



James Ellis

Head of Legal and Democratic Services

MEETING : OVERVIEW AND SCRUTINY COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 8 NOVEMBER 2022
TIME : 7.00 PM

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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 Group: Councillor S Bell
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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AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 20 September 2022 (Pages 5 - 37)

To approve as a correct record the Minutes of the meeting held on 20 September 2022.

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Data Protection Policy (Pages 38 - 65)

6. Surveillance Technologies Policy (Pages 66 - 91)

7. Development Management Update (Pages 92 - 102)

8. Digital Communications Update (Pages 103 - 121)

9. Overview and Scrutiny Draft Work Programme (Pages 122 - 134)

10. Urgent Items

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

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY 20
SEPTEMBER 2022, AT 7.00 PM

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

ALSO PRESENT:

Councillors P Boylan, J Goodeve,
G McAndrew, T Page, M Pope, J Ranger 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
Helen George	- Housing Development and Strategy Manager
Chloe Hipwood	- Service Manager - Waste, Recycling and Street Cleaning

Jess Khanom-Metaman	- Head of Operations
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
Karen Page	- The Service Manager (Development Management and Enforcement)
Sara Saunders	- Head of Planning and Building Control
Su Tarran	- Head of Revenues and Benefits Shared Service

138 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Frecknall and Hollebon. It was noted that Councillor Crystall was substituting for Councillor Frecknall and Councillor Ward-Booth was substituting for Councillor Hollebon.

139 MINUTES - 21 JUNE 2022

Councillor Curtis proposed and Councillor Goldspink seconded, a motion that the Minutes of the meeting held on 21 June 2022 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 63 – delete in 8th paragraph – ‘Castle Park Project in Hertford’.

Replace with ‘...Castle Park Project in Bishop’s Stortford’.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillor Kemp abstained from voting as he had not been present at the meeting.

RESOLVED – that the Minutes of the meeting held on 21 June 2022, be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 63 – delete in 8th paragraph – ‘Castle Park project in Hertford’

Replace with ‘...Castle Park Project in Bishop’s Stortford’.

140 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor Rutland-Barsby to the Overview and Scrutiny Committee.

141 DECLARATIONS OF INTEREST

There were no declarations of interest.

142 COUNCIL TAX REDUCTION SCHEME 2023/24

The Executive Member for Financial Sustainability submitted a report inviting the Overview and Scrutiny Committee 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.

The Executive Member for Financial Sustainability reminded Members of the background to the scheme and advised that the scheme required payments of 8.5% of council tax liability instead of the 100% awarded under the previous council tax benefit schemes. He said that the proposal was to leave the scheme unchanged and one reason for this was that any changes seemed inappropriate with the way things were in respect of people's circumstances. Members were also reminded that any changes would require consultation.

Councillor Kemp said that it was very good to see that the Council had a longstanding scheme and he understood that a quarter of residents were benefiting from it. He commented that the proportion of people in the scheme paying council tax was lower than was the case for general residents.

Councillor Kemp said that a quarter of residents were paying 8.5% of the normal Council Tax. He asked what income was generated from the 8.5% over the whole base of taxpayers and how did this correlate against the costs in chasing those payers who did not pay their council tax.

Councillor Williamson said that of the 65,450 council tax paying properties in the District, 5,210 were in receipt of council tax support which equated to just under 8%. He said that of the 5,210 around 2,300 were classified in the elderly category and were eligible to receive up to 100% support meaning that for some there was nothing to collect.

Councillor Williamson said that the costs of chasing nonpayers or those with arrears was not separately identified. He said that he would see if more information could be supplied to answer the question outside of the meeting.

Councillor Kemp asked for the figure for the proportion who were paying the 8.5%. The Head of the Revenues and Benefits Shared Service said that the council tax liability for working age residents in receipt of council tax support was £4.4m, therefore 8.5% would be £374k at September 2022 and this figure changed by the hour.

The Chairman asked the following pre submitted question on behalf of Councillor Brady. Can the Council Tax level in the upper bands be increased in line with the tax relief provided by the Government? The Executive Member for Financial Sustainability said that this was not possible as the weighting and ratios of the various council tax bands was laid down by legislation and statute.

