street cleansing contract. This grant does not operate in NHC.
- 3.73. In May 2021 EHC introduced a new grants policy and the current parish grants scheme falls outside of the requirements of this policy in a number of areas. A wholesale review was therefore required.
- 3.74. All streets covered by the litter picking grants are also included in the waste and street cleansing contract with all complaints coming direct to the Council for investigation and rectification. In essence this means that some parishes are benefiting from an enhanced standard of cleansing paid for by EHC where other parishes are not.

- 3.75. Some parishes empty litter bins under the parish grant and it is proposed to bring all litter bins situated on the street into the waste, recycling and street cleansing contract to ensure a consistency of approach across the districts. The client team will utilise WRAPs 'Right bin right place' guidance to determine the most appropriate location of litter bins across the district and will include existing street parish bins in plans for enhanced online reporting for residents. The net position for EHC is a saving of circa £36,900.
- 3.76. Once the grant ceases and from 1<sup>st</sup> April 2023 Contract officers will be inspecting the streets currently in parishes in the receipt of the grant to ensure that the standards of litter picking are achieved in accordance with the current contract.
- 3.77. The joint cross-party Members working group explored the current perceived strengths and weakness of the existing street cleansing service which predominantly operates on need based scheduling. Elements such as town centre cleansing and high-speed road cleansing were discussed.
- 3.78. The working group were clear that there should be a continuation of the continuous presence in town centres and expansion of the use of recycling litter bins with support for WRAPs 'right bin, right place' approach to the siting of litter bins. There was also a keenness for contract wording to be strengthened around liaison around grass cutting schedules.
- 3.79. The working group also endorsed the continuation of the 'Adopt An Area' scheme introduced in 2021 as a way for the local community to be supported in enhancing the streetscape and other non-council maintained areas of the district.

#### Mobilisation, Communication and Policy

- 3.80. During the Members workshops there was a clear steer to ensure that there is a simple customer journey for all

residents who wish to report street cleansing issues. Further work will be completed over the next year to work with the grounds teams from both authorities to ensure we can accurately provide an online reporting solution facilitated by the use of QR codes on bins.

- 3.81. Service change of this magnitude and type will require sufficient time and mobilisation resource to ensure a smooth transition to new services for residents. An extensive communications campaign will therefore be planned and residents currently in receipt of additional special services will be reviewed and informed of the change and impacts of the service changes. In particular, residents in receipt of additional capacity residual waste on medical grounds will continue to receive additional capacity suitable for their individual needs.
- 3.82. In order to support residents through the transition it is proposed to recruit, 2 FTE additional Contract Officers for a period of 6 months. The cost of additional officer resource is estimated to be £29,200 based on appointing at the bottom of the pay scale.
- 3.83. In the public consultation residents ranked an increase in communications more favourably than service changes like more recycling bins or extended residual waste frequency. This; coupled with the proposals for a major service change for both authorities means we are recommending the addition of a new 'Waste Awareness Officer' post to the client team from April 2024 to ensure adequate communication resource is available for the mobilisation and promotion of the service changes on an ongoing basis supporting waste minimisation, promotion at schools and face to face events. The annual cost of this additional post is circa £33,500 based on appointment at the bottom of the pay scale.

- 3.84. This post will have direct responsibility for providing content for web pages and social media channels. As well as providing service related content they will be responsible for running specific campaigns around waste minimisation and proactively undertaking targeted campaigns to increase the participation in our recycling services. This officer will also be expected to deliver school talks and attend events including events outside of normal office hours to promote waste minimisation and our services.
- 3.85. The policy statements surrounding the existing service have not been updated since prior to the start of the contract in 2018. These policies were reviewed as part of the work undertaken by the Joint Cross-Party Members Working Group and an updated version to support the current services in operation is proposed and provided in **Appendix 3**. This seeks to align some of the minor differences in policy and/or service operations now, prior to the contract change in 2025. This will facilitate the streamlining of processes in the back office.
- 3.86. A new proposed set of policies to support services in 2025 will be drafted following completion of our pre-engagement exercise. This will ensure that our policy proposals are considered practicable by providers and operational considerations have been taken into account when drafting the specification.

#### Garden Waste

- 3.87. It is expected that a new contract will mean that both Councils will have the same contract costs for the servicing of garden waste collections. During the joint cross-party Member working groups options for aligning the garden waste service were explored. Members agreed that we should seek to therefore have an aligned price for garden waste as we

currently do for bulky waste and commercial waste collections which have the same contract costs.

- 3.88. There is some difference between the authorities pricing at the current time and a future report will outline the options and the core benefits of an aligned charge. These include the potential for realigning the start date of the service to 1<sup>st</sup> April, which in turn would also introduce the possibility of operating the service with one online portal rather than two, which would have an overall cost saving to the service.
- 3.89. It is therefore recommended that the principle of aligning the charge for the two authorities is approved.
- 3.90. As previously mentioned, we are still waiting for the outcomes of the Resources and Waste Strategy consultation on consistency. One area where we may see a possible change is in relation to the ability for Councils to charge for garden waste.
- 3.91. Under the principles of 'New Burdens' it is anticipated that the government would face significant costs if they were to change the ability for local government to charge for this service. It is therefore recommended that we continue with our current chargeable garden waste service. Should the ability to charge be removed we will manage the implications of this at the time of announcement and bring forward recommendations in accordance with our constitutional requirements.

#### Mandate on Separate Fibre

- 3.92. The consultation outcomes on consistency may also require the separation of additional materials at the kerbside. Currently, councils are already required to separately collect paper/card, plastic, glass and metals when separate collection



is deemed necessary to ensure that the waste is recovered or recycled. This is subject to the separate collections being Technically, Environmentally and Economically Practicable (TEEP).

- 3.93. Our new service design will be subject to a TEEP assessment however based on previous TEEP assessments and a recent review of our separate paper collection service we do not consider it to be economically practicable to design our services with additional separation of material.
- 3.94. If however we are mandated to separately collect all 'fibre' materials (paper and cardboard), then it will be necessary to change our service design during our procurement exercise. We therefore propose to ensure bidders are clear on our plans in the event that this is mandated.
- 3.95. Options regarding the separate collection of fibre were discussed with Members at the join cross-party Members working groups and the outcomes can be found in **Appendix 1**.
- 3.96. At the current time officers consider it unlikely that we will be able to capture all paper and cardboard for recycling in the existing 'paper' box which has 45-55l capacity. Data from our waste compositional analysis, our existing tonnage capture and data from the waste compositional analysis of Hertfordshire authorities who collect paper and cardboard in a box shows that our 'bin and box' collection currently captures significantly more tonnage than 'box' only collections for paper and card. Providing an additional bin may therefore be necessary for the majority of households.
- 3.97. The provision of an additional bin would significantly increase the capacity at each household and therefore, this, combined with the knowledge that there are plans for a Deposit Return

Scheme to be introduced; which will remove material from the kerbside stream, mean the current recommendation if separate fibre is mandated, would be for a three-weekly collection of a 'fibre' (paper and cardboard) bin and a three weekly collection of a 'containers' (cans/tins, glass, plastic bottles pots tubs and trays) bin, alongside the three-weekly collection of residual waste.

- 3.98. An expansion of a three-weekly cycle for all bins (except food and garden) will help to mitigate the costs of an additional service as well as minimising the additional carbon impacts of the introduction of a new service.
- 3.99. A more detailed summary of this proposal is provided in **Appendix 7**. In the event of a mandate for separated fibre, further work will be undertaken with bidders to determine whether a hybrid approach to receptacles can be considered for paper and cardboard. For example, this might mean that smaller terraced houses with less storage space continue with collections using a box, but that larger semi-detached or detached houses with more storage space are provided with bins, with the expectation that smaller houses will also often produce less waste than larger houses, which may have higher occupancy.
- 3.100. The introduction of an additional bin would enable EHC to make a whole scale change to 180L residual waste bins. In EHC a new purple lidded residual waste bin would be provided. The existing grey/black bin would become the 'containers' bin and the blue lidded bin in EHC would become the fibre bin. For NHC a new blue lidded fibre bin would be procured. **Appendix 5** shows details of the proposed bin colours.
- 3.101. Any further decision regarding necessary service design changes will be presented to project board for agreement and subject to any further constitutional requirements. At this

stage it is recommended that Executive/Cabinet agree to the principle of a three- weekly cycle for a 'fibre' bin and 'containers' bins to provide an early indication to bidders of what an alternative plan may look like.

- 3.102. The new legislation resulting from the Resources and Waste Strategy on consistency is expected to require providers of commercial waste collection services to offer recycling solutions consistent with those offered to residents. It is therefore proposed to expand food and garden waste services to the business community, in particular offering services to rural SMEs where the private sector often make waste and recycling collections more costly.
- 3.103. The existing client team currently administers commercial waste and recycling on behalf of each authority but does not have the resources necessary to expand the services and market to new businesses. It is therefore proposed to recruit a new 0.5 FTE Commercial Waste Officer who will be directly responsible for increasing the commercial waste customer based and delivering new customers for new commercial food and garden waste collection services. It is also expected that this resource will provide sufficient capacity within the team to increase the customer base of other commercial waste and recycling services. The cost of this resource is anticipated to be £14,600 based on appointing at the bottom of the pay scale.
- 3.104. It is also proposed to introduce commercial clinical waste customers to the North Herts area. These services are predominantly provided to beauty salons or tattoo shops.
- 3.105. A cost benefit analysis has been undertaken which demonstrates this post should be fully self-funding with an estimated net surplus being generated circa £14k for each authority.

3.106. The mobilisation of a new contract is a critical period for securing the ongoing success of a contract. It is an opportunity to communicate with residents on a mass scale provide support and reassurance and it's an opportunity to ensure the systems, processes and data are all accurate set up and tested for a seamless transition.

3.107. The reality of mobilisation is that there will be some inevitable service disruption. Our priority is therefore to keep this disruption to a minimum by ensuring a sufficient lead time into the new contract. This is particularly important for vehicle purchasing, with many vehicles required for our services having lead times of over 12 months.

3.108. **Appendix 8** shows our current planned timeline and anticipates contract award in advance of May 2024.

3.109. Summary of estimated budgetary impacts for EHC:

	<b>2023/24*</b>	<b>2024/25*</b>	<b>2025/26*</b>	<b>2026/27*</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Mobilisation costs	0	0	15	0
Communications Campaign	-10	20	20	-10
Separate Food Waste Collections	0	0	1,581	1,447
Three Weekly Residual Waste	0	0	-277	-277
Alignment of bin colours	-5	-5	-5	-5
Inclusion of plastic film -TBC	0	0	0	0
Removal of Bring Banks/ Paper/ Textiles	0	-40	-43	-43
Cessation of Parish Grants	-37	-37	-37	-37
Expansion of Commercial Waste Services	0	5	-14	-14
Waste Awareness Officer	0	10	20	20
<b>Net budget impact</b>	<b>-51</b>	<b>-47</b>	<b>1,260</b>	<b>1,081</b>

Notes -

\*- Does not include inflationary pressures.

EHC - one off costs for bin delivery and mobilisation included in 2025/26 - total £178k

EHC - bin cost for expansion of commercial waste included in Revenue budget £4.9k

EHC - cost of purchasing Bins £400k - Not included in figures above

EHC - contract costs at current prices no inflation applied

EHC - removal of bring banks cost of £3k in 2024/25

#### **4.0 Alternative Options**

- 4.1. A contract extension for a further seven years was considered, however given the Councils aspirations for environmentally and financially sustainable services and the anticipated changes required by the governments Resources and Waste Strategy this was not considered appropriate.
- 4.2. A procurement in line with the existing service specification was considered, however given the Councils aspirations for environmentally and financially sustainable services and the anticipated changes required by the government's Resources and Waste Strategy this was not considered appropriate. The current service with the adoption of mandated pressures (without implementation of three weekly collections) will place a further burden on budgets of circa £270k.

#### **5.0 Risks**

- 5.1 There is a risk that the outcomes from the governments Resources and Waste Strategy are not in line with our service design. We anticipate that these risks can be mitigated through a competitive dialogue process and subject to any

constitutional requirements will be considered by the joint project board if required.

- 5.2 There is a risk that central government will mandate a requirement for fortnightly residual waste collections as a minimum. It is hoped that any need for fortnightly residual waste collections can be mitigated by supporting policies which can effectively manage the additional needs of some residents. This includes additional frequency collections of residual waste for those residents who require additional capacity for waste such as incontinence waste or nappy waste. The practicalities of this policy decision will be discussed as part of pre-market engagement with bidders.
- 5.3 There is a risk that the government will mandate the separation of more material at the kerbside. It is our expectation that the most likely material would be fibre (paper and cardboard) and therefore we have explored options around the full separation of this material with members at the joint cross-party working group. The provisional recommendation in this instance being described in 3.92 to 3.101.
- 5.4 There is a risk that if services are not aligned that the contract is not considered favourable by the market. This is mitigated by proposing service changes which bring the most alignment for both authorities.
- 5.5 There is a risk that the contract costs are significantly higher than anticipated at tendering because of providers being exposed to more operation risks over recent years and high inflation.
- 5.6 There is a risk that carbon savings and cost mitigation are not considered sufficiently reasonable reasons by the public for a major service change and that this creates a negative public

reaction. This is mitigated for by the creation of a new Waste Awareness role, and extensive communications plan and temporary additional Contract Officers who will support the transition for residents.

- 5.7 There is a risk that a minority of residents choose to fly tip or use illegal waste disposal options when struggling to manage their waste collections. This will be mitigated with supportive policies for those with genuine additional needs.
- 5.7 There is a risk that the proposed services do not adequately mitigate the carbon impacts of the Councils operations and that additional carbon saving initiatives are required. This is being mitigated by early pre-engagement conversations with the market to consider all carbon saving options for the contract.

## **6.0 Implications/Consultations**

- 6.1. In some areas, legislation (or statutory guidance) expressly imposes a duty on a public authority to engage in some form of consultation before taking a particular decision or exercising a particular function. Statutory provisions exist in the areas of:
  - a. Health
  - b. Environment
  - c. Equality
- 6.2. Even where there is no express duty to consult, the courts may imply a duty to consult as part of a public authority's general duty to act fairly, for example if nature and impact of the decision may mean that fairness requires it.
- 6.3. The doctrine of legitimate expectation (common law) is rapidly becoming the most important aspect of the law of

consultation. It is now seen as common law, whereby the courts recognise consultees' rights to expect a fair process which incorporates guidance and management promises.

- 6.4. A public consultation was carried out between 22<sup>nd</sup> July 2022 and 22<sup>nd</sup> August 2022. The results of the consultation can be found in **Appendix 2**.
- 6.5. A joint cross-party working group was established under the recommendations of a report presented to Cabinet/Executive on 22<sup>nd</sup> March 2022 and 19<sup>th</sup> April respectively. The terms of reference for the working group can be found in **Appendix 1**. Elected Members attended a series of workshops over two months looking at all aspects of the service design.
- 6.6. The working group supported the recommendations for transitioning EHC to 180L residual waste bins and supported a three weekly collection cycle for residual waste for houses. The outcomes and full details of the recommendations from the working group can be found in **Appendix 1**.
- 6.7. A series of walkabouts were held in the major towns and ward councillors were invited to meet officers and contractor staff to discuss the current needs and/or improvements in relation to street cleansing. Only minor contractual non-conformities were identified and no major changes to existing working practices were identified.
- 6.8. Invitations were sent to all Parish Councils to attend online meetings with officers from the shared waste service. A summary of comments from Parish Councils will be presented in **Appendix 9** to Executive/Cabinet.
- 6.9. Officers from the Hertfordshire Waste Partnership were informed of our proposed service changes and a specific request was made to Hertfordshire County Council, we await



their comments and anticipate a response in time for Executive and Cabinet meetings.

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

Yes – See attached Equalities Impact Assessment in **Appendix 11**

### **Environmental Sustainability**

Yes – This report contains both positive and negative environmental impacts.

There is a negative carbon impact from the introduction of separate weekly food waste collections however this is a mandated change and therefore we can only attempt to mitigate the carbon impact. Work will be undertaken during the procurement process with bidders to determine options around carbon mitigation. It is possible however that this may increase the carbon footprint by 130 tonnes per annum.

The extended frequency residual waste collection change will however mitigate this impact. The expected carbon saving from this change is 60 tonnes per annum.

Removing food waste from the residual waste stream will however have a positive carbon impact. It is estimated using the governments conversion factors that treatment by EfW (Energy from Waste) results in 21.3kg CO<sub>2</sub>e per tonne or 626.9kg CO<sub>2</sub>e when landfilled. Whereas treatment by anaerobic digestion or composting produces 8.9 kg CO<sub>2</sub>e and therefore can result in a minimum net saving of 12.3kg CO<sub>2</sub>e per tonne. Based on 79 kg per household (based on capture rates from 21/22 NHC data) this could see a district wide

carbon saving linked to disposal of approximately 65 tonnes of CO<sub>2</sub>e. Mitigating in part the negative fleet impact. There are a number of differing sources for conversion factors. Utilising the WRAP conversion factors indicates district wide carbon savings could be 216 tonnes of CO<sub>2</sub>e based on disposal by anaerobic digestion and a net saving of 41kg CO<sub>2</sub>e per tonne of food waste.

Furthermore, the extended frequency residual waste collections will shift the behaviour of some residents resulting in increased capture rates for recycling and composting in general which will in turn have a positive impact on the councils sustainability objectives.

### **Financial**

Yes – When the Council set its budget it assumed contract inflation of 4% in 2022/23 and 2.5% in the years after that. Actual contract inflation in 2022/23 will be £294k more than budget and with an estimated contract inflation of 18% next year will be a further spending pressure of £568k. These figures will add immediately to the savings totals the council has to make to balance its budget. Additionally, if council employee pay is settled at the national employer's offer to staff then this will add a further £312k corporate budget pressure in 2022/23 and in future years.

In the council's medium term financial plan a £1million increase is factored in to the waste budget from 2024/25 but inflation will erode this by at least £862k before new requirements of the government's mandated waste strategy are delivered. The proposed design of waste services is anticipated to lead to new pressures of circa £1.3 million as the amount set aside for the new contract will have been eroded by inflation.

The net effect of inflationary pressures on the total amount of savings the council will need to find over the next 5 years is to increase the target figure to find from £1.6 million to £3.1 million. This is in addition to the £5.054 million in savings already

built into the budget. This means that Members will face further hard decisions in order to balance the budget.

Section 3 provides indications of the financial impact of the decisions that Cabinet/ Executive are being asked to make. For amounts that relate to items that will be contained within the new contract, these are best estimates from knowledge of pricing of the current contract. The actual impact of these will be determined by bids for the new contract, and it may never be possible to determine the exact impact of any particular decision. The amounts quoted do give an indication as to whether a decision will lead to an increase or decrease in cost, and the expected scale of that change.

Some of the costs mentioned will be a split between revenue and capital costs. Savings from moving to three-weekly residual collections could be a combination of revenue and capital costs, although the majority will be revenue savings. This is dependant on how the Council treats the vehicles that are used to deliver the waste contract and whether they are considered the Council's capital assets as a result of Capital purchasing.

The Medium-Term Financial Plan sets out the financial outlook for the Council, and the likely actions that will need to be taken to achieve a balanced budget. This highlights the significant financial uncertainty in relation to a new waste contract, the Government's upcoming waste strategy and any potential new burdens funding that may be attached to mandated service change. For the future financial sustainability of the Council it is important that available actions are taken to keep down the costs of the new contract.

### **Health and Safety**

No

### **Human Resources**

Yes – additional pressure will be put on the joint client team to manage the current services whilst procuring then mobilising a new

contract. The procurement exercise is being supported by Procurement Officers at NHC and Stevenage Borough Council who operate a shared service with EHC.

A part time project management resource is being employed to assist in the management of project documents and to facilitate internal conversations between the two authorities surrounding the procurement.

A specialist waste consultant will support on our pre-engagement exercise and provide due diligence throughout the procurement process.

Legal support will be provided by an external legal consultant. During mobilisation it is proposed to employ 2 x additional customer service advisors for 4 months at a cost of £16,900 and 2 x Contract officers for 6 months at a cost of £29,200 to support residents through the transition to new services.

A permanent full-time 'Waste Awareness' resource is proposed at a cost of £33,500 to support a robust communications campaign for the service and continue to provide proactive engagement with residents across the districts on waste minimisation and recycling.

A permanent 0.5 FTE resource is proposed at a cost of £14,600 to deliver new commercial waste services for food and garden waste to businesses across the districts and increase take up of commercial waste services in particular recycling services.

All costs are based on current staff costs at the bottom of the pay band.

### **Human Rights**

No

## **Legal**

Yes – The Executive has authority to decide to proceed with a Competitive Dialogue procurement for the waste and recycling collection and street cleansing contract.

As highlighted in the report, there are several aspects of the proposals that are dependent on the outcome of the government's consultations on its Resources and Waste Strategy, and any subsequent policy or legislative updates that may be forthcoming thereafter. This is particularly pertinent with regards three-weekly collections, the separate collection of fibre and the ability to charge for garden waste. Should the government mandate something that is contrary to the current recommendations then it will be necessary for the Councils to adhere to those requirements at that time.

The current contract allows for an extension of seven years; however, it is likely that the variations that would be required as a result of the government's Resources and Waste Strategy as well as the Councils' commitment to reaching Carbon net zero by 2030 would fall outside the remit of permissible modifications under The Public Contracts Regulations 2015, it is therefore not recommended that an extension be sought under the terms of the current deal.

## **Specific Wards**

No

### **7.0 Background papers, appendices and other relevant material**

**Appendix 1** – Terms of Reference and Recommendations from joint cross-party working group

**Appendix 2** – Outcomes from the public consultation

**Appendix 3** – Proposed Current Service Policy Statements

**Appendix 4** – Aims and Principles of the Shared Service.

**Appendix 5** – Proposed Bin Colours

**Appendix 6** – List of Councils operating 3 or 4 weekly residual waste collection cycles

**Appendix 7** – Summary of separate fibre collection service

**Appendix 8** – Procurement Timeline

**Appendix 9** – EHC Parish Council comments - TBC

**Appendix 10** – Hertfordshire County Council comments

**Appendix 11** – Equalities Impact Assessment

**Appendix 12** – Recommendations and Comments from  
Overview and Scrutiny Committee

[Food production emissions make up more than a third of  
global total | New Scientist](#)

[UNEP Food Waste Index Report 2021 | UNEP - UN  
Environment Programme](#)

[The impact of food waste collections on household food waste  
arisings | WRAP](#)

[UK and England's carbon footprint to 2019 - GOV.UK  
\(www.gov.uk\)](#)

[Technical report templates \(wrap.org.uk\)](#) – Carbon conversion  
factors

[WRAP-Right bin in the Right Place Final.pdf](#)

[Extended Frequency Residual Waste Collections \(ricardo.com\)](#)

### **Contact Member**

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**Report Author**

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01462 474304. [chloe.hipwood@north-herts.gov.uk](mailto:chloe.hipwood@north-herts.gov.uk)

## **Terms of Reference – Waste Cross Party Joint Working Group**

1. Identify the core aims and priorities in terms of service performance, identifying our current performance levels and how these are benchmarked, considering the long-term objectives of both Councils.
2. Consider the impending changes to legislation, including environmental and financial pressures. Reviewing the current service design in relation to these factors.
3. Identify best practice and where opportunities may exist to transition towards best practice where this is both financially and environmentally sustainable.
4. Seek to achieve consensus and greater consistency of services endeavouring to benefit from greater stability and efficiencies from a common contract.
5. Identify opportunities for financial efficiencies and cost reduction in service design and delivery.
6. Consider and identify the optimal long term service design options for the Councils and how these will deliver the Councils objectives and aims and principles of the shared service.
7. Specifically, the working group will focus on:
  - a. Customer Services
  - b. Street Cleansing Non-Core Services
  - c. Street Cleansing Core Services
  - d. Waste and Recycling Non-Core Services e.g. textiles collections
  - e. Waste and Recycling Core Services
  - f. Chargeable Garden Waste Collections
  - g. Chargeable Waste and Recycling Services



## **Recommendations from the joint cross-party working group on waste**

Workshops were held with members from both East Herts Council and North Herts Council from 24<sup>th</sup> June to 24<sup>th</sup> August. These workshops focused on the recommendations for the waste and street cleansing service design from 2025. Detailed minutes were taken at the time and this document provides a short summary of the key outcomes and recommendations.

Information presented to the workshops pertinent to any recommendations for Executive/Cabinet will be provided in the Executive/Cabinet report, information or figures may be updated to reflect any new information available.

The term 'consensus' is used where all Members were in agreement. The term 'majority' is used where a consensus was not agreed but only one or two Members did not.

The term 'no agreement' is used where opinion was split by three or more Members or where members did not agree to an option. Where there is a clear preference by one authority only this is also noted.

### **Workshop 1 - Scene Setting**

The first workshop provided an overview of current services, performance, aims and principles and the financial position of the Council and contract as well as identifying needs and options regarding our carbon impacts.

- No specific service change options were discussed .
- Consensus for the service to explore Zero or Ultra Low Emission Vehicles (ULEVs) where practicable and seek further information during soft market testing.
- Consensus on a need to ensure a slick customer journey with improved online offering.

- Early indication of a willingness for aligned services
- EHC Members were keen to see an improvement in recycling performance.

### Workshop 2 – Customer Services

The workshop explored the pros and cons regarding in-house and out-sourced customer service models. It identified aspirations for the future provision of services and channel shift.

- Consensus that residents should experience a ‘great’ standard of customer service.
- Consensus that the focus should be in reducing the number of calls coming in
- Consensus that the customer journey should be simple and effective with supporting SLAs for contact handling
- Majority for in- house customer service provision – provided that the cost differences are not hugely different and therefore prohibitive.
- Majority for a joint customer service provision – subject to a future cost benefit report
- Consensus for more proactive service led communications not just service information.
- Consensus for all contacts which could be fully managed online to have a route to do online.
- Consensus on a joint comms plan for waste services
- Request to explore viability of comms lead authority for waste
- No agreement for the Contractor to lead on comms
- Consensus felt a ‘waste awareness’ officer would be beneficial to the service.

### Workshop 3 – Street Cleansing

This workshop explored the strengths and weaknesses of the current service provision and explored options for change.

- Consensus support for continuation of 'continuous presence' requirement in town centres.
- Consensus felt there was confusion relating to reporting of litter bin issues due to multiple ownership
- Consensus support for current project asset mapping streets and parks bins with use of QR codes for reporting.
- Consensus support for asset mapping of 'non-council' litter bins and Council to act as a reporting conduit.
- Consensus for WRAPs 'right bin, right place' approach to the siting of litter bins.
- Majority felt that more comms should be done on what we expect of residents
- Consensus for replacing some litter bins for dual litter and recycling bins
- Request that viability of combining litter bin management for all bins in the district come under one contract, be explored.
- Consensus for more joined up working to prevent grass cutting before litter picking

#### Workshop 4 - Waste and Recycling

This workshop explored a number of options surrounding service change. This included continuing with similar services through to four weekly residual waste collections. Identifying future necessary changes as a result of the governments resources and waste strategy such as separate food waste collections as well as discussing options surrounding future potential outcomes from the government consultation on consistency.

- Consensus for the same specification across the contract for both authorities
- Consensus for introduction of separate food waste for EHC in line with the current NHC service
- Consensus for an alignment of bin sizes, meaning a transition to a 180l residual waste bin in EHC through the natural replacement cycle.

- Consensus for an earlier start time of 6am during the summer
- Consensus for an optional earlier start time of 6am all year
- Consensus on soft plastics collections for 2025 in advance of potential 2027 mandate
- Consensus on three weekly residual waste collections
- Majority wanted supportive policies for households with additional needs during the transition.
- Majority would like to explore a transition to four weekly residual waste collections mid contract – further information to be provided at conclusions workshop
- Consensus that the preferred option if fibre is mandated to be kept separate is for three weekly fibre (paper and cardboard) , three weekly containers (plastic and cans) and three weekly residual waste with fortnightly chargeable garden waste and weekly food waste.

### Workshop 5 – Non-Core Services

This workshop looked at the non-statutory elements of the services for both street cleansing and waste collections. Looking at the pros and cons of continuing with the existing non-statutory service provision.

- EHC Member consensus to cease the provision of paper bring banks
- EHC Member consensus to cease the provision of textile bring banks provided there is supportive comms for the charity sector.
- NHC Member consensus to cease kerbside textile collections provided there is supportive comms for the charity sector.
- Consensus that 5L kitchen caddies not provided as part of standard 'bin set' to all households.
- Consensus that 5L caddies be provided on request only via events etc. but not replaced as standard.
- Consensus a 'waste awareness' officer post would be beneficial to the service and contractor.

- Consensus on bin colours – purple lidded for residual waste, blue lidded for mixed dry recycling and brown lidded for garden waste.
- Consensus on ‘fibre’ separate bin colours - purple lidded for residual waste (new 180L purple lidded provided in EHC), existing grey/black bin for mixed dry recycling (formally residual waste bin in EHC), blue lidded for paper and cardboard (New for NHC residents – existing mixed dry recycling bin for EHC) and brown lidded for garden waste.
- No agreement from NHC Members on the removal of the leaf fall clearance service.
- Consensus for officers to explore out of contract options for setting up market stalls and salt bins
- Consensus to continue with ‘Adopt an Area’ scheme
- Majority of EHC members agreed to remove parish litter picking grants and bring parish street litter bins back into the contract.
- Consensus to agree to policy alignment where there are current minor differences. – updates will be provided as part of the Cabinet and Executive report.
- Consensus to remove policy 19 – relating to bin stickers

### Workshop 6 – Chargeable Services

This workshop explored options regarding the chargeable services offered by both Councils and reviewed the differences between them. The workshop also looked at the pros and cons of an expansion of commercial waste services to include food waste and garden waste.

- Consensus to align the standard garden waste charge from 2025 based on future contract costs being the same.
- Consensus from NHC members that options need to be explored to manage the potentially big hit in 2025 when contract rise.

- Consensus to consider an aligned start date of 1<sup>st</sup> April if price is aligned
- Consensus from NHC members to keep a concession, EHC Members wish to ensure that concessions are not subsidised by other service users and therefore this should be a NHC funded element.
- Consensus that there should be an agreed mechanism for future uplifts when there is a shared price.
- Consensus that a solution should be found for online self-serve for bulky waste collections
- Some support for small WEEE as an 'add on' item to bulky service
- Consensus that commercial clinical should be provided in both districts on the assumption that it's no significant additional burden
- Consensus the domestic clinical should not be charged
- Consensus for the introduction of commercial food waste services subject to resources being available to administer new services.
- Consensus support a part time commercial waste post to support marketing of services and introduction of new services – subject to cost – benefit analysis
- Majority support a limitation of event cleansing and bin emptying offering. – income and costs to be provided at conclusions workshop

# Waste Public Consultation Results

The survey for East and North Herts commenced on the 22nd July and ended on the 22nd August 2022. Both councils shared the details of the consultation via social media channels, via councillors and by notifying local parishes. Below is a summary of the questions asked and the responses. Where applicable connections have been made by linking respondents' answers to various questions.

## Survey response totals

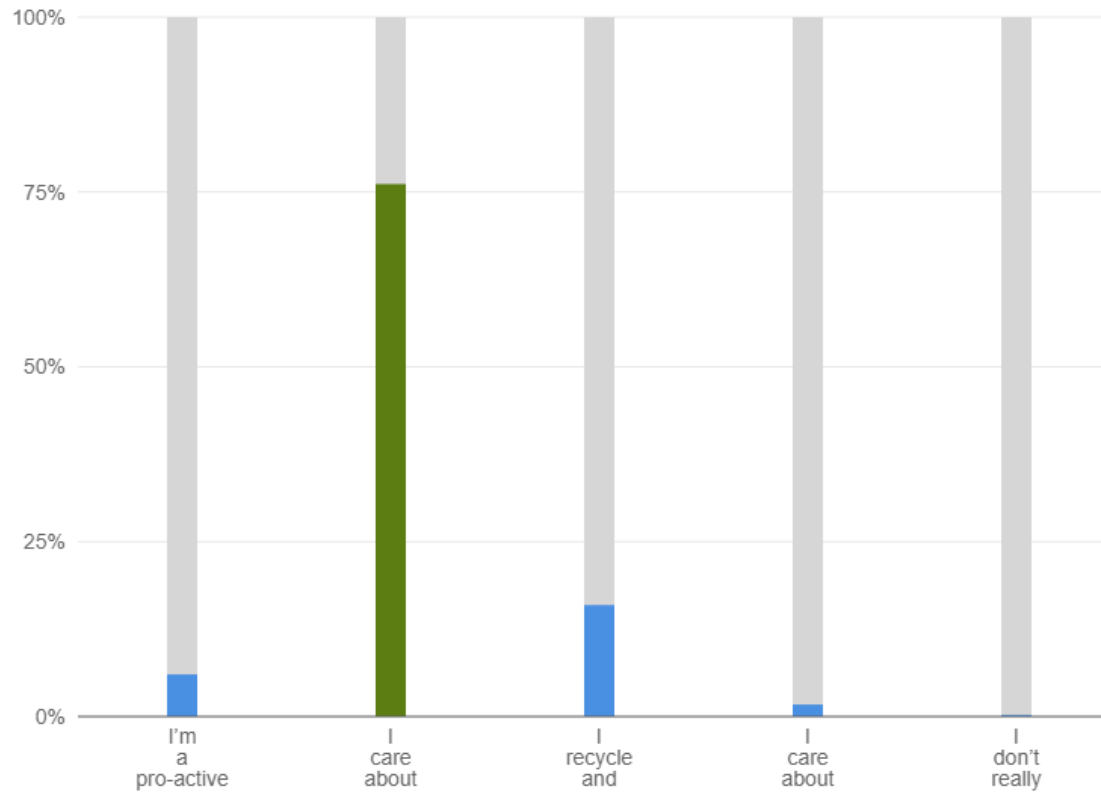
- Started: 4,082
- Completed: 3,396
- Questions Answered: 85,665
- Completion Rate: 83%

## 1. Which district are you a resident of (who do you pay your Council tax to)

Answer Option	%
North Herts Council (Hitchin, Letchworth, Baldock, Royston and surrounding areas)	60.17
East Herts Council (Buntingford, Bishop's Stortford, Ware, Hertford and surrounding areas)	39.83

## 2. How would you describe your thoughts on the environment?

Answer Option	%
I'm a pro-active environmentalist	6.02
I care about the environment and climate change and do my bit	76.11
I recycle and don't drop litter but don't think much more about the environment and climate change	15.92
I care about the environment but don't feel like I know where to start with making changes	1.71
I don't really care about the environment and climate change	0.24



### 3.What type of property do you live in?

Answer Option	%
House/Bungalow without a garden	2.1
House/Bungalow with garden	93.48
Flat/Maisonette without a garden	2.6
Flat/Maisonette with a garden	1.63
Other e.g. sheltered accommodation	0.18



#### 4.How full are your bins and boxes on the average collection week? North Herts

Please tick which answers most apply to you

Answer Option	Full/overflowing %	¾ full %	½ full %	¼ full %	Empty %	I don't have one %
Refuse - purple bin	18.52	28.83	27.89	21.51	0.8	2.45
Recycling - black bin	48.51	33.26	12.66	3.74	0.04	1.78
Paper box	7.64	16.04	25.29	31.72	5.75	13.57
Food waste caddy	16.02	25.41	24.03	16.06	9.66	8.81
Brown Bin	32.25	25.81	17.53	7.02	2.15	15.25
I have a sack collection	0.18	0.06	0.12	0.24	0.06	99.33
Shared refuse bin	2.4	0.99	0.42	0	0.14	96.04
Shared paper bin	1.28	0.57	0.99	0.85	0.28	96.03
Shared recycling bin	3.11	0.57	0.42	0	0.14	95.76

#### 4.How full are your bins and boxes on the average collection week? East Herts

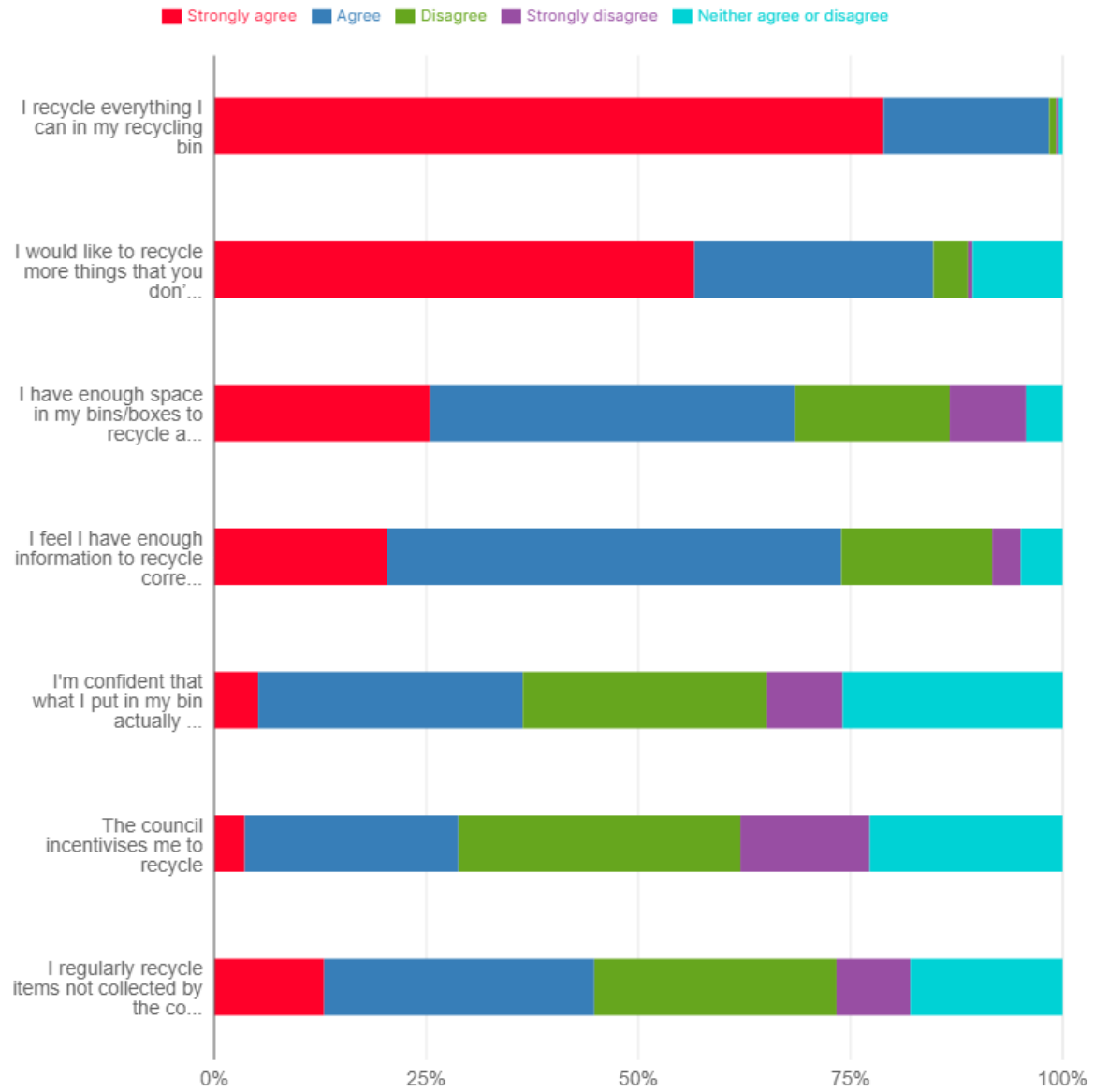
Please tick which answers most apply to you

Answer Option	Full/overflowing %	¾ full %	½ full %	¼ full %	Empty %	I don't have one %
Refuse - black bin	25.72	27.13	24.65	20.28	0.67	1.54
Recycling - blue lidded bin	60.9	24.28	10.46	2.68	0	1.68
Paper box	14.22	17.21	22.31	19.12	2.38	24.76
Brown Bin	30.93	24.48	14.32	7.6	1.48	21.18
I have a sack collection	1.5	0.4	0.2	0.6	0.1	97.2
Shared recycling bin	2.06	0.59	0.29	0	0.29	96.76
Shared paper bin	0.59	0.88	0.29	1.18	0	97.06
Shared refuse bin	2.92	0.29	0.58	0	0	96.2

## 5. We want to understand your recycling habits

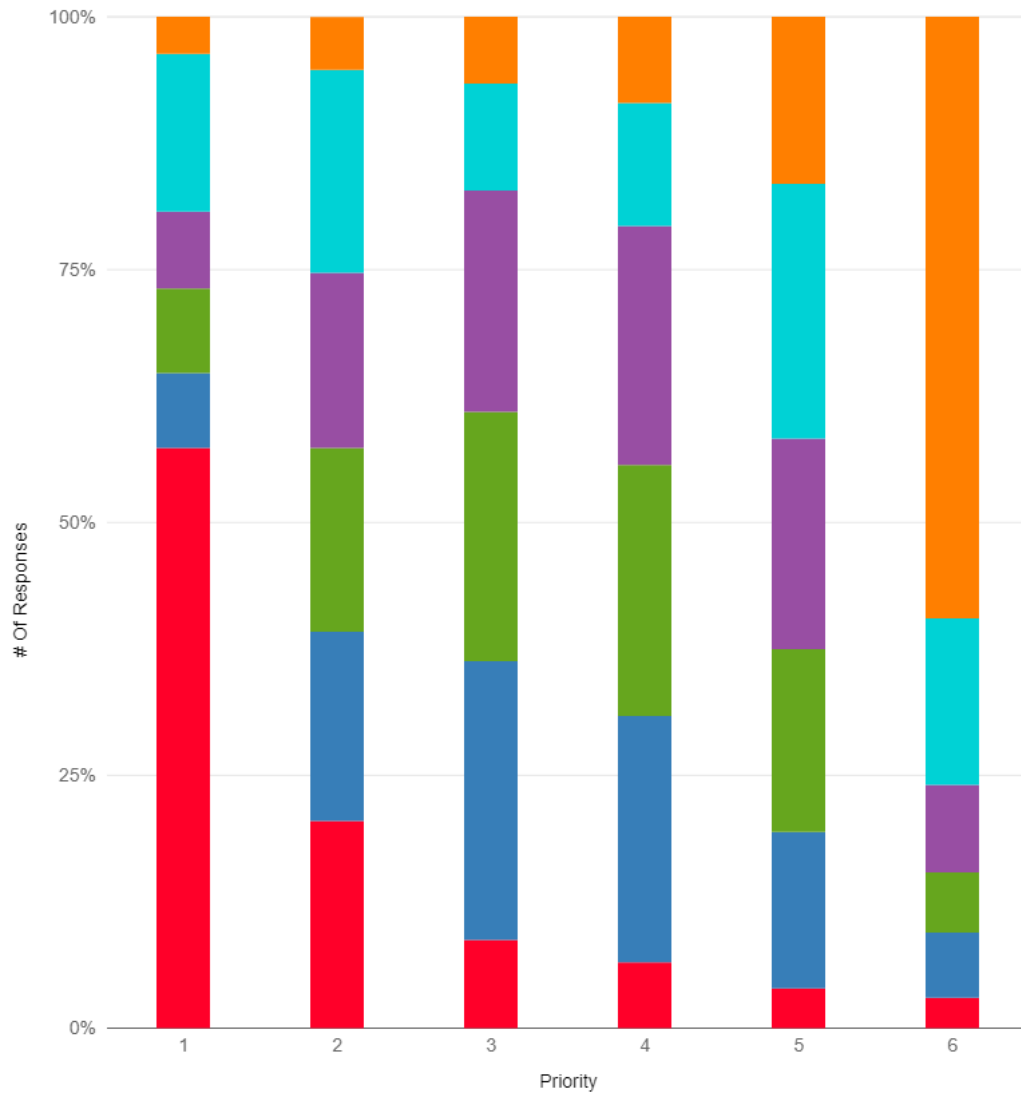
Please indicate how you feel about the following statements

Answer Option	Strongly agree %	Agree %	Disagree %	Strongly disagree %	Neither agree or disagree %
I recycle everything I can in my recycling bin	78.9	19.52	0.82	0.31	0.45
I would like to recycle more things that you don't currently collect	56.61	28.16	4.06	0.57	10.61
I have enough space in my bins/boxes to recycle all items	25.46	42.97	18.26	8.98	4.33
I feel I have enough information to recycle correctly	20.34	53.58	17.78	3.36	4.94
I'm confident that what I put in my bin actually gets recycled	5.18	31.2	28.78	8.92	25.94
The council incentivises me to recycle	3.6	25.2	33.22	15.25	22.73
I regularly recycle items not collected by the council in other recycling schemes e.g. Terracycle.	12.95	31.86	28.53	8.71	17.95



**6. What would encourage you to recycle more? Please order these statements in priority order, 1 being most important and 6 being the least important.**