Councillor Wilson asked if Officers had any knowledge of what happened in terms of living standards or the residential status of residents who were on universal

credit where it had been agreed that a debt was to be paid by taking money out of universal credit.

The Head of the Revenues and Benefits Shared Service said that Officers worked very closely with any resident who was in receipt of council tax support and had contacted Officers to alleviate or ameliorate their debt situation. Members were advised that the amount that could be recovered was capped to avoid causing excessive hardship and Officers worked with customers to establish a manageable and reasonable repayment schedule to alleviate any extra pressures.

The Head of the Revenues and Benefits Shared Service said there was a small hardship fund and the number of applicants for this was increasing. Councillor Goldspink said that overall, the report had struck the right balance. Councillor Symonds expressed her thanks to Officers for doing a fantastic job in very difficult circumstances.

Councillor Devonshire proposed and Councillor Snowdon seconded, a motion that Overview and Scrutiny Committee consider that the current Council Tax Reduction Scheme should continue for 2023/24. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that Overview and Scrutiny Committee agree that the current Council Tax Reduction Scheme should continue for 2023/24.

143 REVIEW OF POTENTIAL OPPORTUNITIES FOR DELIVERING MORE HOMES AT SOCIAL RENT LEVELS

The Executive Member for Neighbourhoods submitted a report that gave Overview and Scrutiny 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.

The Executive Member for Neighbourhoods said that the strategic action plan provided the context for the important work to enable, where at all possible, more homes with social rents to come forward. Members were referred to appendix two for a detailed discussion of ten potential opportunities for this to occur. The Executive Member said that some 75% of existing affordable homes for rent that were re-let in East Herts during 2021/22 had social rents rather than affordable rents.

The Executive Member for Neighbourhoods said that the independent study conducted out by the Housing Quality Network in 2020, along with further analysis carried out by Officers, both showed the benefits of greater numbers of homes with social rents. He thanked Officers for their efforts in exploring this subject and said that he was committed to exploring all options for providing more homes for social rent.

Councillor Wilson said that if there was an increase in the amount of social housing compared to other types of affordable housing, there should then be fewer cases of homelessness. He asked about the relationship between the availability of social housing and the level of homelessness.

The Executive Member for Neighbourhoods said that the causes of homelessness were numerous and complex and there was no widely recognised relationship between the availability of social housing at whatever rent level and the level of homelessness. He said that it was worth noting that rent arrears typically accounts for less than 1 in 5 cases of homelessness in East Herts. Members were advised of the more frequent reasons including the private landlord needing a property back or friends and family no longer being able to accommodate a household.

Councillor Goldspink asked how social rent could be set at 50% of local market rent if market rent did not have a bearing on social rent. The Executive Member for Neighbourhoods said that social rents were set based on a nationally defined formulae that did not factor in market rent. The Head of Housing and Health said that there were two regimes for setting rents and he explained these regimes for Members.

Councillor Kemp asked if Members could have more background information about the 75% relets at social rent on the basis of whether people were moving house and keeping social rent levels or were Housing Associations voluntarily setting social rent.

Councillor Kemp asked that, in relation to the people on housing benefit, was there a way that the Council could set rents at affordable levels if the Government was covering the cost of their rent to maximise income.

Councillor Kemp asked if there were any opportunities to allow tenants who paid their rent on time and were good tenants to be transferred from affordable rent to social rent. The Executive Member for Neighbourhoods said that it was not possible for the Council to do any of those things. He explained that rent levels were attached to properties and not tenants and the tenant did not take an agreement about social rent with them wherever they go.

The Executive Member said that there were rules in place against Councils charging different rents for those on housing benefit and for those who were not. He explained why these rules were in place.

The Executive Member said that the Council could not reward tenants of good standing by transferring them to social rent from affordable rent as rents were attached to properties and not tenants and there was no mechanism for amending rents in this way.

Councillor Wilson asked if there was a calculation that could be done to see if providing rent at social level had an impact on other council services. He asked if further consideration had been given to building council houses and were there any examples of other councils who had gone from having no council houses to building their own stock.