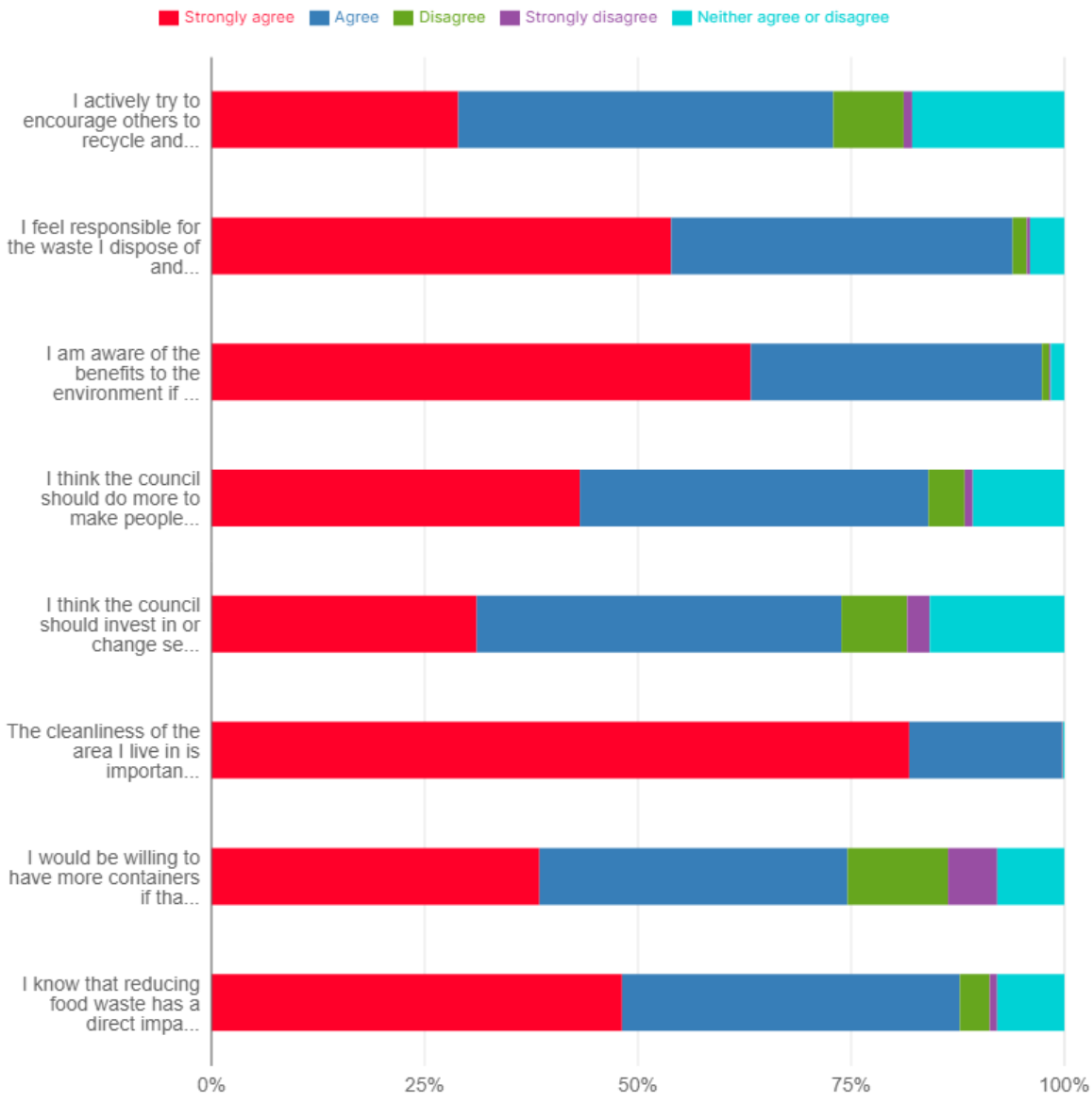
<b>Answer Option</b>	<b>1st %</b>	<b>2nd %</b>	<b>3rd %</b>	<b>4th %</b>	<b>5th %</b>	<b>6th %</b>	<b>Score</b>
The addition of more items that can be recycled by the council eg plastic film	57.37	20.48	8.71	6.5	3.93	3.01	1.88
More information on the council's website and social media about what can be recycled	7.42	18.72	27.59	24.36	15.46	6.45	3.41
More information on the council's website and social media about where my recycling goes	8.34	18.16	24.64	24.83	18.08	5.94	3.44
More information in email newsletters about what can be recycled	7.62	17.35	21.9	23.63	20.84	8.65	3.59
Larger or more recycling containers	15.6	20.06	10.55	12.17	25.17	16.46	3.61
If my refuse (non-recyclables) were collected less frequently	3.66	5.22	6.61	8.51	16.52	59.49	5.07



- The addition of more items that can be recycled by the council eg plastic film
- More information on the council's website and social media about what can be recycled
- More information on the council's website and social media about where my recycling goes
- More information in email newsletters about what can be recycled
- Larger or more recycling containers
- If my refuse (non-recyclables) were collected less frequently

### 7. Please tick to indicate how much you agree with the following statements

Answer Option	Strongly agree %	Agree %	Disagree %	Strongly disagree %	Neither agree or disagree %
I actively try to encourage others to recycle and reduce their waste	28.94	43.97	8.25	1	17.84
I feel responsible for the waste I dispose of and care where it goes	53.9	40.04	1.65	0.4	4.01
I am aware of the benefits to the environment if I recycle and reduce my waste	63.24	34.14	0.83	0.2	1.59
I think the council should do more to make people recycle more and reduce waste	43.19	40.88	4.24	0.97	10.73
I think the council should invest in or change services to reduce their carbon footprint e.g. electric or ultra-low emission vehicles where possible (I understand this could cost more)	31.1	42.76	7.71	2.65	15.79
The cleanliness of the area I live in is important to me	81.82	17.89	0.03	0.09	0.17
I would be willing to have more containers if that meant I could recycle more material types	38.46	36.12	11.78	5.78	7.86
I know that reducing food waste has a direct impact on climate change	48.14	39.61	3.5	0.88	7.88



### 8. Please tick all the statements that apply to you “regarding paper recycling”

Answer Option	%
I recycle all of my paper separately via my paper box	50.73
I recycle most of my paper via my paper box	16.75
I use recycling banks for my paper (East Herts only)	2.26
I don't use my paper box and include my paper with my other recyclables	7.08
I don't recycle paper	1.66
I don't have a paper box	8.52
I don't have a paper box but would like one.	7.62
I don't have space for a paper box	1.75
I don't want to recycle paper separately	2.04
I don't produce any paper	1.58

### 9. Bagged textiles (North Herts)

Please tick all statements that apply

Answer Option	%
I have used the council's textile collection service within the last 12 months	9.63
I have used the council's textile collection service within the last 3 months	4.54
I dispose of my textiles via my purple bin	2.95
I was not aware of the textile collection service	21.71
I recycle my textiles via collection banks	15.7
I recycle my textiles via charity doorstep collections	14.69
I recycle my textiles via charity shops	27.86
Other (please specify)	2.92



## 9.Textiles - East Herts

Please tick all statements that apply

Answer Option	%
I have used the councils textile banks to recycle my textiles in the last 12 months	19.2
I have used the councils textile banks to recycle my textiles in the last 3 months	7.95
I dispose of my textiles via my black bin	8.23
I recycle my textiles via other textile banks	11.21
I recycle my textiles via charity doorstep collections	13.6
I recycle my textiles via charity shops	36.86
Other (please specify)	2.94

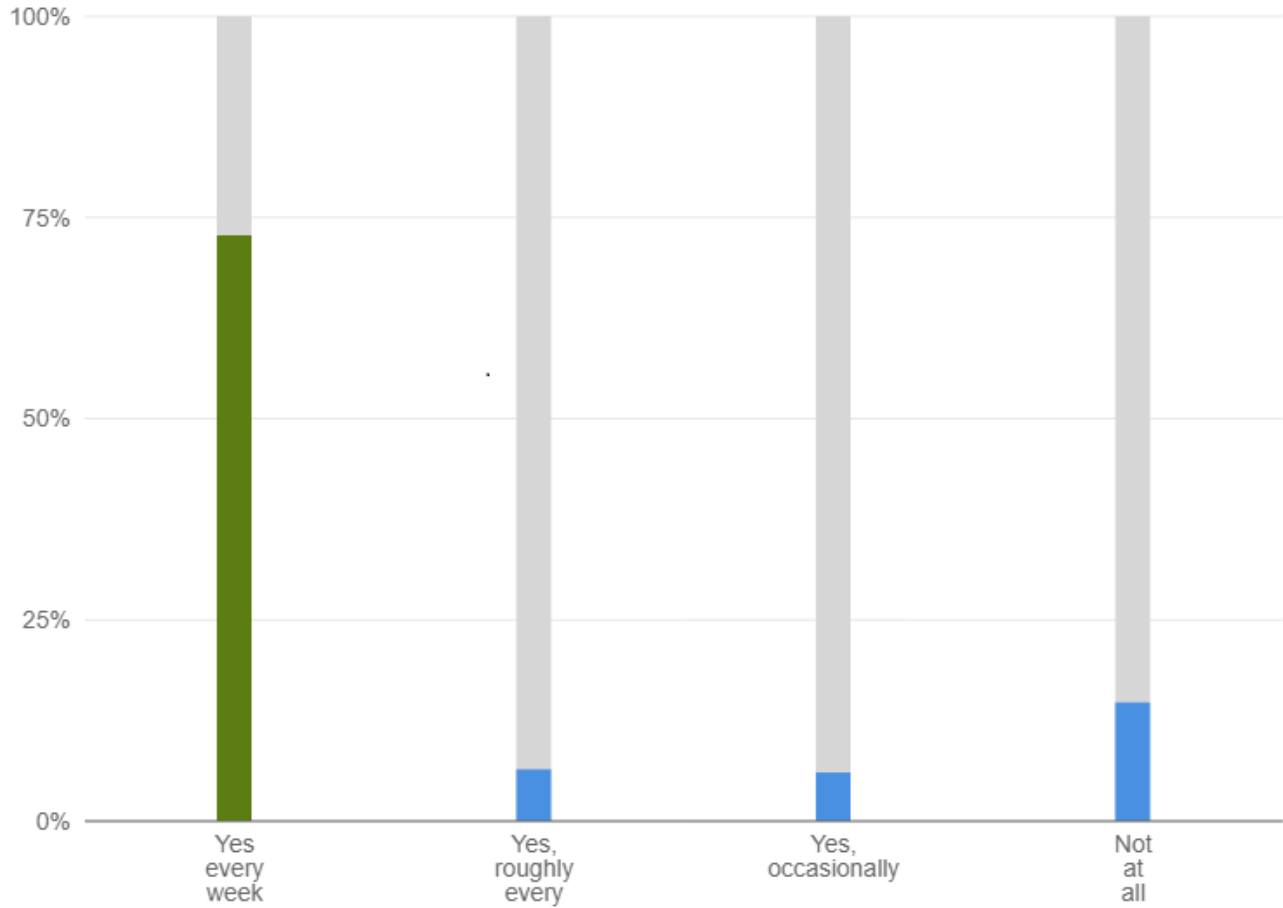
9.1 If we were to offer a textile collection service on your recycling week, please indicate how often do you think you would use this? East Herts

Answer Option	%
Regularly (every two weeks)	2.66
Once a month	17.78
A few times a year	65.73
I would not use this service	13.82

## 10 Food Waste - North Herts

Do you use the weekly food waste collection service?

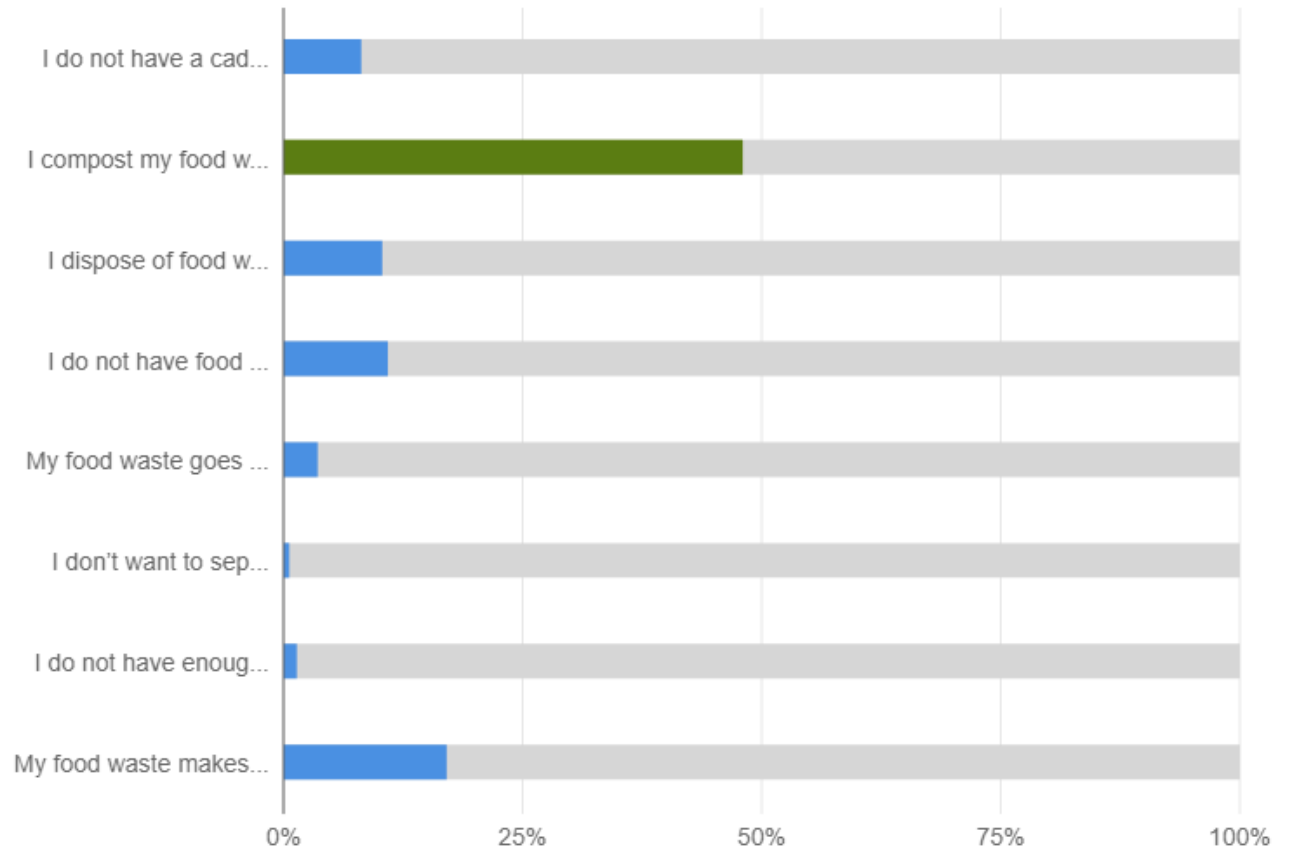
Answer Option	%
Yes every week	72.81
Yes, roughly every two weeks	6.43
Yes, occasionally	6.04
Not at all	14.72



## 10 Food Waste - North Herts

If not, please tell why not?

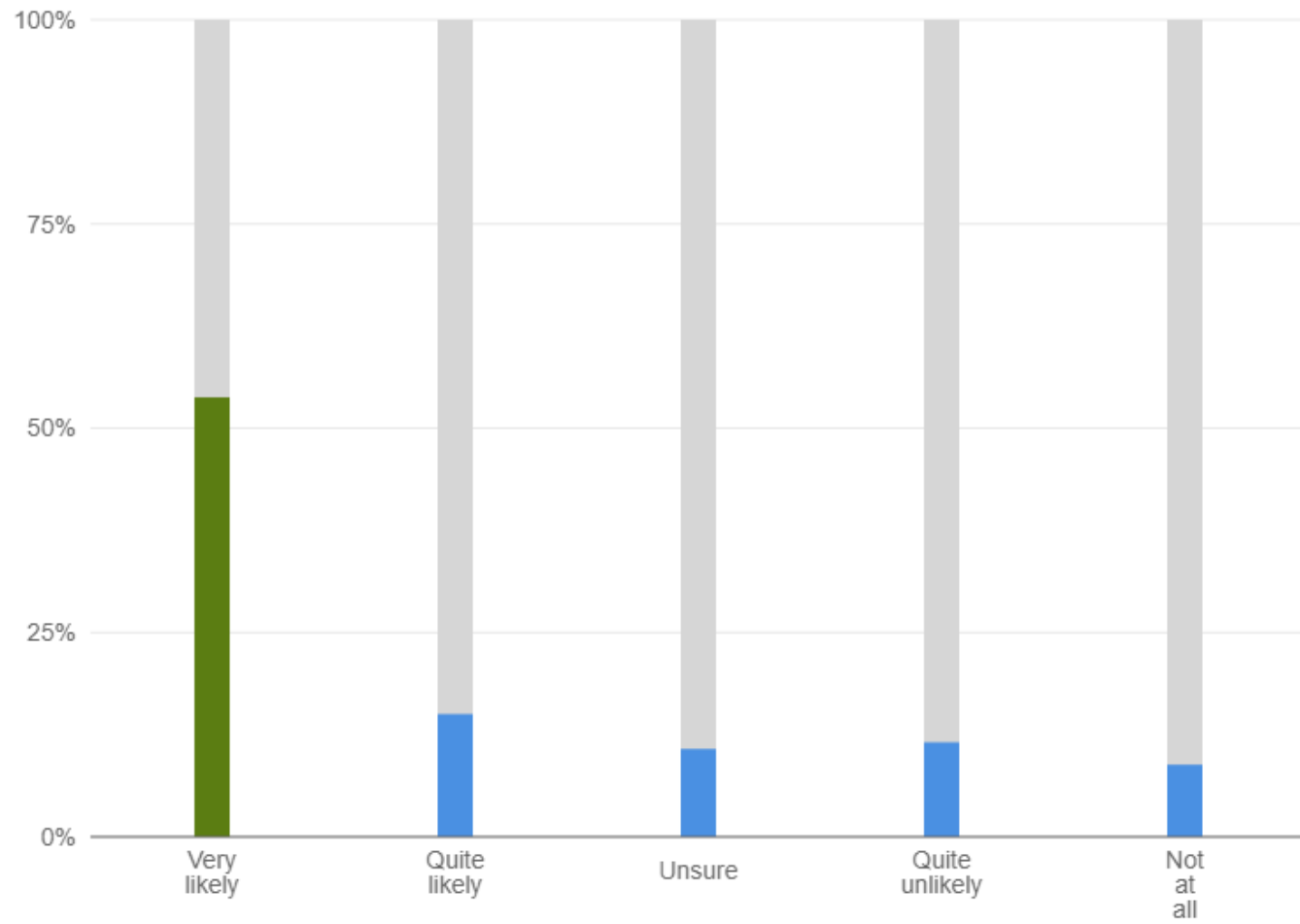
Answer Option	%
I do not have a caddy / container (hyper link to ordering page or instruction)	8.13
<b>I compost my food waste</b>	<b>48.02</b>
I dispose of food waste in my purple bin	10.32
I do not have food waste	10.91
My food waste goes to pets	3.57
I don't want to separate my food waste	0.6
I do not have enough information about how to recycle my food waste	1.39
My food waste makes my caddy smell and attract flies	17.06



## 10.1 Food Waste - East Herts

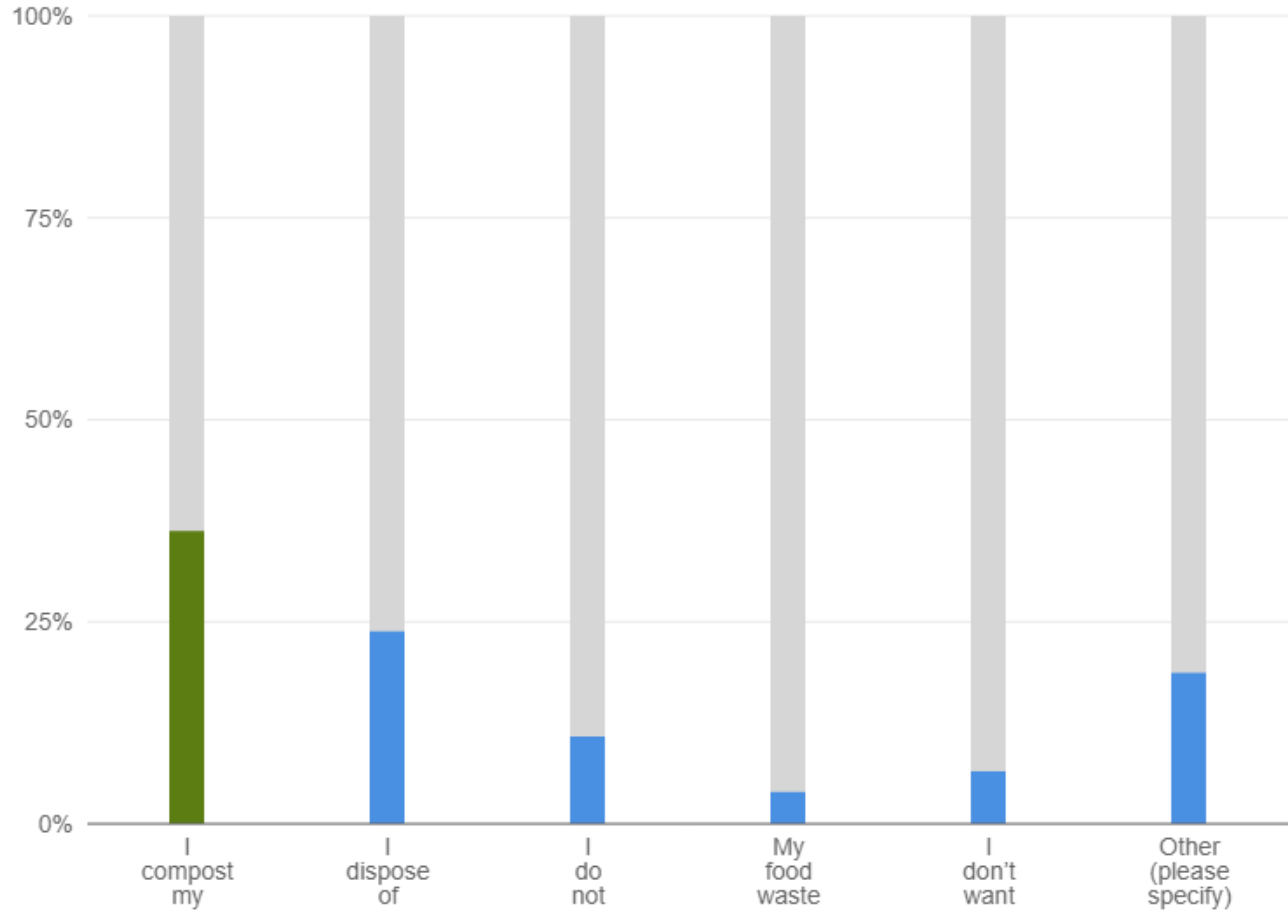
If the council introduced weekly food waste collections how likely would you be to use it?

Answer Option	%
Very likely	53.8
Quite likely	15.04
Unsure	10.77
Quite unlikely	11.57
Not at all likely	8.82



## 10.2 If you answered quite unlikely or not at all likely please tell us why?

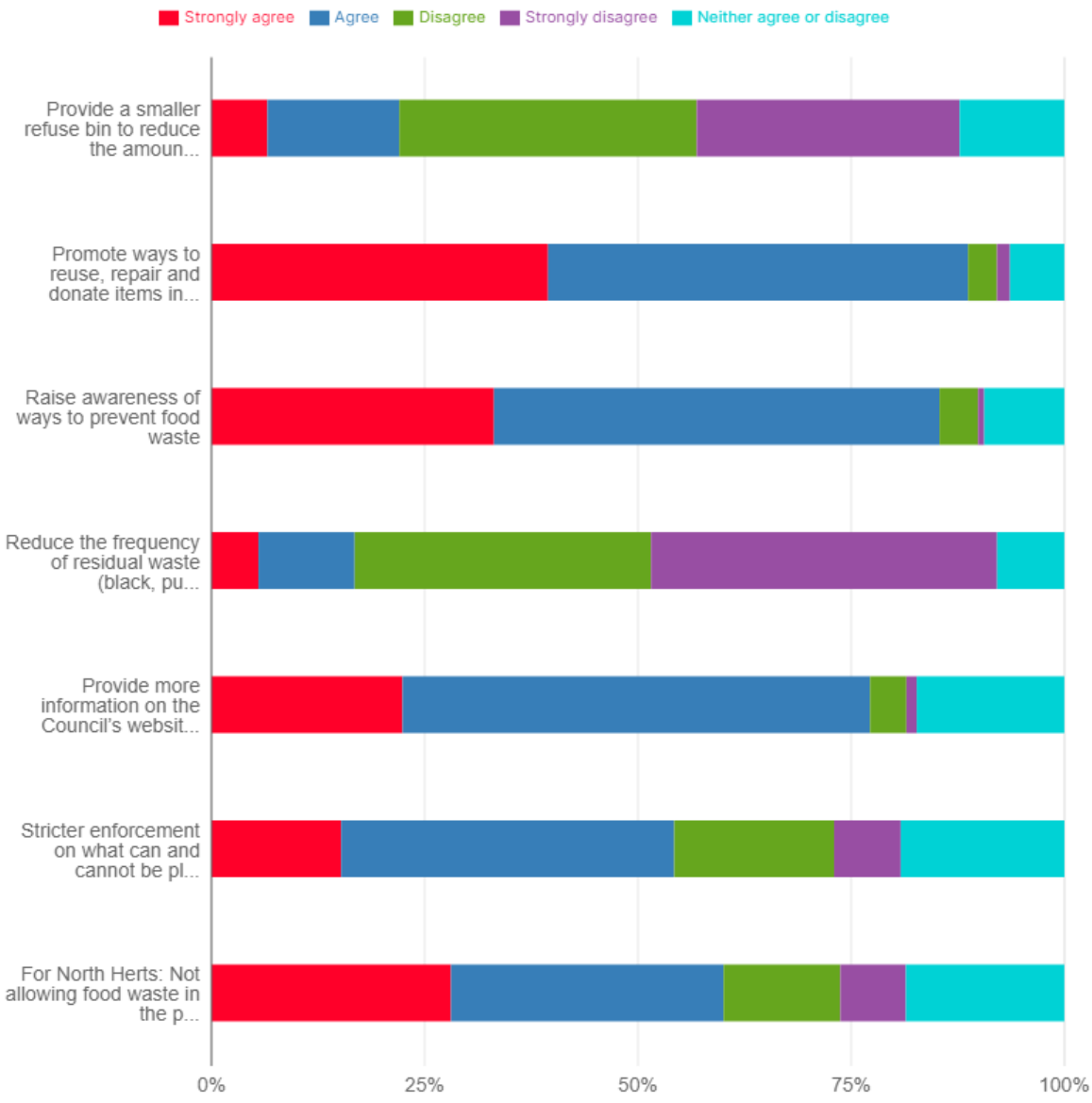
Answer Option	%
I compost my food waste	36.22
I dispose of food waste in my black bin	23.82
I do not have food waste	10.83
My food waste goes to pets	3.94
I don't want to separate my food waste	6.5
Other (please specify)	18.7



## 11. What action should the council take to help reduce waste?

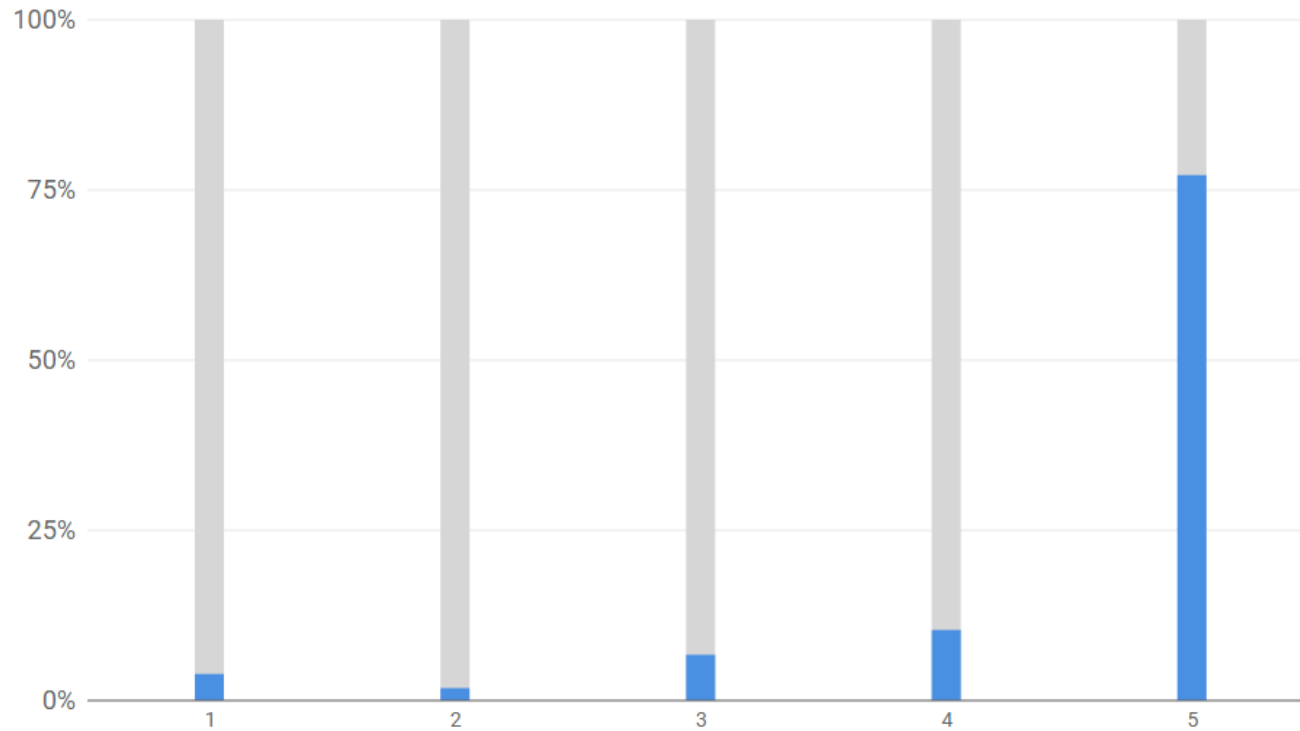
To what extent do you agree or disagree that these possible actions by the council would help to “reduce waste?”

Answer Option	Strongly agree %	Agree %	Disagree %	Strongly disagree %	Neither agree or disagree %
Provide a smaller refuse bin to reduce the amount of waste residents can put out on collection day and encourage them to recycle more	6.56	15.47	34.87	30.82	12.28
Promote ways to reuse, repair and donate items instead of disposing of them in refuse collections.	39.46	49.25	3.39	1.52	6.38
Raise awareness of ways to prevent food waste	33.12	52.24	4.52	0.73	9.39
Reduce the frequency of residual waste (black, purple bins) collections to encourage people to think more about what they dispose of	5.51	11.28	34.75	40.58	7.88
Provide more information on the Council’s website and social media on waste minimisation	22.4	54.82	4.26	1.21	17.31
Stricter enforcement on what can and cannot be placed in waste and recycling bins.	15.2	39.06	18.75	7.81	19.19
For North Herts: Not allowing food waste in the purple bin to encourage residents to recycle more	28.08	31.97	13.68	7.69	18.58



**The Council should continue to provide fortnightly collections of all waste and recycling**

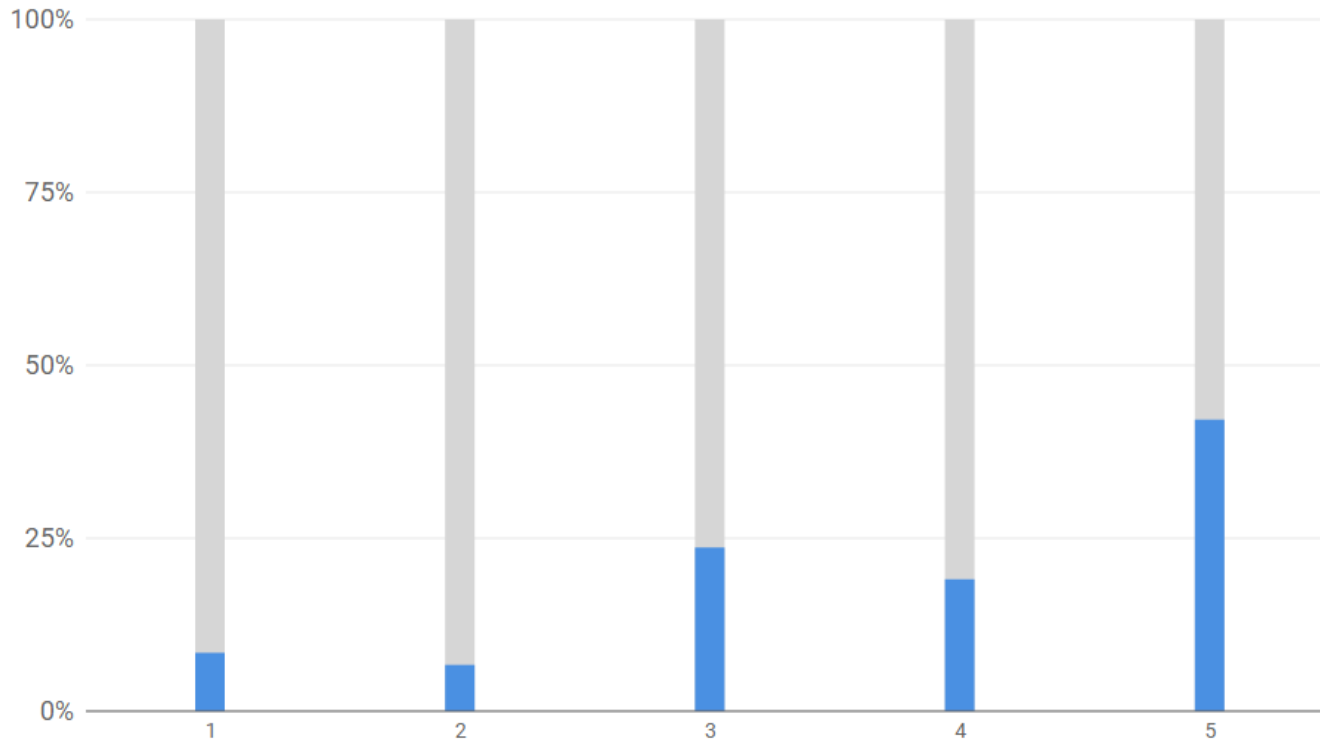
Scale	Percentage
1 – Strongly Disagree	3.90
2 - Disagree	1.82
3 - Neither disagree or agree	6.74
4 - Agree	10.35
5 - Strongly Agree	77.18





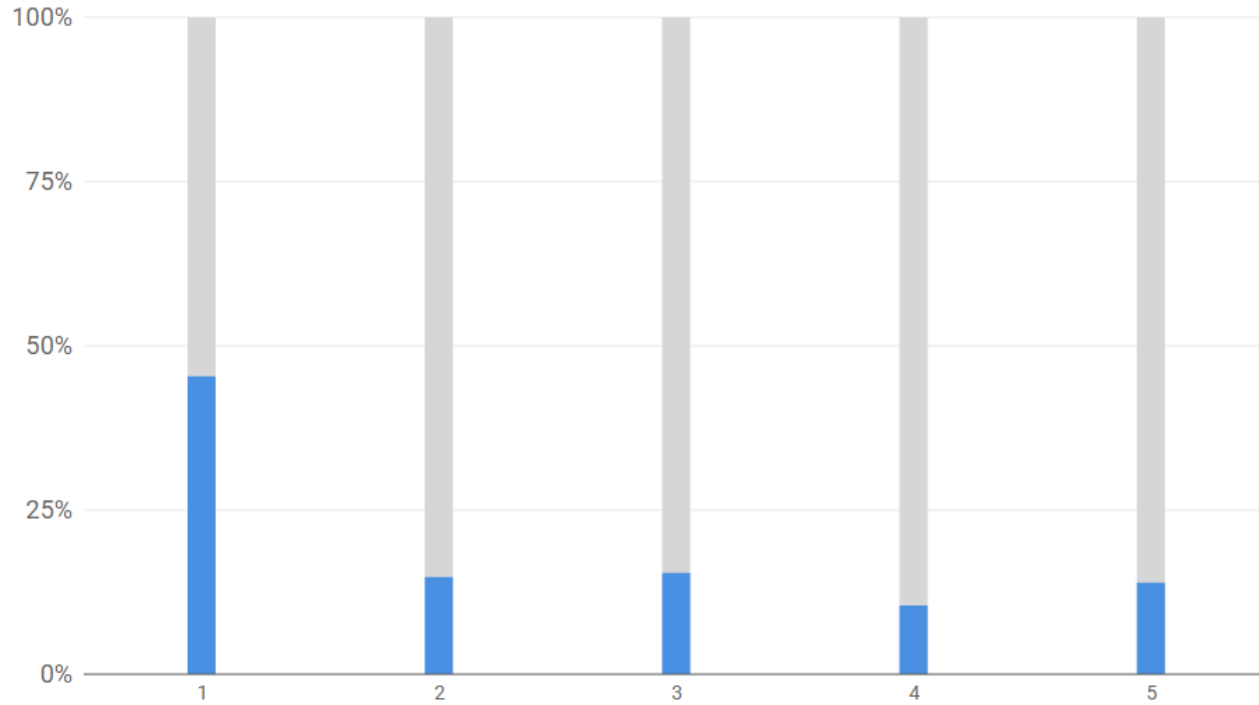
**The Council should provide additional collection capacity for those who may need it e.g. larger families, households with large quantities of adult or child nappies**

Scale	Percentage
1 – Strongly Disagree	8.44
2 - Disagree	6.69
3 - Neither disagree or agree	23.64
4 - Agree	19.08
5 - Strongly Agree	42.15



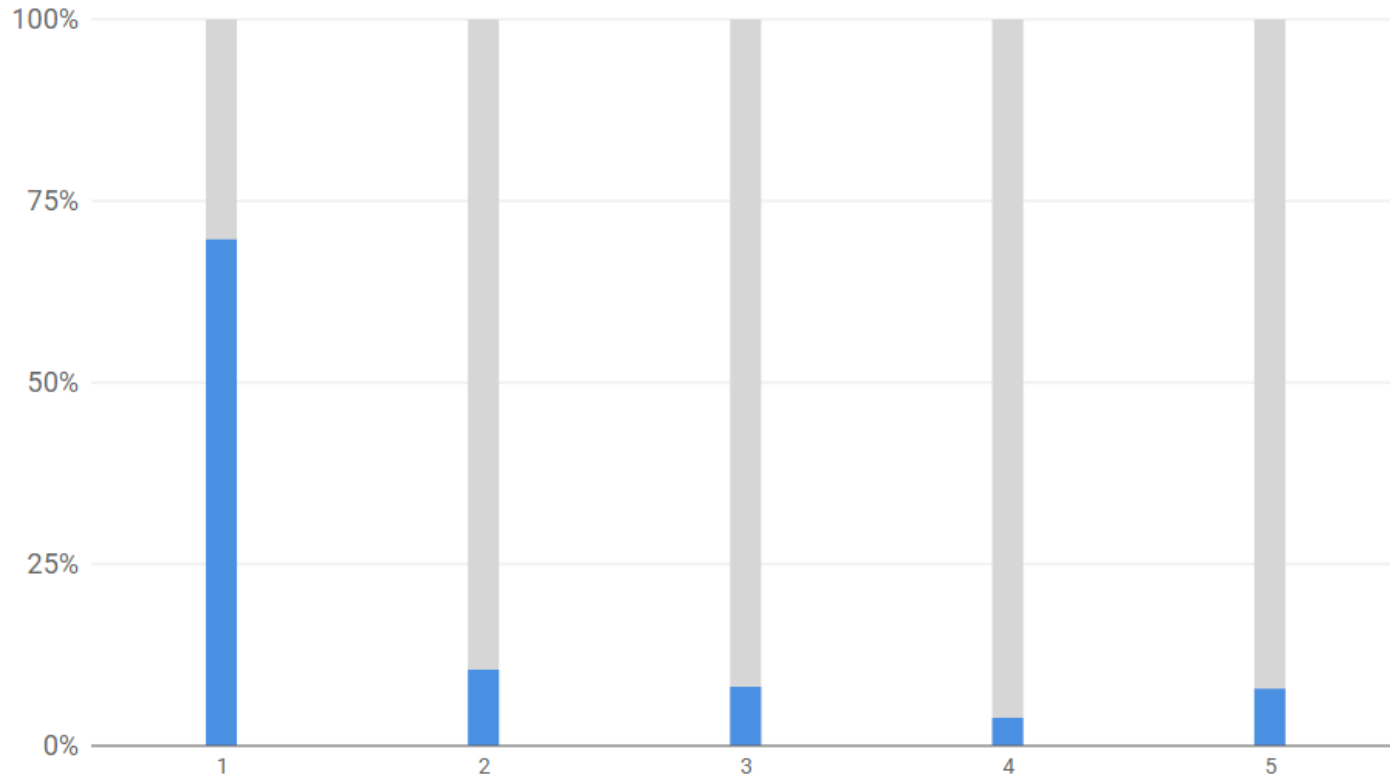
I would be able to manage my waste effectively with three weekly residual waste (refuse) collections by recycling more and squashing items.

Scale	Percentage
1 – Strongly Disagree	45.36
2 - Disagree	14.81
3 - Neither disagree or agree	15.43
4 - Agree	10.45
5 - Strongly Agree	13.95



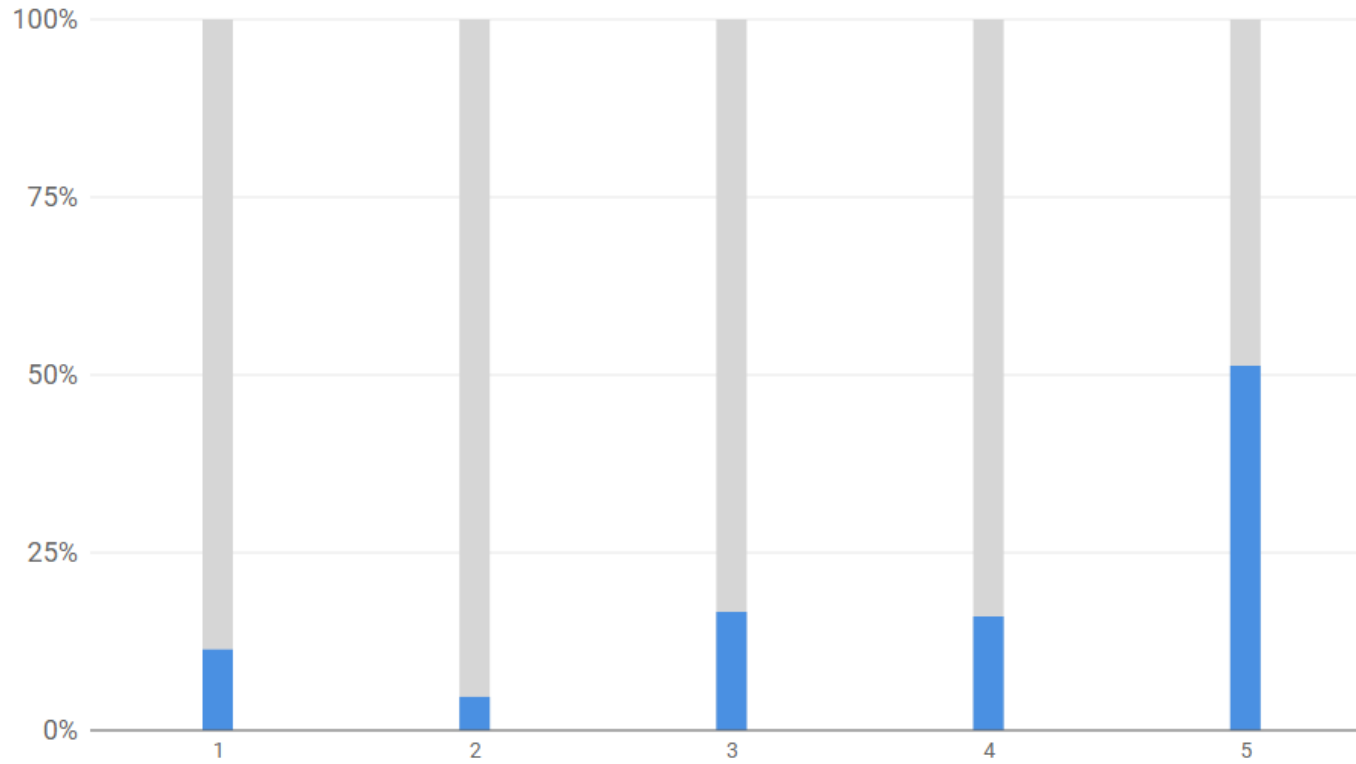
**I would be able to manage my waste effectively with four weekly residual waste (refuse) collections by recycling more and squashing items**

Scale	Percentage
1 – Strongly Disagree	69.72
2 - Disagree	10.49
3 - Neither disagree or agree	8.09
4 - Agree	3.84
5 - Strongly Agree	7.85



**I would like to be able to put out extra recycling next to my bin**

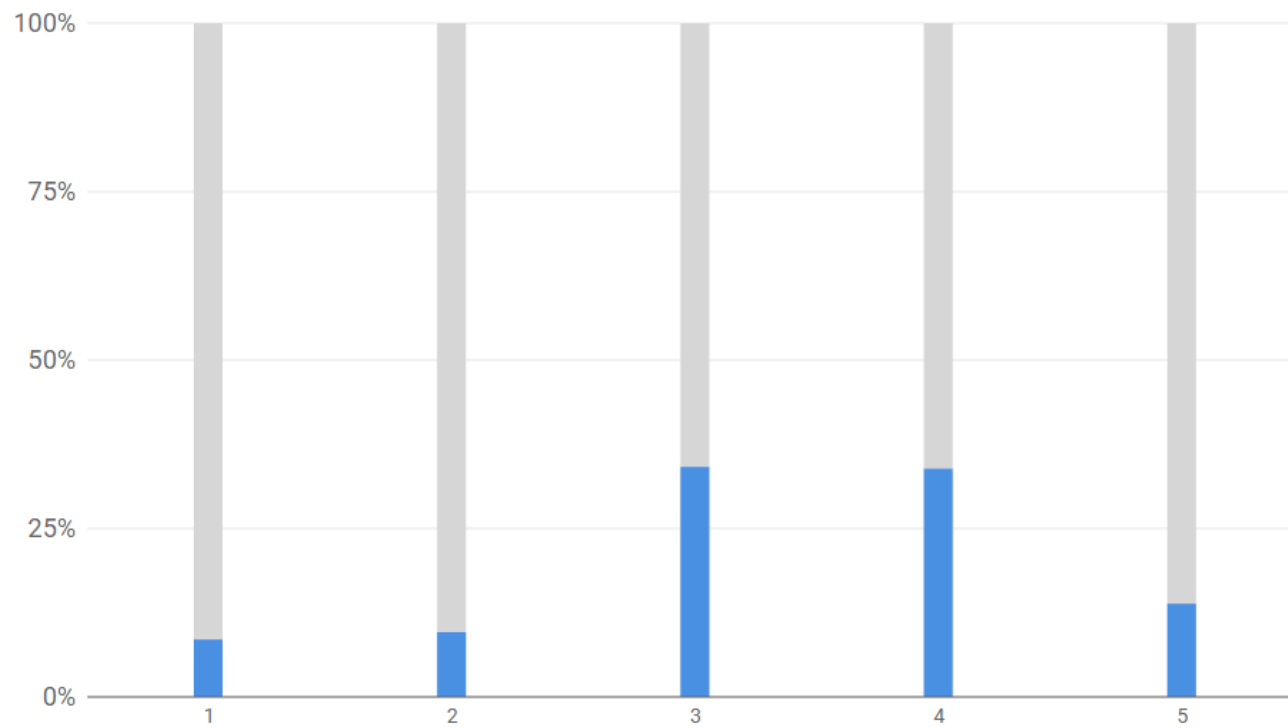
Scale	Percentage
1 – Strongly Disagree	11.36
2 - Disagree	4.71
3 - Neither disagree or agree	16.66
4 - Agree	16.01
5 - Strongly Agree	51.26