The Executive Member for Neighbourhoods said that it would be hard to determine whether a tenant with a lower rent would choose voluntarily to prioritise expenditure on council services or other competing

demands. He said that the cost benefit analysis could not be considered as robust.

The Executive Member for Neighbourhoods referred Members to opportunities three and eight in appendix two as this discussed selling council land for social rent and new build. He said that as the council did not have the track record, the established capability nor the finances to build, manage and maintain properties, disposing of what little land the council had to a registered provider to build social rent homes would appear a more feasible way of using the Council's assets for the purpose of developing social rent homes.

Councillor Brady asked if consideration had been given to using commercial premises and converting these into accommodation units. The Executive Member for Neighbourhoods said that the issue would be about who would convert the premises and how this would be funded. He said that if a proposal for conversion came forward from a developer or registered provider, Officers could explore opportunities one, two, five or nine with them.

Councillor Wyllie asked if it would be possible to establish a housing company to own property solely to provide social /council housing and set rent levels appropriate to local people.

The Executive Member for Neighbourhoods said that articles of the Millstream Housing Company allowed the building of affordable housing, but the company would face the same constraints as the council, namely

the lack of track record or finances to build properties. He said that the Millstream business plan for 2022/23 had identified that it would not be financially viable for the company to build for private rent, and it would therefore be even less viable to build for social rent without subsidies.

Councillor Devonshire asked how the council could influence social housing providers to provide more social housing. The Executive Member for Neighbourhoods said that appendix two set out ten potential opportunities to enable more social rent housing, most of which relied upon supported registered providers to do this. He referred Members to ranking of opportunities within three broad headings as this would guide Officers' efforts to maximise the impact of the Council's influence.

Councillor Curtis commented on appendix two and said that options two and five should be pursued in the first instance. He asked if staircasing was an option for shared ownership properties in East Herts. The Executive Member for Neighbourhoods confirmed that this was an option.

Councillor Crystall asked if the three categories were not definitive and could be revisited over time. The Executive Member for Neighbourhoods said that the initial action plan was a live document that would be reviewed quarterly. He said that he would like to see every opportunity explored and no options were ruled out unless they were not achievable.

Councillor Curtis said that options two and five should be explored with some thought given to the prioritisation of the other options to avoid focusing on too many options and achieving none of them.

Councillor Kemp proposed and Councillor Rutland-Barsby seconded, a motion that the comments of the Overview and Scrutiny Committee be passed to the Executive Member for Neighbourhoods to take into account when finalising the documents prior to final approval.

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

RESOLVED – that the comments of the Overview and Scrutiny Committee be passed to the Executive Member for Neighbourhoods to take into account when finalising the documents prior to final approval.

144 FIRST HOMES TECHNICAL ADVICE NOTE

The Executive Member for Neighbourhoods submitted a report inviting the Overview and Scrutiny Committee to consider the proposed first homes technical advice note on the basis that this would form the basis of the council's guidance to developers.

The Executive Member for Neighbourhoods said that first homes were a new form of low-cost home ownership which would see a developer provide a number of homes to buy at a discount of between 30 to 50% of market price. He said that each local

authority would determine the size of the discount to be applied in their area.

The Executive Member for Neighbourhoods said that Officers had conducted analyses that had indicated that the first homes product was not well suited to the East Herts housing market and section three of the report explained this in more detail. He stated that the table at paragraph 3.4 highlighted that the shared ownership home would be affordable for more working households in the District than a first home.

The Executive Member for Neighbourhoods explained that it was anticipated that the subsidy required by a developer to devote to providing first homes would reduce their ability to provide many or possibly any other affordable housing and would make the inclusion of social rent homes all but impossible.

The Executive Member for Neighbourhoods said that the Council could not prohibit a developer from providing first homes as this was a nationally recognised affordable tenure. He directed Members to paragraph 2.5 for the proposed criteria for first homes and he invited the Overview and Scrutiny Committee to consider and endorse the proposed first homes technical advice note for presentation to the Executive.

Councillor Goldspink stated that, in relation to the new homes and providing housing for sale at a reduced cost, the report says that Officers do not recommend this option but that developers can provide them if they want to. She asked how developers could make

decisions about social housing and where they were built.