## Street cleansing

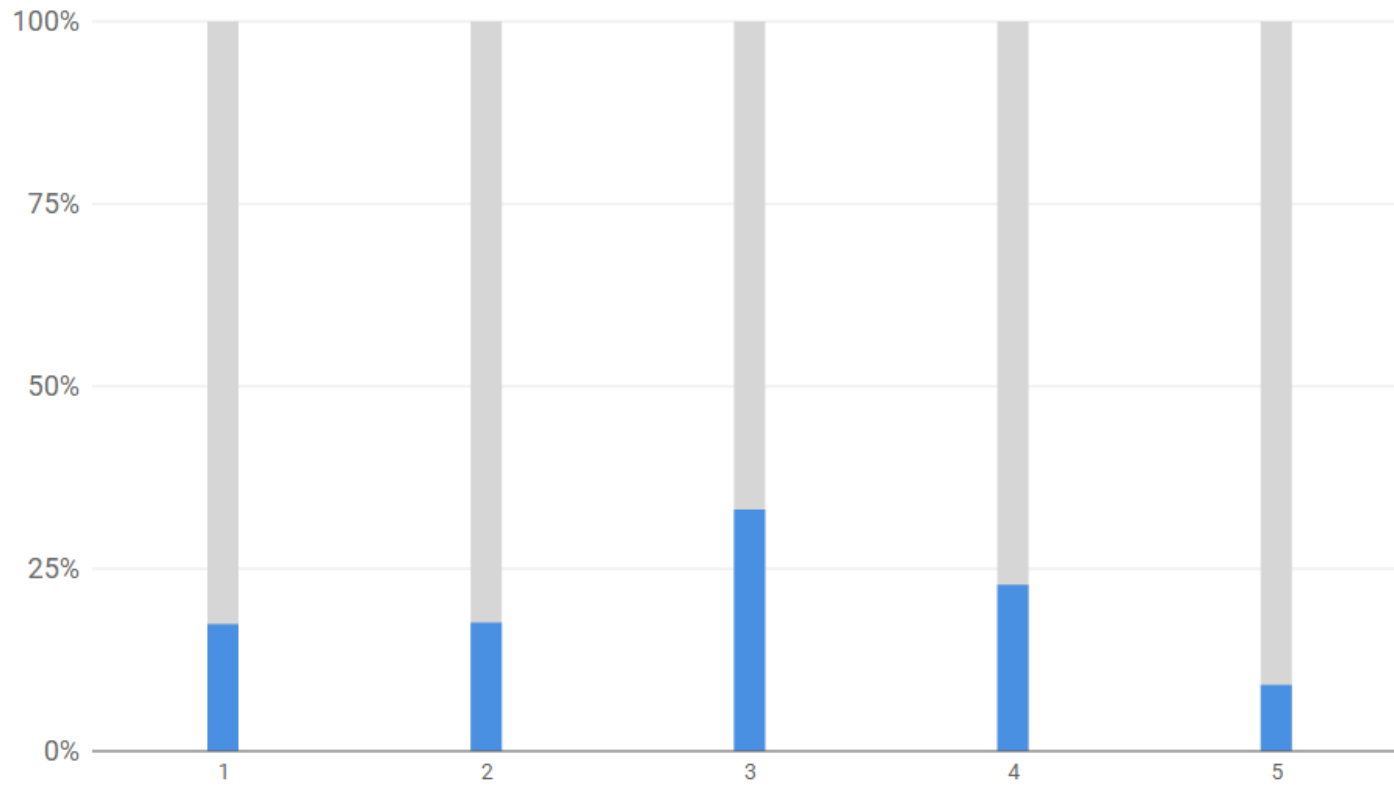
The standard of street sweeping and litter picking in town centres

Scale	Percentage
1 (Poor)	8.51
2	9.62
3	34.15
4	33.88
5 (Excellent)	13.84



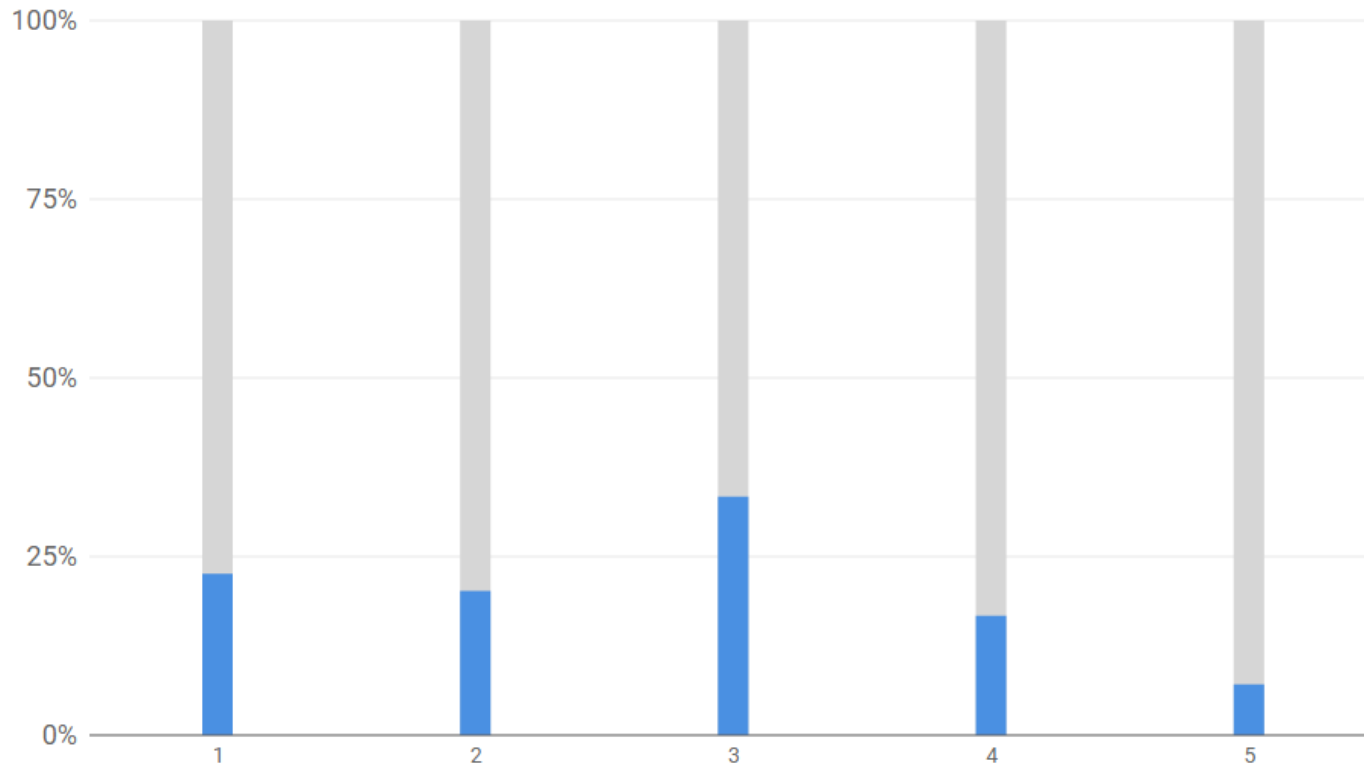
### The standard of street sweeping in residential areas

Scale	Percentage
1 (Poor)	17.40
2	17.61
<b>3</b>	<b>33.13</b>
4	22.79
5 (Excellent)	9.06



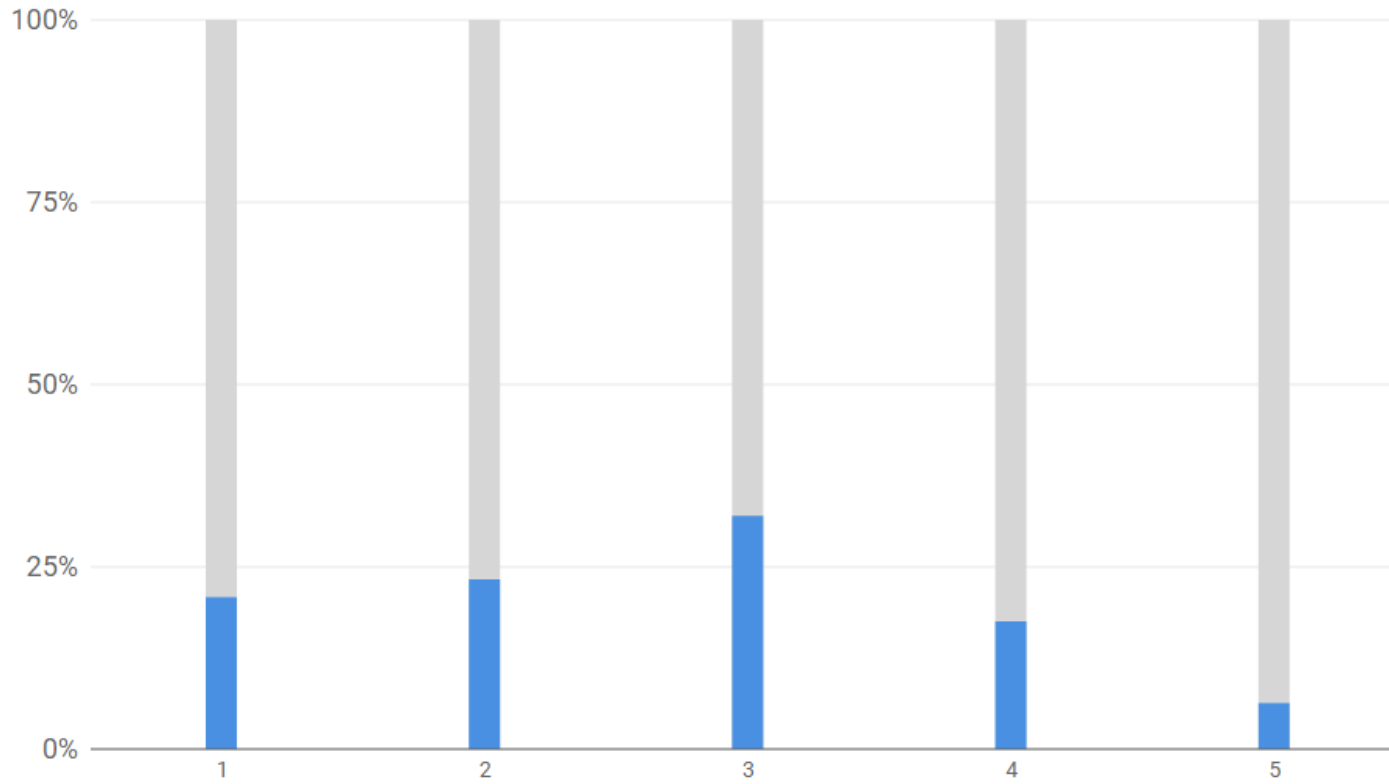
### The standard of litter picking in residential areas

Scale	Percentage
1 (Poor)	22.59
2	20.17
3	33.4
4	16.73
5 (Excellent)	7.11



The provision and emptying of on street litter bins

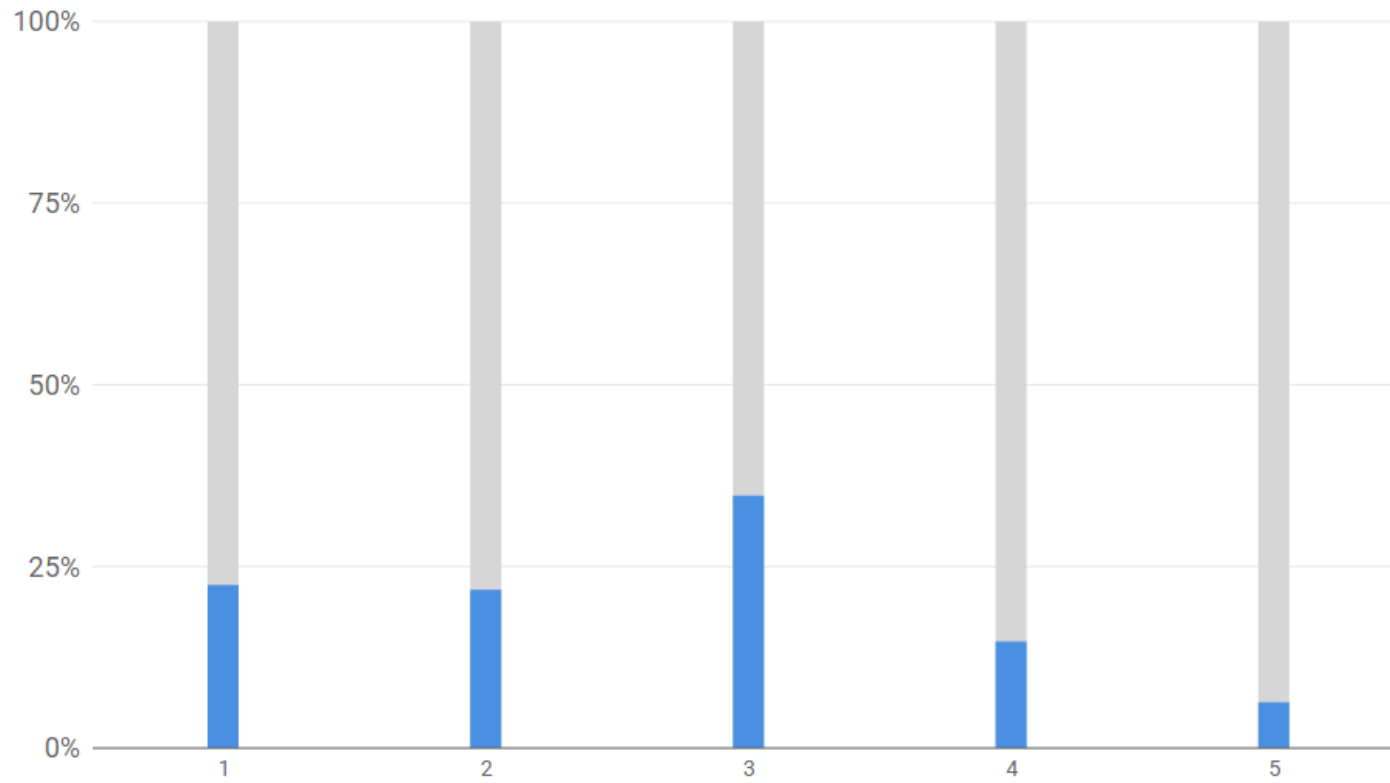
Scale	Percentage
1 (Poor)	20.83
2	23.31
3	32.01
4	17.54
5 (Excellent)	6.31





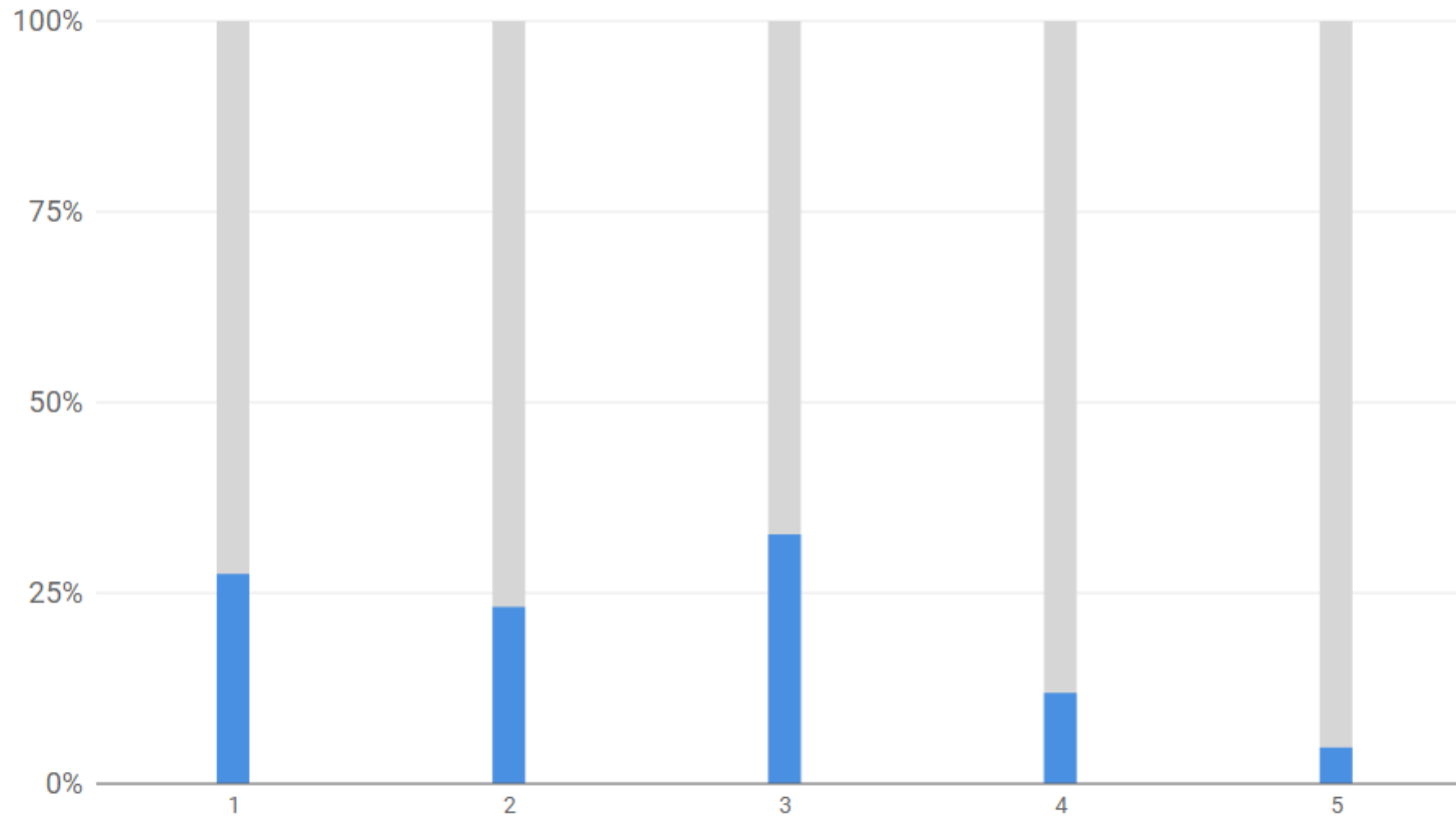
## The management of fly tipped waste on the highway

Scale	Percentage
1 (Poor)	22.42
2	21.81
3	34.77
4	14.7
5 (Excellent)	6.3



**The management of litter on high-speed dual carriageway and major A roads e.g A602, A505, A414 & A10**

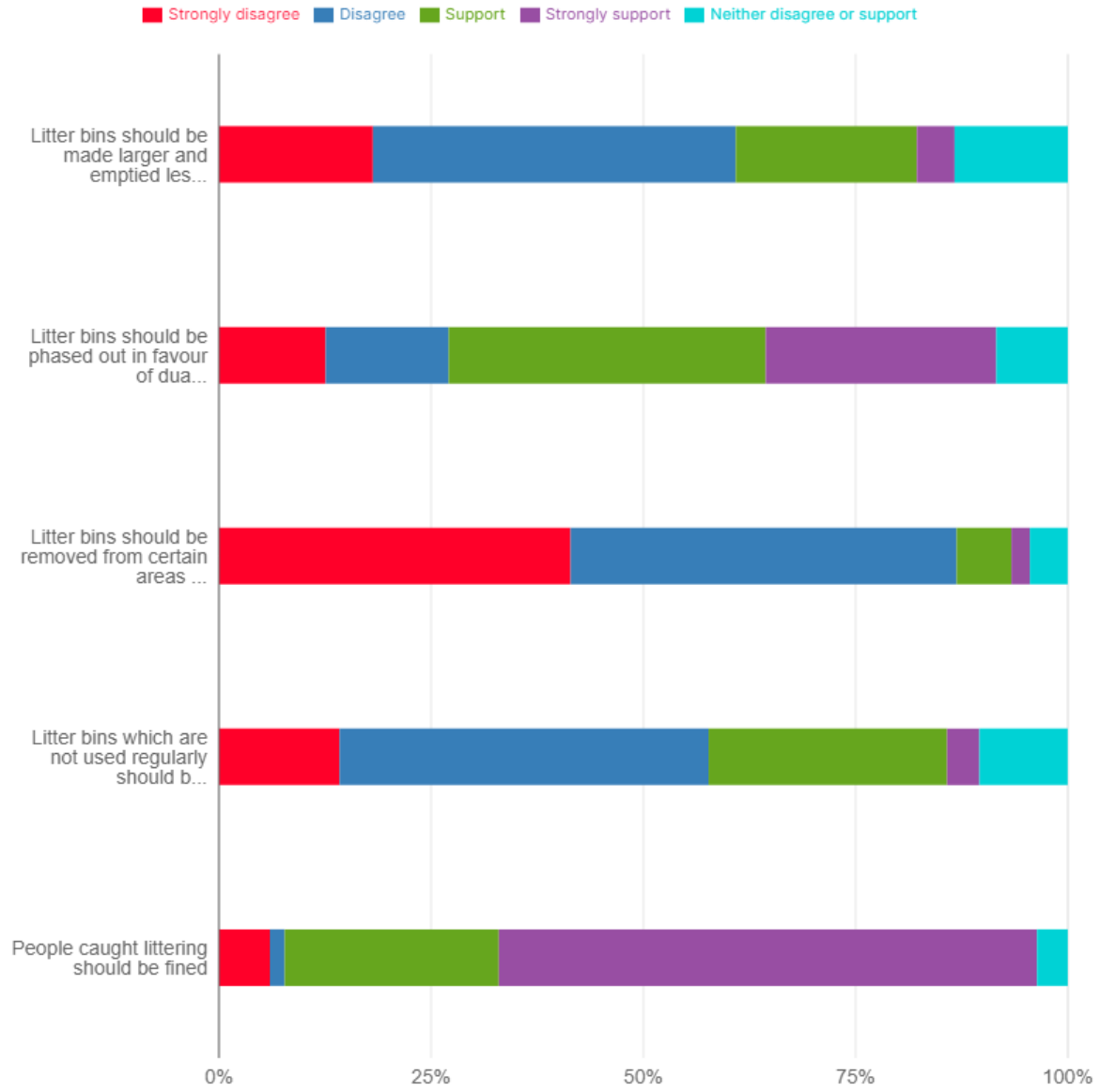
Scale	Percentage
1 (Poor)	27.48
2	23.17
3	32.7
4	11.92
5 (Excellent)	4.74



## Our carbon footprint

The council is looking for ways to reduce its carbon footprint and reduce costs but limit the impact on the provision of cleansing services. Please indicate which of the following you feel would help achieve this.

Answer Option	Strongly disagree %	Disagree %	Support %	Strongly support %	Neither disagree or support %
Litter bins should be made larger and emptied less frequently	18.14	42.75	21.33	4.44	13.35
Litter bins should be phased out in favour of dual litter and recycling bins	12.57	14.5	37.34	27.16	8.43
Litter bins should be removed from certain areas so people are encouraged to take litter home	41.43	45.48	6.45	2.17	4.46
Litter bins which are not used regularly should be removed	14.21	43.47	28.1	3.81	10.4
People caught littering should be fined	6	1.75	25.22	63.41	3.62



**Please select the statement which most closely applies to you (Hanger preference)**

<b>Answer Option</b>	<b>%</b>
I don't think hangers should be provided as I can check my collection dates online	36.58
I don't think hangers are needed as I can check my collection dates with neighbours	1.16
I don't think hangers are needed, I put my bin out and know it will be emptied eventually	1.61
I don't think hangers are needed if collections are only delayed by one day	5.91
I think we should keep the hangers as I use them for reference	32.28
I think we should keep hangers at Christmas where the change to bin days is not simple	22.46

## WASTE & RECYCLING COLLECTION & STREET CLEANSING POLICY STATEMENTS

**POLICY DESCRIPTION** **PAGE**

### Domestic Waste Collection Service Policy Statements

- 1a. Standard service for individual houses North Herts
- 1b. Standard service for individual houses East Herts
2. Variations from the standard service
3. Multi-occupancy properties (flats blocks etc.)
4. Mixed Domestic / Commercial properties (Mixed hereditament properties)
5. Number of sacks provided
6. Extra bin capacity
7. Items prohibited from domestic wheeled bins / sacks
8. Excess waste/ side waste
  - 8a North Herts
9. Bin lids
10. Rejected/ contaminated wheeled bins and sacks
11. Collection day and time
12. Collection point for wheeled bins/ sacks
13. Return of bins
14. Missed collections
15. Assisted collections
16. Frozen compostable waste bins
17. Overweight wheeled bins and sacks
18. Ownership of wheeled bins/sacks
19. Provision of new / replacement wheeled bins
20. Lost or stolen wheeled bins
21. Damaged wheeled bins
22. Sharing wheeled bins
23. Severe weather
24. Access issues
25. Healthcare and Clinical waste
26. Bulky waste collections

### Trade Waste Collection Service Policy Statements

28. Trade refuse and recycling collection material streams
29. Trade refuse and recycling collection bin sizes
30. Terms and Conditions

### Street Cleansing Policy Statements

31. Standard of Service
32. Response times
33. Leaf clearance

- [34. High speed roads](#)
- [35. Street Cleansing Town centres](#)
- [36. Litter Bins](#)
- [37. Winter snow clearance](#)
- [38. Events and street parties](#)
- [39. Graffiti and fly-poster removal](#)

## DOMESTIC WASTE COLLECTION SERVICE POLICY STATEMENTS

### Policy 1a - Standard service for individual houses North Herts

The standard service for the collection of residual domestic waste is a fortnightly service. Mixed dry recycling and paper will be collected fortnightly on the alternate week, in separate containers. Food waste is collected separately, weekly. Each property on the standard service will receive only one bin of each type.

Residents also have the option of paying for a fortnightly collection of garden waste. This collection will occur during the same week as the recycling is collected. Each household can pay a subscription charge for a maximum of two additional brown bins for garden waste.

The bins provided are as follows:

Container	Material	Frequency
180L purple bin (replacements purple lidded)	Residual waste (waste which cannot be recycled)	Fortnightly
240L grey bin	Mixed dry recycling*	Fortnightly
55 L blue box	Paper	Fortnightly
23L brown caddy	Food waste *	Weekly
240L brown bin (chargeable opt in service)	Garden waste*	Fortnightly
Residents use own carrier bag and place it at side of grey bin	Household batteries	Fortnightly
Residents use own carrier bag and place it at side of grey bin	Textiles	Fortnightly

\*As defined by our current acceptance criteria stated on our website

The correct bin must be used for the different types of waste. Exemptions to the standard service may be made subject to certain criteria (see [Policy 2](#)). Where a property is provided with the standard service, only waste presented in wheeled bins provided by the Council will be collected with the exceptions under [Policy 8](#) and for batteries and textiles.

### Policy 1b - Standard service for individual houses East Herts

The standard service for the collection of residual domestic waste is a fortnightly service. Mixed dry recycling and paper will be collected fortnightly on the alternate week, in separate containers. Each property on the standard service will receive only one bin of each type.

Residents also have the option of paying for a fortnightly collection of garden waste. This collection will occur during the same week as the recycling is collected. Each household can pay a subscription charge for a maximum of two additional brown bins for garden waste.

The bins provided are as follows:



Container	Material	Frequency
240L black bin (replacements 180L purple lidded)	Residual waste (waste which cannot be recycled)	Fortnightly
240L blue lidded bin	Mixed dry recycling*	Fortnightly
40L inner paper box /55 L blue box	Paper*	Fortnightly
240L brown bin (chargeable opt in service)	Garden waste*	Fortnightly

\*As defined by our current acceptance criteria stated on our website

The correct bin must be used for the different types of waste. Exemptions to the standard service may be made subject to certain criteria (see [Policy 2](#)). Where a property is provided with the standard service, only waste presented in wheeled bins provided by the Council will be collected with the exceptions under [Policy 8](#)

### Policy 2 – Variations from the standard service

To qualify for an exemption from the standard service you must meet one or more of the following criteria:

1. There is no reasonable rear or side access to the property and the useable off street frontage is too small to accommodate the bins (see [Policy 5](#))
2. The property is accessed via steep inclines or steps, so making it impractical to use wheeled bins (see [Policy 5](#))
3. The property is a flat (see [Policy 3](#))
4. The household is a House in Multiple Occupation or has a large number of residents eg. Student house. (see [Policy 6](#))
5. The household/s are disabled or elderly and cannot manoeuvre wheeled bins. (see [Policy 15](#))
6. The household produces clinical waste (see [Policy 26](#))
7. The household produces large quantities of hygiene waste, e.g. nappies or incontinence pads (see [Policy 6 and 26](#))
8. Any other exceptional circumstance as agreed by the council

### Policy 3 - Multi-occupancy properties (Communal/ flat blocks etc.)

Properties such as flats or accommodation blocks will normally be collected using communal wheeled bins wherever possible. The number of bins provided will depend on the size and number of properties.

Where bins cannot be provided, for example flats above shops, sacks for residual waste will be provided for use and boxes will be provided for dry recycling. Residents will be provided with the quantities of sacks as detailed in [Policy 5](#).

Bins will be collected from the bin storage or other area as agreed by the Council and returned to the collection location. The standard collection cycle is fortnightly, however weekly collections for residual waste will be facilitated for existing flat blocks where bin storage space is insufficient.

Only waste which is presented in the correct containers with the correct items in will be collected. For multi-occupancy properties, where the bin is found to contain incorrect items, it will be rejected and not emptied.

It will be the responsibility of the residents / managing agents to arrange for the incorrect materials to be removed before the bin will be emptied on the next scheduled collection day. The Council may offer to empty the bins at its discretion alongside the scheduled residual waste collection. Repeated incidents may result in charging for the emptying of bins. Only items detailed as acceptable items on our website will be collected.

No loose rubbish or sacks around the bins will be collected nor any other items; and it will be the responsibility of the residents / managing agents to remove or clear any such items.

Where access to a bin is blocked with loose rubbish / sacks it will not be emptied until this has been removed. The bin will then be collected on the next scheduled collection day.

#### **Policy 4 – Mixed Domestic / Commercial Properties (Mixed hereditament properties)**

Mixed hereditament properties are generally business properties with living accommodation attached e.g. a flat above a shop. Such properties will be provided with the standard service ([Policy 1](#)) unless an exemption/variation applies. The bins provided must not be used to dispose of business waste.

#### **Policy 5 - Number of sacks provided**

If the property meets either Criteria 1 or 2 from [Policy 2](#) the property will be provided with sacks for the collection of residual waste and a box for the collection of mixed dry recycling, a box for the collection of paper and a 23l caddy for food waste (NHC only).

Sacks are delivered annually. Sacks are predominantly collected fortnightly and a maximum of 4 sacks will be collected unless an exemption within [Policy 6](#) applies.

In some circumstances flats will receive weekly residual waste collections. Properties must demonstrate they are using recycling services to be considered for weekly residual waste collections.

#### **Policy 6 – Extra bin capacity**

All households will be provided with bins in accordance with the standard service. Residents can apply for additional capacity for residual waste under the following circumstances.

1. There are six or more permanent residents in the household, and there is excessive residual domestic waste that cannot be recycled.
2. There are two or more children in nappies
3. A household where a large quantity of non-clinical healthcare (hygiene) waste is being produced

All households that request additional capacity will need to meet the set criteria. If the application is under Criterion 1 above, a waste audit may then be carried out to determine whether additional capacity is required. This is to ensure that households are recycling all that they can.

Capacity requirements are reviewed periodically and additional bins are provided on a conditional basis. Households will revert back to the standard service when the criteria no longer apply.

If additional capacity is authorised due to babies in nappies then there must be two or more children in nappies under the age of 36 months

Under Criterion 1: If a household is placing out a significant amount of extra recycling each collection, they may be considered for a larger recycling bin or second recycling bin.

### **Policy 7 - Items prohibited from domestic wheeled bins / sacks**

The following items are prohibited from all bins, this list is not exhaustive:-

- Any hazardous waste
- Any clinical waste
- Paint/ Pesticides or chemicals
- DIY waste
- Plasterboard
- Electrical and electronic equipment
- Commercial waste
- Large or bulky waste which does not normally fit into a bin.(see [Policy 27](#))
- Hot ashes
- Car parts
- Rubble / soil
- Corrosive materials and liquids
- Oil
- Fluorescent tubes / low energy light bulbs

An A-Z of recycling is provided on our website for information on what can be recycled at the kerbside.

### **Policy 8 – Excess waste / Side waste**

Excess residual waste beside or piled on top of the residual domestic wheeled bin will not be taken. Where possible excess waste will be placed inside the bin after it has been emptied, a sticker informing the resident may also be left. Persistent excess residual waste may result in an officer visit to advise on management of waste. Excess waste can be taken to the nearest Household Waste Recycling Centre alternatively the resident can pay for a bulky waste collection see [Policy 27](#).

Where bins have been forcibly compacted or frozen and the contents is stuck in the bin, residents are required to loosen the contents. The bin will then be collected on the next scheduled collection day.

Excess waste will not be collected with brown bins with the exception of real Christmas trees, which should be left next to the brown bin in January only. This is for residents who have signed up to the chargeable garden waste service only.

Additional dry recycling materials for the mixed dry recycling bin will be collected as long as these are contained in a paper bag, cardboard box or reusable plastic box. Non-recyclable containers will be left after collection. Large item such as cardboard from large electrical goods must be broken down to facilitate collection. Excess

recyclable material will not be collected if presented in a black or other type of plastic sack.

Excess paper can be placed next to the box in a paper bag or reusable plastic box.

#### **Policy 9 – Bin Lids**

Wheeled bins will only be collected if the bin lid is closed otherwise it will not be emptied. This is due to Health and Safety considerations and to limit the potential for waste to fall or blow out of the bin. See [Policy 8](#) for the management of additional waste.

#### **Policy 10 - Rejected / contaminated wheeled bins, boxes and sacks for standard house service**

Where wheeled bins are found to be contaminated, residents will be notified by means of a sticker or hanger placed on the relevant bin requiring them to remove the incorrect material and dispose of it in a responsible manner. Boxes and sacks will have a sticker placed on them if possible. Once the incorrect material has been removed from the bin or sack they will be collected on the next scheduled collection date for that material. We will not return to empty the bin, box or collect the sack before the next scheduled collection date.

#### **Policy 11 - Collection day & time**

The bins/sacks/boxes must be available at the collection point by 7am on the day of collection for all residents.

During periods of high temperatures in the summer months, collections will begin at 6am following notification via social media.

#### **Policy 12 - Collection point for wheeled bins / sacks**

Receptacles should be presented at the kerbside where this is not possible due to wheeled bins blocking footpaths they should be presented at the edge of the property, where the property meets the public highway. If properties are located down a private driveway/road then the bins must be presented where the private access road / driveway meets the public highway.

In a small number of cases e.g farms, due to the access or location of a property it may not be possible for residents to place bins near the public highway for collection. Each case will be looked at on an individual basis to agree a suitable collection point as close as possible to a vehicle access point on the highway.

Where the collection vehicle has to travel over a private / road drive we will not be liable for any damage due to wear and tear to the road surface from normal collection operations as the roadway is unlikely to have been built to highway standards.

#### **Policy 13 - Return of bins**

Bins will be returned to the collection point where possible or another safe place within a reasonable distance to the property and should be removed by the householder as soon as reasonably/practicable after the collection has been made. Bins should not be left obstructing driveways or the public footpath.

Where a bin store has been provided the bins will be returned to the bin store.

#### **Policy 14 - Missed collections**

We will only return for a reported missed collection in the following circumstances

- The bin, box or sack was placed out before 7.00am
- The correct collection point was used, and;
- It has not been reported as contaminated by collection crew;
- A crew report has not been received regarding the bin e.g. heavy, excessive waste
- In the case of assisted collections (see [Policy 15](#)) there were no access issues e.g. gate unlocked

A missed collection must be reported within 48 hours of your normal scheduled day of collection. Any missed collections reported after this time will not be collected until the next scheduled collection day unless there are exceptional circumstances.

Vehicle CCTV and in-cab crew reports will be used to determine whether a return will be made.

#### **Policy 15 - Assisted collections**

Assisted collections are available to anyone with a mobility problem where no-one in the household is able to take the bins to the normal collection point (see [Policy 12](#)). The collection team will collect the waste or recycling from its 'normal storage point', empty the container and return it back to the householder's storage point.

Where bins/boxes/sacks are placed out for collection at a location not designated as the 'normal storage point' receptacles will be returned to the location that they were found.

The bins/boxes/sacks must be easily accessible for the crews, and collection vehicle. Gates must be left unlocked where necessary and the crew should be easily able to manoeuvre the bins from the property. Please ensure there are no overhanging branches or shrubs as we may be collecting in the dark. Wherever possible the bins should be stored at the front of the property to enable easy collection and collection should avoid steps and gravel drives.

Where a property on an assisted collection is located a long way from the public highway on a private driveway / road the vehicle may need to access the property where it is not suitable for our crews to walk to collect the waste. In these circumstances we will not be responsible for damage cause to road surfaces through normal collection operations.

Checks may be carried out by the Council from time to time on resident's suitability for the collection and evidence requested from the householder. Any change in circumstance must be notified to the council as soon as possible.

#### **Policy 16 – Frozen waste bins**

During winter months organic waste can become frozen in the bin, if the waste does not empty when lifted by the vehicle mechanism the bin will be left with the contents still in it. A sticker or hanger will be left to indicate the reason for non-collection. The resident should ensure that the waste is loosened within the bin when presenting it for collection on their next scheduled collection day. We will not return to empty frozen bins before the next scheduled collection.

**Policy 17 - Overweight wheeled bins and sacks**

Where a crew member cannot safely manoeuvre and position a wheeled bin onto the vehicle, or where the vehicle cannot lift the bin due to its weight, then it will be left unemptied and reported by the collection crew. By law all the vehicle bin lifts have a safe working weight limit which crews cannot override. Bins containing the correct items (see website and [Policy 7](#)) will rarely be over weight.

Sacks should be liftable with one hand. When collecting sacks the employee will assess the weight of the bag. If this is too heavy to carry safely to the vehicle, the bag is likely to split or if the employee cannot safely lift it into the vehicle it will not be collected.

Where any bin or sack is found to be too heavy the householder will be required to remove sufficient material from the bin/sack and dispose of it in a responsible manner. Once sufficient weight has been removed, the bin or sack should be presented on the next scheduled collection date. We will not return to empty the bin or collect the sack before the next scheduled collection date.

**Policy 18 - Ownership of wheeled bins / sacks**

All wheeled bins and sacks provided remain the property of the Council and should be left at the property when moving out.

For households with a larger bin (see [Policy 6](#)) for residual domestic waste it is necessary to notify the waste department at the Council when the property is vacated.

Wheeled bins and sacks provided must only be used for the collection of waste and recycling.

The householder is responsible for keeping the bins / sacks safe whilst they are on their property and to protect them from misuse. The Council will not clean or wash bins.

**Policy 19 - Provision of new/replacement wheeled bins**

Bins will not usually be put on our delivery schedule until the property is occupied and registered with Council Tax.

At a property where the previous occupier has not left the bins, the Council must be contacted to arrange delivery of a set of bins.

The delivery of bins can take up to six weeks.

**Policy 20 – Lost and stolen wheeled bins**

If you suspect your bin has been lost please check the surrounding area before requesting a new bin. You must contact us to request a replacement bin. Waste not contained within the specified receptacles will not be collected.

**Policy 21 - Damaged wheeled bins**

If the bin has been damaged or 'eaten' by the collection vehicle the collection crew will report it on their in-cab reporting system and a new bin will automatically be delivered, and a notification will be left.

Replacement bins can be provided when they are damaged, damage should be reported to the Council and a replacement bin requested. Replacement mixed dry recycling bins are provided free of charge. Replacement garden waste bins and

residual waste bins are provided at a charge to cover the cost of delivery. Replacement bins or boxes can be ordered online.

A replacement may be a refurbished bin.

### **Policy 22 - Sharing wheeled bins**

If residents request to do so, then they may share bins with their neighbour if both are in agreement. One resident must claim overall responsibility for the bin as a bin can only be allocated to one address; this is usually the property where the bins are stored. It is the responsibility of the householder if a bin is contaminated, misused or needs replacing.

### **Policy 23 - Severe weather**

During severe weather we will

- Continue to undertake the regular scheduled collection of waste wherever it is deemed safe to do so. The decision on whether it is safe for a refuse collection vehicle to access a specific location/street has to be determined locally by the driver of that vehicle. Among key factors that apply are: road conditions, weather conditions, access past parked cars, risks to the safety of public and the crew, risks of damage to parked cars or property.
- We will try to return and collect missed bins as soon as possible after the scheduled collection date. If this is not possible due to continuing bad weather conditions we may make alternative arrangements. All service disruption details and any alternative arrangements will be communicated via our website and on social media.
- If disruption occurs we may decide to prioritise which services are caught up.

### **Policy 24 - Access Issues**

If access to a road is blocked by parked cars or road works collections will be attempted on two consecutive days following the scheduled day of collection.

Parked cars blocking access will have a letter, card or sticker attached to the windscreen.

Where access has, on a number of occasions, been attempted to collect waste but vehicles were unable to do so for reasons such as parked cars. We may notify the Police. Collections will resume on the next scheduled day.

If we are notified of road works in advance alternative arrangements may be arranged and communicated to residents.

### **Policy 25 – Healthcare and clinical waste**

#### **Offensive / hygiene waste**

The Council does not offer a separate collection for low grade non-clinical healthcare (offensive / hygiene) waste such as incontinence pads, nappies, feminine hygiene products etc, from a person with a non-infectious condition. This waste should ideally be double wrapped and placed in the non-recyclable (residual waste) wheeled bin. Where a large quantity is being produced then the household may be eligible for a larger residual waste wheeled bin under [Policy 6](#).

**Clinical waste - Infectious or hazardous waste including Sharps**

Sharps such as needles must never be placed in wheeled bins or sacks but disposed of in special sharps boxes and can be returned to the doctors surgery/ hospital or residents can have a special collection. Clinical waste collections of sharps are made in yellow sharps boxes on a call and collect basis.

Clinical waste collections for infectious waste in most cases are considered temporary and are periodically reviewed.

Patients producing infectious or hazardous waste must have a referral form from their healthcare provider.

Which of the services above are provided will be based on the information provided by the resident and their healthcare professional.

**Policy 26 – Bulky waste collections**

Where a household has bulky household waste e.g. a sofa or large Waste Electronic or Electrical Equipment e.g. a fridge for disposal these can be taken to the nearest Household Waste Recycling Centre.

It is advised that for bulky household waste in good condition charities or reuse organisations should be contacted initially.

Bulky household waste collections made by the Council are charged and will be collected only upon receipt of the relevant payment. These collections will be made at a different time to normal waste collections and the items should be placed outside for collection on the notified day.

Items should be stored in a clean and dry location prior to collection as the Council will reuse or recycle the items where possible.

We do not make collections from inside the property.



## TRADE WASTE POLICIES

### **Policy 27 – Trade refuse and recycling collection material streams**

The Council can provide chargeable collection upon request for residual trade waste. In some areas collections can also be made for mixed dry recycling, separate paper. Waste must be contained within the receptacles provided and payment must be made in advance.

Bins which are contaminated or contain prohibited items will not be collected.

Contaminated bins can be emptied as residual waste for an additional charge.

### **Policy 28 – Trade refuse and recycling collection bin sizes**

Collections can be arranged for the following bin sizes provided they are in stock.

- 140L
- 240L
- 360L
- 660L\*\*
- 1100L\*\*

\*\*Not suitable for paper only collections.

All bins and sacks remain the property of the Council and will be collected at the end of a contract or on non payment of outstanding invoices.

Terms and conditions and further service information is available on our website.

## STREET CLEANSING POLICIES

### Policy 29 – Standard of Service

The majority of street cleansing operations are undertaken in accordance with a cleansing schedule based on zoning outlined in the Code of Practice for Litter and Refuse. Where standards of cleanliness have been identified to have fallen below Grade B between the scheduled cleanse or litter pick, they will be returned to Grade A in accordance with the response times outlined in [Policy 32](#).

### Policy 30 – Response times

All highway cleansing schedules have been devised on needs based cleansing frequencies according to their intensity of use and using guidelines in the Code of Practice on Litter and Refuse. Further details are available on our website.

Fly-tipping will be removed within 2 working days of the report. Where hazardous waste is identified in the fly tip a specialist contractor is required to remove waste and therefore removal may be up to 10 working days.

Heavily littered and 'hotspot' areas which are categorised as Grade C or D will be cleaned of litter on receipt of reports or as a result of inspections in accordance with the response times.

Overflowing litterbins will be responded to within 2 working days.

Reported needles will be collected the same working day.

### Policy 31 – Leaf clearance

In the NHDC area, separate leaf clearance work will be undertaken as required in high leaf fall streets across the district to maintain the safe use of highway footpaths. All other leaf clearance will be undertaken alongside the scheduled cleanse, typically a minimum of every six weeks.

In EHDC, leaf clearance work will only be undertaken when there is a potential problem for drainage in roads identified as liable to flooding.

### Policy 32 – High speed roads

High speed roads requiring traffic management and road closures to cleanse and litter pick safely will be mechanically swept at least once a year.

Laybys and safely accessible areas will be litter picked as required and in accordance with the zones specified in the Code of Practice for Litter and Refuse. This is often done at the same time as litter bin emptying.

**Policy 33 – Street cleansing Town centres**

Town centres will receive a daily litter pick service. The areas of the town centres experiencing the highest intensity of traffic will be maintained to a Grade A standard between 8am and 6pm Monday to Saturday and 8am and 12noon on Sundays, with the exception of Christmas Day and New Year's Day.

**Policy 36 - Litter / on street recycling bins**

Litter bins are to be used for small items of rubbish derived from passers by only. Bagged dog faeces can be placed into street litter bins. Household and commercial waste should not be placed into on street bins. Waste should be placed inside the bin, not next to or on top of it.

If a stub plate is present, the extinguished cigarette should then be disposed in the bin.

Where recycling bins are present, only the correct materials as stated on the bins should be placed within them.

Where litter bins are not present litter should be taken home.

**Policy 37 – Winter snow clearance**

Winter snow clearance and gritting frozen or icy roads or footpaths is the responsibility of the land owner. For roads and footpaths which form part of the highway this is the responsibility of Hertfordshire County Council (HCC).

Gritting will be undertaken when necessary on Council owned land such as car parks, and in some circumstances staff will assist HCC in gritting and clearing snow from the town centre footpaths.

**Policy 38 – Events and street parties**

Additional cleansing support can be provided where necessary for events and street parties. It is the responsibility of the event organisers to liaise with the cleansing team about these requirements and the cost of additional services will be recovered from the organisers.

**Policy 39 – Graffiti and fly-poster removal**

Response times for the removal of reported offensive graffiti and reported offensive fly-posting, on Council property, will be in accordance with the recommendations in the Code of Practice for Litter and Refuse.

In addition officers will work with private property owners to encourage the removal of graffiti.

Further details are provided on our website

## **Waste Shared Service Aim**

Delivering high quality and well performing services which are both financially and environmentally sustainable.

## **Waste Shared Service Principles**

- a. Maintain and/or improve service standards through efficient working.
- b. Achieve service improvements, greater resilience, efficiencies, cost reductions or better performance through service alignment
- c. Deliver service changes aligned with the government's Resources and Waste Strategy which demonstrate a net environmental benefit
- d. Work in partnership with contractors to develop and evolve a carbon management plan identifying how operations can deliver year on year carbon savings and move towards services with net zero carbon emissions.
- e. Improve efficiencies and enhance the offering for chargeable waste and recycling services and explore commercial opportunities
- f. Work in partnership with contractors to explore new opportunities to reduce costs and ensure the delivery of financially sustainable services
- g. Providing residents and customers with improved and enhanced online self-serve opportunities delivering any service changes with this in mind
- h. Work in partnership with contractors to improve and modernise working practices and make our services an attractive place to work
- i. Work with the Herts Waste Partnership and other partners to share knowledge, best practice, reduce waste and embed circular economy principles in service delivery.