The Executive Member for Neighbourhoods said that the majority of new affordable housing in East Herts was provided on private developer sites and in these instances the developer proposed what affordable homes were provided and where they should be in a development. Officers would negotiate with the developer to ensure that the proposals were compliant with the Council's District Plan, notably that 40% of the homes were affordable with 75% of these being for affordable rent and the remaining 25 % being for shared ownership.

The Executive Member for Neighbourhoods said that the proposed first homes technical advice note sought to strengthen the council's position when negotiating with developers about the inclusion of first homes. Councillor Goldspink expressed concerns about the developers making decisions about the provision of first homes. She said that the first homes policy statement was the best that could be achieved. Councillor Goldspink expressed her hope that ways could be found for the council to have more control.

Councillor Snowdon said that he was supportive of the advice note and he was also supportive of any proposal that would support home ownership. Councillor Drake asked why four-bedroom houses had not been included in the analysis and was there a reason for this?

The Head of Housing and Health said that due to the amount of subsidy going into large four-bedroom properties, they did not tend to come forward due to the drain on the subsidies available for smaller properties. He said that there was always a finite amount of money available for affordable housing on a site that was developer lead.

The Executive Member for Neighbourhoods said that another consideration was that how many smaller properties would be lost to accommodate four-bedroom properties.

Councillor Goldspink proposed and Councillor Devonshire seconded, a motion that the Overview and Scrutiny Committee endorse the proposed First Homes Technical Advice Note for presentation to the Executive.

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

RESOLVED – that Overview and Scrutiny Committee endorses the proposed First Homes Technical Advice Note for presentation to the Executive.

145 LICENSED VEHICLES EMISSIONS UPDATE

The Executive Member for Planning and Growth submitted a report detailing the work carried out in relation to the emissions created by licensed vehicles, 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 renewals.

The Executive Member for Planning and Growth explained that since the 1 April 2020, all taxis licensed for the first time must meet or exceed the Euro 6 emissions standards and Officers had informed the taxi trade from 1 April 2023, the same standard would be applied to all taxis including when existing vehicles licences were renewed.

The Executive Member for Planning and Growth referred to section three of the report and the 79 vehicles that were licensed and were not Euro 6 compliant that would need to be retrofitted or replaced by 1 April 2023. She said that due to the high annual mileages of 20,000 to 30,000 miles of taxis, reducing their emissions would have a significant beneficial impact on the environment.

Councillor Wilson asked if any studies had been carried to ascertain availability of taxis as mandating Euro 6 would lead to some vehicles being lost. He asked if there would be any exceptions to the policy and referred to the importance of specialised wheelchair assessable vehicles. He said that it was often difficult for the licensed trade to procure Euro 6 electric/hybrid wheelchair accessible vehicles to cater for vulnerable passengers.

The Executive Member for Planning and Growth said a dialogue had been ongoing with the taxi trade for a considerable period so this would not come as a surprise. She said that she would expect that

allowances would be made if necessary and taxis might be licensed elsewhere if a dialogue did not take place.

The Head of Housing and Health confirmed that exemptions would be in place for types of taxi vehicle where there was a desperate need. He confirmed that there were not many such vehicles in East Herts and Officers were aware of pressures on the taxi trade.

Councillor Crystall asked for some clarification in terms of incentive schemes that were in place to encourage the use of electric vehicles as taxis in the District. The Head of Housing and Health summarised the incentive schemes that were in place including the installation and provision of rapid chargers.

Councillor Curtis expressed a concern that creating additional barriers would exacerbate the existing problem of supply of taxis. He said that he was very supportive of cutting emissions.

The Executive Member for Environmental Sustainability said that the Hertfordshire Climate Change Sustainability Partnership was looking at rolling out a policy in Hertfordshire in respect of low emissions. He said that a county wide charging network was being looked at for taxi drivers and the Service Manager (Licensing and Enforcement) was leading on this area of work.

Councillor Symonds proposed and Councillor Drake seconded, a motion that the Overview and Scrutiny Committee endorse the approach being taken to limit

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

RESOLVED – that the Overview and Scrutiny Committee endorse the approach being taken to limit the emissions from licensed vehicles.