East Herts current bins:  
 Black 240 litres refuse  
 Blue lidded 240 litres Co-mingled recycling  
 +  
 Paid for garden waste service 240 litres



North Herts current bins:  
 Purple 180 litre refuse  
 Black 240 litres Co-mingled recycling  
 Blue Paper box 55 litres  
 Food caddy 23 litres  
 +  
 Paid for garden waste service 240 litres



Proposed Standard Configuration  
 Purple lidded 180 litres refuse  
 Blue lidded Co-mingled recycling 240  
 litres  
 Food caddy 23 litres  
 Blue Paper box 55 litres  
 +  
 Paid for garden waste service 240 litres



Separate Fibre Bin Option  
 Purple lidded 180 litre refuse  
 Black lidded co-mingled bin 240 litres  
 Blue lidded fibre bin 240 litres  
 Food caddy 23 litres  
 +  
 Paid for garden waste service 240 litres

Page 5  
**SUMMARY OF COLLECTION SERVICES - 3 WEEKLY REFUSE**

Councils with 3 weekly refuse collections	Refuse	Mixed recycling	Food	Garden waste	Paper/card	Glass	2019 recycling rate (SEPA) %	20/21 recycling rate (Let's Recycle &)	Notes
<b>Argyll and Bute Council</b>	3 wk, 240L	2 wk, 240L	weekly, 23L caddy, towns only	not collected	included in recycle bin	4 wk towns only, 120L?	38.6		
<b>Blaenau Gwent County Borough Council</b>	3 wk. 240L? bin or sacks	weekly, 4 stacked boxes (Trolibocs) on trolley for separating paper,plastics, metal& glass	weekly, caddy 23L?	weekly, hessian sack	weekly, hessian sack (cardboard only)	weekly, included in Trolleybocs		64.3	Garden waste stops in winter. Batteries and small WEEE collections
<b>Bury Council</b>	3 wk, 240L?	3 wk, bin	2 wk (mixed) bin		3 wk, bin	included in recycle bin		50.5	Collecting 3 weekly refuse since 2014
<b>Ceredigion County Council</b>	3 wk, sacks (option to purchase a 240L or 1100L bin)	weekly, sack	weekly, caddy	sacks, bookable collection	in mixed recycling bin	3 wk, box		70.2	
<b>Clackmannanshire Council</b>	3 wk, 240L	2 wk, 240L	weekly, 23L	3 wk, 240L	in mixed recycling bin	in mixed recycling bin	55.4		
<b>Daventry District Council</b>	3 wk,240L?	2 wk, 240L?	weekly, 23L	2 wk, 240L	in mixed recycling bin	in mixed recycling bin		52.7	123+. WEEE collected in bag on residual day
<b>East Ayrshire Council</b>	3 wk, 240L	Weekly, trolley boxes (plastics & cans)	weekly, caddy 23L?	4 wk, 240L	weekly trolley box	weekly trolley box	53.2		
<b>East Devon District Council</b>	3 wk, 240L? bin or gull sack	Weekly Sack (plastic/metal) and box (paper/glass/bagged WEEE, textiles and batteries)	weekly, caddy	2 wk, 240L	in mixed recycling bin	in mixed recycling bin		60	Ask East Devon Alexa service

Councils with 3 weekly refuse collections	Refuse	Mixed recycling	Food	Garden waste	Paper/card	Glass	2019 recycling rate (SEPA) %	20/21 recycling rate (Let's Recycle &)	Notes
East Renfrewshire Council	3 wk, 240L?	3 wk, 240L?	weekly, mixed food/garden (max 1 bin), 240L		3 wk, 240L	in co-mingled	67.8		
Gwynedd County Council	3 wk, 240L	weekly trolley boxes	weekly, 22L caddy	2 wk, 240L?	weekly box	weekly box		65.5	
Isle of Anglesey County Council	3 wk, 240L	weekly, trolley boxes	weekly, 23L food	2 wk, 240L	weekly box (paper & Textiles)	weekly box (glass & cardboard)		65.7	
Mid Devon	3 wk, 180L (new bins)	2 wk boxes	weekly, 23L caddy	2 wk, 240L	2 wk (cards & cartons)	in mixed recycling bin		53.7	Bin-it 123, Oct 22
Moray Council	3 wk, 240L	2 wk, 140L bin	2 wk, 140L		2 wk, 140L bin	2 wk, Box 38L	59		
North Ayrshire Council	3 wk, 240L	3wk, 240L	2 wk (mixed), 240L		3 wk, 240L	in mixed recycling bin	56.3		
North Lanarkshire Council	3 wk, 240L	3 wk, 240L	2 wk (mixed), 240L		3 wk, 240L	in mixed recycling bin	40.3		
Oldham Council	3 wk, bin	3 wk, bin	weekly, bin		3 wk, bin	in mixed recycling bin		36.7	
Pembrokeshire County Council	3 wk, 3 sacks	Weekly, reusable sack for metals and plastics	weekly, 23L caddy	2 wk, 240L	weekly, reusable sack for card, box for paper	weekly, box		73.2	Aug 19, good video. Garden waste stops in winter
Powys County Council	3 wk, 180L	Weekly, 55L Box	weekly, caddy		weekly, 44L Box	weekly, 44L Box		66.1	
Renfrewshire Council	3wk, bin	2 wk, bin	weekly, bin	weekly, caddy	2 wk, bin	in mixed recycling bin	53		
Rochdale Borough Council	3 wk, 240L	3 wk, 240L	weekly, 204L		3 wk, 240L	in mixed recycling bin		48	Family 5+ can have larger bins

Councils with 3 weekly refuse collections	Refuse	Mixed recycling	Food	Garden waste	Paper/card	Glass	2019 recycling rate (SEPA) %	20/21 recycling rate (Let's Recycle &	Notes
<b>Salford City Council</b>	3 wk, 240L (Tues-Fri)	2 wk, 240L bin, box or sack	weekly, mixed garden/food 240L bin and 23L just for food (no garden)		2 wk, 240L bin (may be too big)	in mixed recycling bin		47.2	4 day collections. 4 years, includes farm houses/flats, buy extra capacity via trade contract. Saved £10M. 180-200 houses, 400,00 pop
<b>South Ayrshire Council</b>	3 wk, bin	4 wk, 2 bins allowed	weekly, caddy	4 wk, 2 bins allowed	4 wk, bin	6 wk, 2 bins allowed	57.7		App SAC mybins
<b>Wigan Metropolitan Borough Council</b>	3 wk, 240L standard (140 for smaller properties)	3 wk, 240L standard metals,glass plastics (140L smaller properties)	2 wk, mixed garden/food 240L standard (140L or 23L caddy for smaller properties)		3 wk 240/140L or sackx1	in mixed recycling bin		53.2	Food video. T&Cs for bin charging. Published waste policy "at a glance" summary
<b>Warwick District Council*</b>	3 wk, 180L	2 wk, 240L	weekly, 23L caddy	2 wk, 240L	in mixed recycling bin	in mixed recycling bin		49.5	"123 collection" also batteries WEEE and textiles, Aug 22
<b>Stratford-on-Avon District Council*</b>	3 wk, 240L (replacements will be 180L)	2 wk, 240L	weekly, 23L caddy	2 wk, 240L	in mixed recycling bin	in mixed recycling bin		59.4	"123 collection" also batteries WEEE and textiles, Aug 22

\*working in partnership



## **Proposal if separate 'fibre' (paper and cardboard) is mandated**

### **Current Service Provision**

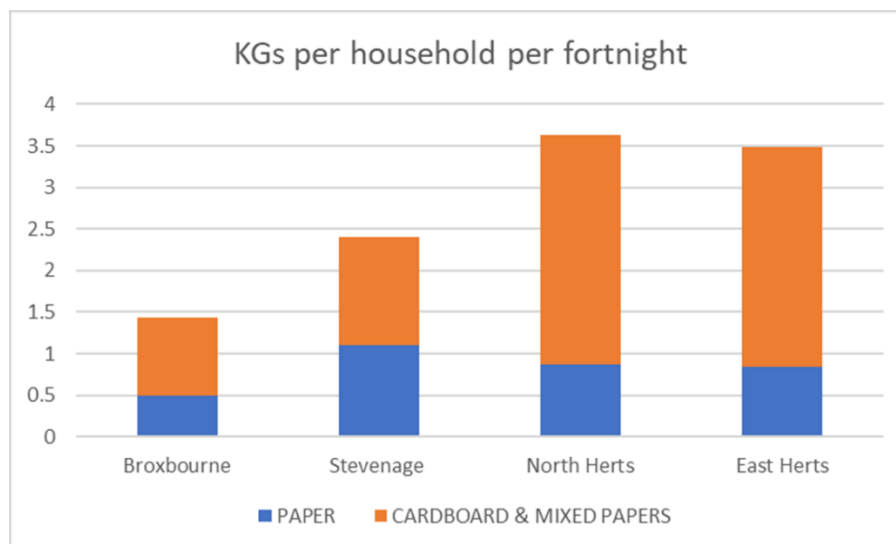
#### **East Herts**

- 240L Fortnightly Residual Waste
- 240L Fortnightly Mixed Dry Recycling
- 45-55L Fortnightly Paper
- Total capacity over 6 weeks = 1,575L - 1,605L
- Recycling Rate 21/22 = 46.03%

#### **North Herts**

- 180L Fortnightly Residual Waste
- 240L Fortnightly Mixed Dry Recycling
- 55L Fortnightly Paper
- 23L Food waste caddy
- Total capacity over 6 weeks = 1,563L
- Recycling Rate 21/22 = 57.58%

Capture rates of paper and card are shown based on two local box services and our current box and bin service.



Capture of cardboard/ mixed papers is likely to drop significantly if collected in a box only service. Proposal is therefore for a 240L bin provision for the majority of households.

### **Preferred Proposal if separate fibre is mandated**

- Introduce weekly food in EH
- Three weekly 180L residual waste
- Three weekly 'Fibre' bin – Paper and Cardboard
- Three weekly 'Containers' bin – plastic bottles pots, tubs, trays, film, aluminium and steel cans, glass
- Total capacity over 6 weeks = 1,458L
- Est. Recycling Rate = 58%-60%+

Capacity for households is reduced slightly from the current provision over a six-weekly cycle in line with waste minimisation principles. However, capacity provision is higher than the primary proposal recommend in the Cabinet/Executive report for three weekly residual waste with fortnightly mixed dry recycling and a fortnightly paper box.

- **Does it reduce waste?** Yes, from reduced residual bin size and reduced residual emptying cycle. Also food waste reduces when separate food waste collections are introduced.
- **Does it increase recycling?** Yes, greater capacity for recycling in bins. Also food waste captured in EHC.
- **Does it reduce fleet carbon footprint?** Carbon impacts are mitigated, reduced fleet movements for residual waste. However, introduction of new mandated services will increase fleet movements and therefore carbon impacts. Fleet movements are mitigated as far as is considered reasonably practicable.
- **Does it reduce collection costs?** Costs are mitigated reduced costs from residual waste collections but the introduction of new mandated services will increase costs. Costs are mitigated as far as is considered reasonable practicable.
- **Are East & North Service aligned?** Yes
- **Is there Capital spend?** Yes, from mandated change only.

Date	Activity
June/July/August 2022	Tender procurement for Waste Consultants to support the procurement
Aug-22	Issue PIN notice (not essential but alerts the market to the opportunity)
August/September 2022	Pre-market engagement to warm up the market and check timetable
30/08/22	EHC LT
05/09/22	NH LT
06/09/22	EH Exec T
07/09/22	NHC PLB
07/09/22	O&S papers deadline
08/09/22	EHC All Member Briefing
12/09/22	O&S papers published
14/09/22	NHC All Member Briefing
20/09/22	EHC O&S
28/09/22	NHC O&S
September/October 2022	Development of Descriptive Document and SQ.
12/10/22	Exec Pre Meet
14/10/22	EHC Exec papers deadline
25/10/22	EHC Executive/ NHC Cabinet
Nov-22	Project Board
05/12/22	<b>Contract Notice and ITT Issued</b>
Nov-22	Project Board
09/01/23	SQ deadline
w/c 09/01/2023 until early Feb 23	Evaluation of SQ's/Shortlisting
Jan-23	Project Board
End-January - February	Dialogue Stage 1
Early March	Reduction in bidders/revised solutions

	Mar-23	Project Board
Mid- March 2023		Dialogue Stage 2
	Apr-23	Project/Partnership Board
End of May		Reduction in bidders/revised solutions
	Jun-23	Project Board
Early June		Dialogue Stage 3 (may not be required)
End of August		Reduction in bidders/revised and final solutions
	Aug-23	Project Board
Early September		Issue Final Tenders
	Oct-23	Project/Partnership Board
	25/11/23	Tender Deadline
	Dec-23	Project Board
December 2023/January 2024		Tender Evaluation & and Post Tender Clarifications
	Feb-24	Project Board/ Executive & Cabinet Approval
Early March 2024		Intention to Award/Standstill Period
Mid-March 2024		Contract Award
	Apr-24	Project/Partnership Board
April 2024 – April 2025		Contract Mobilisation
	May-25	Contract Start

## Equality Impact Analysis Form

### 1. Equality Impact Analysis (EIA) Form

<b>Title of EIA (policy/change it relates to)</b>	Waste Collection Service Changes – Three Weekly Residual Waste & Weekly Food Waste.	<b>Date</b>	05/09/2022
<b>Team/Department</b>	Shared Waste Management Service		
<b>Focus of EIA</b>  What are the aims of the new initiative? Who implements it? Define the user group impacted? How will they be impacted?	<p>The services changes are being proposed to ensure waste collection services remain fit for purpose and meet the Councils objectives for financial and environmental sustainability. The change to the weekly separate collection of food waste is expected to be mandated in 2025 and the change of frequency of collection for residual waste will help mitigate the increased costs of the service and mitigate some of the additional carbon impacts of the fleet. The service changes will be implemented as part of the waste collection contract change in 2025 and the changes will affect all residents in the district. Residents will be required to change the way they manage the waste they produce and use different waste collection arrangements.</p>		

**Please note:** Prepopulated data for protected categories other than Age and Gender come from 2011 census results<sup>1</sup> on the district, the Age and Gender data comes from ONS mid-year estimates<sup>2</sup>. If the service has specific demographic data for service users/residents than this should be used instead.

<sup>1</sup><https://www.nomisweb.co.uk/census/2011>

<sup>2</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalescotlandandnorthernireland>

## 2. Review of information, equality analysis and potential actions

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

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff		What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
Age	Under 20 20-24 25-29 30-44 45-59 60-64 65-74 75-84 85-89 90	24.2% 4.5% 5.5% 19.8% 22.9% 5.4% 9.6% 5.6% 1.6% 0.9%	Service changes are often perceived negatively. They are perceived as placing additional burdens on householders. However, the public consultation also indicated that 45% of residents residual waste bins were half full or less. Only 9% of residents indicated that	The results indicate that a large proportion of residents do not need to change behaviour to manage the change. It also indicates that some of the changes would be welcomed. It also shows that some of our existing policies will support the changes. It is expected that the parents of multiple children in nappies and users	Households with multiple children in nappies will be supported to consider reusable options with our existing nappy scheme. We will promote our 'exceptions' policies. Our policy currently allows for additional capacity for households producing large quantities of nappy waste. It is proposed that under a policy change these households will be offered fortnightly collections. We will also promote our assisted collection service for those residents who

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff		What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
			they were not at all likely to use a weekly food waste collection. 42% of residents indicated that they would like to see additional collection capacity provided for those who may need it.	of adult nappies (which may be a higher proportion of older residents) would find the three weekly service most difficult to manage. Older residents are likely to live in smaller households which would mean managing their waste with the provided capacity would be easier. Older residents may find the three - weekly cycle confusing.	may struggle due to their age and deteriorating mental capacity to remember to put bins out on a three weekly cycle.

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Disability</b>	11,663 households in East Herts have one person in household with a long-term health problem or disability.	42% of residents indicated that they would like to see additional collection capacity provided for those who may need it.	Users of adult nappies would find the three weekly service most difficult to manage.	Our existing policy on assisted collections already supports this group. We will promote our 'exceptions' policies. Our policy currently allows for additional capacity for households producing large quantities of nappy waste. It is proposed that under a policy change these households will be offered fortnightly collections.
<b>Gender reassignment</b>	N/A			



Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>																				
Pregnancy and maternity		42% of residents indicated that they would like to see additional collection capacity provided for those who may need it.	It is expected that the parents of multiple children in nappies would find the three weekly service most difficult to manage.	We will promote our 'exceptions' policies. Our policy currently allows for additional capacity for households producing large quantities of nappy waste. It is proposed that under a policy change these households will be offered fortnightly collections.																				
Race Page 217	<table border="0"> <tr> <td><b>White</b></td> <td><b>95.47%</b></td> </tr> <tr> <td>English/Welsh/Scottish/Northern Irish/British</td> <td>90.25%</td> </tr> <tr> <td>Irish</td> <td>1.14%</td> </tr> <tr> <td>Gypsy or Irish Traveller</td> <td>0.04%</td> </tr> <tr> <td>Other White</td> <td>4.04%</td> </tr> <tr> <td><b>Mixed/multiple ethnic groups</b></td> <td><b>1.61%</b></td> </tr> <tr> <td>White and Black Caribbean</td> <td>0.45%</td> </tr> <tr> <td>White and Black African</td> <td>0.15%</td> </tr> <tr> <td>White and Asian</td> <td>0.62%</td> </tr> <tr> <td>Other Mixed</td> <td>0.38%</td> </tr> </table>	<b>White</b>	<b>95.47%</b>	English/Welsh/Scottish/Northern Irish/British	90.25%	Irish	1.14%	Gypsy or Irish Traveller	0.04%	Other White	4.04%	<b>Mixed/multiple ethnic groups</b>	<b>1.61%</b>	White and Black Caribbean	0.45%	White and Black African	0.15%	White and Asian	0.62%	Other Mixed	0.38%	N/A		
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	<p><b>Asian/Asian British</b> <b>1.95%</b></p> <p>Indian 0.73%</p> <p>Pakistani 0.15%</p> <p>Bangladeshi 0.20%</p> <p>Chinese 0.37%</p> <p>Other Asian 0.49%</p> <p><b>Black/African/Caribbean/Black British</b> <b>0.71%</b></p> <p>African 0.43%</p> <p>Caribbean 0.22%</p> <p>Other Black 0.07%</p> <p><b>Other ethnic group</b> <b>0.26%</b></p> <p>Arab 0.10%</p> <p>Any other ethnic group 0.16%</p>			
<b>Religion or belief</b>	<p>Christian 62.75%</p> <p>Buddhist 0.32%</p> <p>Hindu 0.45%</p> <p>Jewish 0.33%</p> <p>Muslim 0.72%</p> <p>Sikh 0.12%</p> <p>Other religion 0.32%</p> <p>No religion 27.75%</p>	N/A		

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff		<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	Religion not stated	7.26%			
<b>Sex/Gender</b>	The district is 51% female and 49% male		N/A		
<b>Sexual orientation</b>			N/A		
<b>Marriage and civil partnership</b>	Single Married Civil partnership Separated Divorced Widowed	30.5% 52.3% 0.2% 2.3% 8.6% 6.2%	N/A		
<b>Assessment of overall impacts and any further recommendations</b>					

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
The impacts focus on the ability for residents to manage their own waste. As well as supportive policies for those who genuinely need additional support, we are also able to provide advice and guidance and will have additional staff resources during the mobilisation period to do this.				

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

<b>Title</b> (of data, research or engagement)	<b>Date</b>	<b>Gaps in data</b>	<b>Actions to fill these gaps: who else do you need to engage with?</b> (add these to the Action Plan below, with a timeframe)
Public Consultation	22 <sup>nd</sup> July 2022 to 22 <sup>nd</sup> August 2022.	Not all residents completed the public consultation.	A communications campaign will deliver messages directly to households in advance of the service changes and additional advice and information will be provided either online or via the customer contact centre.

ERP

EIA updated as of 2018

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**4. Prioritised Action Plan (If applicable)**

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
Ability to manage their waste	Updates to supportive policies and additional resources during service roll out.	Greater uptake of supportive policies	Low levels of complaints. Low instances of dumped nappy waste.	Ongoing.

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

<b>Lead Equality Impact Assessment officer:</b>		<b>Date:</b>	
<b>Directorate Management Team rep or Head of Service:</b>		<b>Date:</b>	
<b>Author of Equality Impact Analysis:</b>	Chloe Hipwood	<b>Date:</b>	05/09/22

## East Herts Council Report

### Overview and Scrutiny Committee

**Date of meeting:** 20 September 2022

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

**Report title:** Licensed Vehicles Emissions Update

**Ward(s) affected:** All

### Summary

- This report details the work already carried out in relation to the emissions created by the vehicles it licences, both hackney carriage and private hire vehicles, in pursuit of the Corporate Plan action for 2022/23 to ‘implement stricter taxi emission requirements for all new vehicle applications and renewal applications’. The report also discusses the council’s leading role in countywide work to limit the emissions from all the vehicles licensed by Hertfordshire districts.

### **RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY**

**COMMITTEE:** That

**A. Members consider and endorse the approach being taken to limit the emissions from licensed vehicles.**

#### **1.0 Proposal(s)**

1.1 That work is carried out to minimise the emissions from vehicles licensed by East Herts Council in support of the Corporate Plan.

## 2.0 Background

- 2.1 East Herts Council was an early adopter of considering emissions as part of the criteria for granting licences for hackney carriage and private hire vehicles.
- 2.2 Following consultation with the trade a 'Licensed Vehicle Age & Emissions Policy' was implemented from the 1<sup>st</sup> April 2019 with the standards coming into effect from 1<sup>st</sup> April 2020. Since that date, all vehicles licensed for the first time by the council for use as a licensed vehicle (hackney carriage or private) needed to meet or exceed the Euro 6 standard.
- 2.3 The Euro 6 standard is as follows:

### **Euro 6 standards for petrol engines:**

- Carbon monoxide – 1.0g/km
- Total hydrocarbon emissions: 0.10g/km
- Non-methane hydrocarbon emissions: 0.068g/km
- Nitrogen oxides: 0.06g/km
- Particulate matter: 0.005g/km (direct injection only)

### **Euro 6 standards for diesel engines:**

- Carbon monoxide: 0.50g/km
- Hydrocarbons and Nitrogen oxides: 0.17g/km
- Nitrogen oxides: 0.08g/km
- Particulate matter: 0.005g/km

- 2.4 In order to meet the Corporate Plan objective to 'implement stricter taxi emission requirements for all new vehicle applications and renewal applications' by the end of 2022/23 the switch to *all* licensed vehicles needing to meet the Euro 6 standard has been fully publicised across the local trade. From 1<sup>st</sup> April 2023 all vehicles to be licensed by East Herts will be Euro 6 or electric and the trade will be reminded of this. The decision to move to this emissions standard for all vehicles in 2023 was taken in 2019 after consultation with the trade.



- 2.5 In a further step to promote the uptake of electric vehicles by the licensed trade the licence fee due for an initial application was waived for a fully electric vehicle.
- 2.6 The fees for taxi licensing are required to be set at a level that allows cost recovery. Therefore where the fee is waived for a particular application this must be funded separately by the authority and cannot simply be added to the fees paid by other licence holders.
- 2.7 As other Hertfordshire local authorities have begun to consider the matter of vehicle emissions some have chosen to adopt the same policy as East Herts whilst others have chosen to adopt their own standards. This means that across the county vehicles have to meet different standards so a vehicle that might not be licensed by East Herts could gain a licence elsewhere within Hertfordshire and then still be working within East Herts.
- 2.8 Similarly vehicles licensed elsewhere in the country, including in London, can legally work within the district without meeting the locally set emissions standards.
- 2.9 To standardise the approach in the county, East Herts Council has been approached by the Hertfordshire Climate Change and Sustainability Partnership (HCCSP) to assist in accelerating the switch to increasingly lower emission taxis across Hertfordshire. This is due to East Herts Council's work in this area and the Service Manager (Licensing & Enforcement) chairing the Herts & Beds Licensing Group and, through this role, promoting joint working in taxi related areas.
- 2.10 In a recent report, The Low Emission Taxi Guide, the Carbon Vehicle Partnership and Energy Saving Trust, states: "Taxis have a disproportionate impact on air quality impacting human health. This is due to the relatively high mileage they

cover and their concentrations in busy urban areas such as railway stations, shopping malls and supermarkets where large numbers of pedestrians are present.

2.11 “Emissions produced by these vehicles not only have an impact on the health of the local population (almost all taxis and many private hire vehicles are fuelled by diesel) but also on ... drivers who may be exposed to poor air quality for 8-12 hours a day. Road transport (including local road traffic and road traffic background) is responsible for some 80% of nitrogen oxide (NOx) concentrations at roadside. Although diesel taxis are only responsible for 2% of the local road traffic NOx emissions nationally, this rises significantly in cities.<sup>1</sup>

### 3.0 Reason(s)

3.1 Taxis traditionally have higher emissions, relative to other road transport, than their low percentage of vehicles on the road would suggest. This is because vehicles used as taxis spend a relatively high proportion of their time in use, as compared with many cars used simply for commutes during the week. Add to this, they emit even when unoccupied, travelling to or waiting for their next customer. As they often ply their trade in high population density areas, the detrimental effects of their emissions on air quality can also be disproportionately high.

3.2 There are currently 246 vehicles licensed by East Herts council and their emissions levels are shown below:

<b>Type of vehicle licence</b>	<b>Overall number</b>	<b>Euro 5 or below</b>	<b>Euro 6 or above</b>	<b>Fully Electric Vehicle</b>	<b>% Euro 6 or electric</b>
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<sup>1</sup> Gloria Esposito Low, Maria Siakovelli and Ian Featherstone (2018) The Low Emission Taxi Guide. London: Low Carbon Vehicle Partnership and Energy Saving Trust

Hackney Carriage	194	67	127	0	65.5%
Private Hire	52	12	38	2	76.9%
Total	246	79	165	2	67.9%

3.3 The 79 vehicles that are currently below the Euro 6 standard will all be considered when their licence comes up for review after 1<sup>st</sup> April 2023. The granting of licences to vehicles with a lower emissions standard will only be allowable as an exception to the 'Vehicle Age & Emissions Policy' after this date.

3.4 The county-wide work comparing emissions standards is taking into consideration moving towards newer and cleaner vehicles lower emission vehicles as well as promoting fully electric vehicles and includes:

- **“Low emission vehicle”** is defined as one that produces less than 100g of CO2 for every kilometre (0.6 miles) travelled.
- **“Ultra-low emission vehicle”** is defined as a vehicle that produce less than 75g of CO2 per kilometre travelled
- **Electric vehicles** or **“EV”**, as distinct from LEV above, can be divided into more categories and with wider availability than when the 'Vehicle Age & Emissions Policy' was drafted. **Hybrid vehicles (HV)**, which use a combination of combustion engine and battery (battery use being generally for speeds below 20 mph and having a range of around 5 miles), recharging the battery through the use of the combustion engine. It is a widely held misconception that the battery on these vehicles is recharged through regenerative braking when it is in fact recharged by the combustion engine revving slightly higher to drive a dynamo generator to recharge the battery; **plug-in hybrid vehicles (PHEV)**, which charge the battery through

a charging port and are capable of operating on battery power alone over shorter ranges (typically around 20 miles) and then using the combustion engine for higher speeds or when the battery is depleted; and **battery electric vehicles (BEV)**, which do not have a combustion engine and are driven from the battery alone

3.5 The table below shows the average CO<sub>2</sub>E emissions per kilometre:

Type of vehicle	Average CO <sub>2</sub> E emissions per kilometre <sup>2</sup>
Petrol passenger car	174g
Diesel passenger car	168g
Hybrid passenger car	119g
Battery Electric passenger car	57.7g

3.6 HCCSP has agreed two actions in relation to taxis in its Strategic Action Plan for Transport approved November 2021: *T30 : Establish a coordinated approach between districts in terms of future taxi licencing policy to facilitate an accelerated shift to fully electric taxis being the norm across Hertfordshire*

*T31: Develop a model “low carbon” taxi licencing policy for Hertfordshire districts to adopt if desired.*

3.7 There are a range of positive outcomes to be enjoyed by local authorities, proprietors and operators and residents themselves of an increase in the number of LEV taxis.

3.8 The benefits to a local authority include:

- improved local air quality: Taxis frequently operate at transport hubs such as rail and bus stations and at other

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<sup>2</sup> Statista (2021) *Carbon footprint of selected modes of transportation in the United Kingdom in 2021*\*(in grams of carbon dioxide equivalent per kilometer) Available online [here](#).

busy locations: their impact on local air quality and the public's exposure to air pollution is often greater than the overall number of vehicles in operation would suggest. These areas are often covered by Air Quality Management Areas (AQMAs) and so a coordinated policy could contribute to the success of the Air Quality Action Plan (AQAP) in those locations

- reduced greenhouse gas emissions from road transport: HCCSP's Strategic Action Plan for Transport indicates that 27% of the UK's CO<sub>2</sub>e emissions are from transport, and of that, 91% is from road transport. Taxi emissions are a significant emitter in the local area and are an area that Authorities have an opportunity to use their statutory powers to impact upon
- potential positive impact on residents' health, reducing admissions to local NHS departments and Hertfordshire County Council care services.

### 3.9 The benefits for proprietors and operators include:

- no charge to enter a charging Clean Air Zone (CAZ), the Ultra-Low Emission Zone (ULEZ) or other regional Low Emission Zone (LEZ) that include taxis and private hire vehicles, which may expand potential operational footprint for taxis
- applying a whole life cost (WLC) analysis often shows that best-in-class vehicles are cheaper to operate than conventional and older technology vehicles
- grants (whether in place or in the future) could offer financial support and incentives to support the change
- possibility to benefit from local authority incentives such as reduced parking charges and priority use of taxi ranks
- licensing rules could possibly favour lower emission taxis in the form of new licence availability, licence fees or vehicle age policies. This will need to be subjected to a fuller review of the detailed legislation and guidance

governing the recovering of licencing authorities' costs through fees levied.

3.10 The benefits to customers and residents include:

- more comfortable journeys: Lowest emission vehicles may be more comfortable for the passenger and the neighbourhoods that they drive through, as hybrids (when running in electric drive mode) and electric vehicles are quieter and smoother than conventional cars
- greater population adoption of LEVs: Encouraging public purchase of LEV following positive experience of being driven in one
- increased convenience if low emission taxis can access priority taxi ranks and designated low emission bus lanes.

3.11 Whilst there are perceived barriers to the use of lower emission vehicles as licensed vehicles more work needs to be done around this. It is hoped to engage with the licensed trade across Hertfordshire and gather data on what the actual barriers are so that they can be mitigated as far as possible.

## **4.0 Options**

4.1 Do not carry out work to try to minimise emissions from licensed vehicles – NOT RECOMMENDED: The Corporate Plan and East Herts Council's leading role in the HCCSP work demonstrates the Executive's wish to be at the forefront of this work.

## **5.0 Risks**

5.1 If the authority does not seek to lower harmful emissions wherever possible there is a potential risk to health.

5.2 Failing to act to lower emissions where possible has a reputational risk for the council.

## 6.0 Implications/Consultations

### Community Safety

Not applicable.

### Data Protection

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

### Equalities

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

#### *Negative Impacts*

The council has not identified any negative effects from the proposed work on the promotion of lower emissions vehicles at this stage.

#### *Positive Impacts*

If the area of work helps to lower emission then any improvement in air quality will benefit those living, working and visiting East Herts.

#### *Overall conclusion*

The make-up of the licensed taxi trade in January 2022 was as follows:

<b>Place of birth</b>	<b>Percentage</b>
United Kingdom	58%
Bangladesh	8%
Pakistan	8%
India	3.6%
Poland	3.3%
Romania	3%

Turkey	3%
Lithuania	2.6%
Morocco	1.6%
Afghanistan	1.3%

The remaining 7.6% is made up of individuals who were born in 1 of 17 other countries which individually account for 1% or less of the total.

Those born abroad are over-represented within the taxi trade when compared with the overall East Herts population and so there is the potential that any economic impacts, such as the need to purchase a new car, could fall more heavily on people from different black and minority ethnic groups.

This potential differential impact should be borne in mind, however, it is argued that the wider benefits to be derived from promotion of lower emission vehicles, as described in paragraphs 3.8 to 3.11 of this report, are so significant as to outbalance the possibility of differential negative impacts. Furthermore, the council's policy on the licensing of taxi vehicles allows for a deviation from only licensing Euro 6 standard vehicles in exceptional circumstances. Therefore, the council has at its disposal a mechanism for obviating any substantially negative impacts on drivers from protected characteristic groups if/as necessary.

The impacts described will be kept under review, using up-to-date information regarding the licensed trade.

### **Environmental Sustainability**

Improved local air quality: Taxis frequently operate at transport hubs such as rail and bus stations and at other busy locations: their impact on local air quality and the public's exposure to air pollution is often greater than the overall number of vehicles in operation would suggest. These areas are often covered by Air Quality Management



Areas (AQMAs) and so a coordinated policy could contribute to the success of the Air Quality Action Plan (AQAP) in those locations.

Reduced greenhouse gas emissions from road transport: HCCSP's Strategic Action Plan for Transport indicates that 27% of the UK's CO<sub>2</sub>e emissions are from transport, and of that, 91% is from road transport. Taxi emissions are a significant emitter in the local area and are an area that Authorities have an opportunity to use their statutory powers to impact upon.

Potential positive impact on residents' health, reducing admissions to local NHS departments and Hertfordshire County Council care services.

## **Financial**

Any incentives, such as waiving licensing fees for certain types of vehicle, will be a cost to the council as fees cannot be increased for other vehicles to cover this. Given the council's need to make significant savings over the medium term any budget for incentives would have to be funded from a budget reduction elsewhere.

Air pollution from vehicles impacts on other parts of the public sector, particularly the NHS and Social Care. In England, the total cost due to PM<sub>2.5</sub> to the NHS and social care is estimated to be £1.5billion by 2025, and £5.1billion by 2035. This increases to £2.8billion and £9.4billion respectively when diseases with less robust evidence are included. the total cost due to NO<sub>2</sub> to the NHS and social care is estimated to be £60.8million by 2025, and £230million by 2035. This increases to £2.7billion and £9.2billion respectively when diseases with less robust evidence are included. Research by Oxford and Bath Universities from 2018 estimated that air pollution cost the NHS and wider society £6 billion per year. Breaking that figure down:

- Average cost to the NHS and society of a car is £7,714
- The health damage cost from diesel cars is £16,424
- The health damage cost from petrol cars is £2,327
- The health damage costs from petrol hybrid vehicles is £1,824

- The health damage costs from battery electric vehicles is £827

Nearly 90% of the total £6 billion bill caused by emissions to the NHS and wider society comes from the impact of diesel emissions. By reducing emissions in line with the policy the council will be assisting its partners in the NHS and Social Care to reduce future costs.

### **Health and Safety**

None

### **Human Resources**

None

### **Human Rights**

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

### **Legal**

All statutory requirements have been considered in preparing this report.

### **Specific Wards**

All

## **7.0 Background papers, appendices and other relevant material**

None

### **Contact Member**

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# Agenda Item 11

## East Herts Council Report

### Overview and Scrutiny Committee

**Date of Meeting:** 20 September 2022

**Report by:** Scrutiny Officer

**Report title:** Overview and Scrutiny – Draft Work Programme 2022/23

**Ward(s) affected:** All

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### Summary

- This report considers actions for inclusion in the committee's existing Draft Work Programme and proposes amendments to the ongoing Draft Work Programme in the light of the recent refresh of the Corporate Plan and "SEED" Priorities, approved by the Executive in February 2022.

### **RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE, that:**

**(A) The main agenda items for the next meeting be agreed;**

**(B) Members make additional recommendations for any items they wish to scrutinise; and**

**(C) The proposed Work Programme, as amended, at Appendix A, be approved.**

#### **1.0 Proposal(s)**

1.1 **Appendix A** setting out the draft work programme is presented as a single report.

- 1.2 Members of the Committee are reminded that guidance is sought on what items they wish to scrutinise for the remainder of the meetings in the Civic Year to 2023. The items listed in the Appendix are suggested items with reference to the Corporate Plan and Members can make their own recommendations on topics for scrutiny.
- 1.3 The Corporate Plan was approved by Council in March 2022. A key function of the Overview and Scrutiny Committee is to hold the Executive to account for its decisions and to review existing policies and proposals for new policies. In deciding what items the committee should consider, Members should have regard to the Corporate and Forward Plans and what is due to be considered by the Executive.

## **2.0 Background**

- 2.1 The draft agenda items for 2022/23 meetings of the Overview and Scrutiny Committee is shown at **Appendix A**. The timing of some items shown may have to change depending on availability of essential data (e.g. from central government) external sources and officers.
- 2.2 [Paragraph 5.21.2](#) of the Constitution sets out what the Overview and Scrutiny Committee should take into account when setting its work programme.
- 2.3 Members are welcome to submit a scrutiny proposal at any time by completing a Scrutiny Proposal Form (available from the Scrutiny Officer) which will provide Officers with sufficient information to assess if it is appropriate for Scrutiny and to ensure their specific questions are addressed. The Scrutiny Officer will then liaise with Officers and the Overview and Scrutiny Committee Chairman to consider the best way to address the subject and complete a scoping document.
- 2.4 Members are also asked whether there is any training relevant to scrutiny or to the function and remit of the Overview and

Scrutiny Committee that they wish to suggest.

### **3.0 Reason(s)**

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

### **4.0 Options**

4.1 The Work Programme will be kept under review by the committee throughout the coming year. It is worth noting that this is a draft work programme which is continually reviewed and will evolve as the work programme develops triggered by external and internal influences.

### **5.0 Risks**

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

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

### **6.0 Implications/Consultations**

6.1 Scrutiny is an important part of the local democratic process

and represents the interests of residents. It holds the Executive to account on behalf of residents and helps review and improve services and functions run by the Council and its local partners. With proper notification, Members of the Public can put forward items for scrutiny (section 5.19 of the constitution) and if accepted by the Chairman are allowed to address Members for a maximum of 15 minutes.

- 6.2 The proposed Work Programme has implications for Members' time and the resources of the council devoted to scrutinizing the issues included.

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

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

### **Environmental Sustainability**

Yes – the proposed Work Programme envisages the Overview and Scrutiny Committee receiving reports on the progress of the council's Environmental and Climate Forum. The Climate Change Strategy is one such report which has been considered at this meeting which will be submitted to Council for approval.

### **Financial**

No

### **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

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

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

### **7.1 Appendix A – Draft Work Programme**

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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

<b>Date</b>	<b>Report title/Strategy</b>	<b>SEED Priority</b>	<b>Background information</b>	<b>Officer invitee</b>	<b>Portfolio Holder</b>	<b>Executive Date</b>
<b>20 September 2022</b>	Housing Strategy Action Plans	Enabling our Communities	Issue raised at previous meetings of O&S Committee following concerns about social rent levels and the lack of affordable housing generally O&S agreed to review the Housing Strategy and Action Plan approved at Council in May 2022	Jonathan Geall	Councillor P Boylan – Neighbourhoods (Affordable Housing)	
	Waste Design Contract	Sustainability	Renewal of contract - preparation	Jess Khanom-Metaman	Councillor McAndrew (Environmental Sustainability)	
	First Homes	Enabling our communities	Adoption of Technical Guidance Note	Jonathan Geall	Cllr McAndrew (Environmental Sustainability)	
	Annual Council Tax Support	Sustainability at the heart of everything we do	Annual Report	Su Tarran	Cllr Williamson (Executive Member for Financial Sustainability)	

***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

	Planning Enforcement issues in the District	Sustainability at the heart of everything we do	At the request of the Chairman	Sara Saunders	Cllr Goodeve (Planning and Growth)	
	Implement stricter taxi emission requirements for all new vehicles and encourage others to do things (2c in Corporate Plan)	Sustainability at the heart of everything we do	Health and Emissions Requested as part of the WP development  Scrutiny on progress with the corporate plan.  <b>(Information report and presentation)</b>	Jonathan Geall / Paul Thomas-Jones	Cllr McAndrew (Environmental Sustainability)	

***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

	<p>Publish revised Parking Standards Supplementary Planning Document covering new development, including provision for e-v charging points at new residential properties and locations. (2a In the Corporate Plan).</p>	<p>Sustainability</p>	<p><b>(Deferred to November 2022)</b></p>	<p>Sara Saunders (Planning Aspect)</p>	<p>Cllr McAndrew (Environmental Sustainability)</p>	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

<p><b>8 November 2022</b></p>	<p>We will ensure all voices in the community are heard</p> <p>Grow our digital communications channels (Instagram, Twitter, Facebook and LinkedIn (2a in the Corporate Plan</p>	<p>Enabling our communities</p>	<p>Scrutiny on progress with the corporate plan.</p> <p>On Line Services: What is being done to develop online services and encourage greater use of emails to send out information and from a Council Tax and Business Tax (NNDR) viewpoint encourage more to sign up by DD. How many residents are using emails for their enquiries (Figures are needed)</p> <p>digital exclusion update – what is the council continuing to do for those who cannot or do not want to use online services.</p> <p><b>(Updated following WP review 18 May (Information Report??)</b></p>	<p>Ben Wood</p>	<p>Cllr Cutting (Corporate services)</p>	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

	Pre- Planning Advice Process and Service		<p>Update on new process. Considered by Members on 31 March 2020 - process needed time to imbed</p> <p>Update on new working practices Considered on 2 February 2021 – Chairman and VC posed the question “How are we going to improve the planning service considering the current increase in workload?”</p> <p><b>(Deferred with the agreement of the Chairman from June 2022 meeting )</b></p>	Sara Saunders	Cllr Goodeve (Planning and Growth)	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

	<p>Section 106 Monies Update on the steps taken to involve Members in the spending / allocation of Section 106 monies and seeking Members’ feedback on how this might or can be improved?</p>	<p>Sustainability</p>	<p>Requested at WP review discussion 17 May 2022</p> <p>All Member briefing planning for September 2022 - (legalities and limitation of funding) also proposed – to be confirmed as this falls generally with the remit of A&amp;G Committee</p> <p><b>(information report may not be needed as a result of an all Member Briefing)</b></p>	<p>Jackie Bruce</p>	<p>Cllr Williamson (Financial Sustainability)</p>	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

<p><b>17 January 2023</b></p> <p><b>To be confirmed</b></p>	<p>We will support town centres with post COVID recovery</p> <p>2a. Deliver the ERDF Launchpad 2 project</p> <p>2b. Work in partnership to support recovery of town centres and deploy ‘Welcome Back’ funding</p> <p>2c. Deliver the Jobsmart employment support programme</p> <p>2d. Continue to support administration of businesses grants</p>	<p>Encouraging economic growth</p>	<p>Scrutiny on progress with the corporate plan.</p>	<p>Either Chris Smith Andrew Figgis (both Ben Wood), or Su Tarran</p>	<p>Cllr Kaye – Communities</p> <p>Cllr Goodeve – Planning and Growth</p>	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

	<p>We will create viable places</p> <p>3a. Support the Herts Growth Board with presenting a case for additional infrastructure investment in Hertfordshire</p>	Encouraging Economic growth	Scrutiny on progress with the corporate plan.	<p>One of, Richard Cassidy</p> <p>Rob Mayo (Ben Wood)</p> <p>Sara Saunders</p>	<p>Cllr Kaye – Communities</p> <p>Cllr Goodeve – Planning and Growth</p>	
<p><b>21 March 2023</b></p> <p><b>To be confirmed</b></p>	<p>We will ensure development is viable</p> <p>3d. Delivery of the strategic sites allocated in the District Plan in accordance with the housing trajectory.</p>	Encouraging Economic Growth	Scrutiny on progress with the corporate plan.	Sara Saunders	<p>Cllr Kaye – Communities</p> <p>Cllr Goodeve – Planning and Growth</p>	



***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

<p><b>June 2023</b></p> <p><b>To be confirmed</b></p>	<p>We will ensure all voices in the community are heard</p> <p>2a. Grow our digital communications channels (Instagram, Twitter, Facebook and LinkedIn</p> <p>2b Continue to deliver Equalities, Diversity and Inclusion Strategies</p>	<p>Enabling our communities</p>	<p>Scrutiny on progress with the corporate plan.</p>	<p>Lindsey Creed or Corinne Crosbourne (both Ben Wood)</p>	<p>Cllr Kaye – Communities</p>	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

	<p>We will support our vulnerable residents</p> <p>3a. Relaunch the East Herts Healthy Hub to promote easier access to health and wellbeing advice and support</p> <p>3b. Provide specialist support to those facing or recovering from homelessness</p>	<p>Enabling our communities</p>	<p>Scrutiny on progress with the corporate plan.</p>	<p>Either Simon Barfoot (Ben Wood), or Claire Bennet (Jonathan Geall)</p>	<p>Cllr Kaye – Communities Cllr Goodeve – Planning and Growth Cllr Buckmaster – Wellbeing Cllr Boylan - Neighbourhoods</p>	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

<p><b>September 2023</b></p>	<p>Keeping communities Safe                      4a Support roll out of testing and vaccination centres                       4b support national and county let campaigns on vaccine roll out and vaccine hesitancy                       4c Provide regulator advice and support to business for safe re-opening</p>	<p>Enabling our communities</p>	<p>Scrutiny on progress with the corporate plan.</p>	<p>Jonathan Geall</p>	<p>Cllr Kaye - Communities</p>	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

	<p>We will encourage greater use of the website and self-service for customers</p> <p>1a Expand use of the appointment booking system for customers who need to see us</p> <p>1b. Expand use of the chat box to help customers resolve their queries.</p>	<p>Digital by default 2022/23</p>	<p>Scrutiny on progress with the corporate plan.</p>	<p>Ben Wood</p>	<p>Cllr Kaye Communities Cllr Cutting – Corporate Services</p>	
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***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

<p><b>November 2023</b></p>	<p>We will work with partners to ensure our communities are digitally enabled</p> <p>2a ensure fibre to the premise (FTTP) is provided on all new developments</p> <p>2b Support joint delivery of Harlow and Gilston Garden Town as a fully sustainable and digital “place”</p> <p>2c Support the Digital Innovation Zone to lobby for investment in our towns and villages.</p>	<p>Digital by Default 2022/23</p>	<p>Scrutiny on progress with the corporate plan.</p>	<p>Ben Wood Sara Saunders</p>	<p>Cllr Boylan – Neighbourhoods Cllr Goodeve – Planning and Growth Cllr Kaye - Communities</p>	
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**A number of items have been included for Members’ consideration following a refresh of the Corporate Plan agreed by the Executive on 8 February 2022**

**Members’ views are sought regarding the timetabling of issues which Members may wish to review.**

Last updated 11 August 2022

***“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default***

*Wproc\$/Stortford/BSWP/NPS/Overview and Scrutiny/2021 – 2021/Committee Work Programme Appendix*