146 PLANNING ENFORCEMENT 2022

The Executive Member for Planning and Growth submitted a report that set out the Council's approach to Planning Enforcement following adoption and implementation of a new Planning Enforcement Plan in March 2021. She said that concern had been expressed about the lack of planning enforcement action being taken by the council.

The Executive Member for Planning and Growth said that this report outlined the council's current approach to planning enforcement following the adoption of the planning enforcement plan in March 2021 and provided a review of the effectiveness of the measures detailed in the plan.

Members were advised that the level of enforcement complaints remained high. The Executive Member for Planning and Growth said that the triage system was working effectively and had enabled Officer time to be directed based on the reports that warranted investigation. She said that a majority of enforcement investigations did not result in any further action being taken by the council as there had been no breach of planning control found or planning permission would

have been granted if an application had been made or the breach was not sufficiently harmful to justify enforcement action.

The Executive Member for Planning and Growth said that it was considered that the council's current approach to planning enforcement was in line with central government guidance. She said that it was not appropriate to establish enforcement targets based on the completion of investigations.

Councillor Rutland-Barsby asked if anonymous reporting could be investigated or re-introduced as it was important that Members should be able to report enforcement action if any residents felt intimidated.

The Executive Member for Planning and Growth explained that section four of the planning enforcement plan sets out the specific information that was required for the planning enforcement triage process. She said that the name, address and contact number were required and were treated in the strictest confidence and were not made known to any other party.

The Executive Member for Planning and Growth explained that Officers might need to visit a property to understand the extent of any harm arising. The Council might need the reporting party to provide a statement or appear in court. If a reporting party was particularly concerned, then reports could be made via their ward or town/parish councillor.

Councillor Kemp asked about the process for informing reporting parties on the progress of the case. The Executive Member for Planning and Growth said that paragraph 10.4 of the enforcement plan sets out what the reporting parties can expect following reporting an alleged planning breach. She said that the reporting party would be kept informed of any significant occurrence and reporting parties were advised that they can contact the case officer at any time.

Councillor Goldspink asked how the two types of enforcement process were categorised. The Executive Member for Planning and Growth said that both types of breach were reported and triaged as set out in the planning enforcement plan. She said that all reports were dealt with on a case-by-case basis and in many cases breaches in planning control were resolved without the need to issue a formal notice.

The Executive Member for Planning and Growth said that if formal action was warranted an enforcement notice would be served on a building without planning permission and a breach of condition would be used to address a breach of a condition on a planning condition. She said that section seven of the enforcement plan provided more detail on the different types of enforcement action.

Councillor Devonshire asked that if enforcement levels continued to increase, what was being done to ensure that the proper resources were in place to address this. The Executive Member for Planning and Growth said that his matter would need to be raised and

discussed corporately as part of the council's corporate plan. She said that there was a public enforcement register that recorded all the enforcement notices that had been served.

Councillor Ward-Booth asked the Executive Member for Planning and Growth to comment on whether she was satisfied that the enforcement team had the resources they needed to follow up what could be significant breaches of planning conditions and planning permissions. He asked for some clarity as to when an enforcement notice was appropriate and was there a time limit as residents were concerned about a perceived lack of action.

The Executive Member for Planning and Growth said that she was aware that were complex issues that took a long time to resolve and an enforcement notice did not necessarily provide an automatic resolution to a problem and the best way forward initially was a collaborative approach. She explained that it was for Members to decide if they felt that enforcement was an area of priority spend.

The Head of Planning and Building Control said that Officers followed government guidance to resolve matters informally and this did not mean that enforcement action was not taking place. She said that all reports were dealt with on a case-by-case basis and Officers followed every avenue open to them before taking formal action and external legal advice was often sought.

Councillor Ward-Booth said that he was aware of concerns from residents in respect of the need for a greater focus on robust action in respect of major projects in the district. The Service Manager (Development Management and Enforcement) said that the council had recently employed a Compliance Officer to deal with issues of non-compliance and he would be routinely visiting large development sites.

Councillor Snowdon said that the council was not routinely communicating with residents. He asked that the Executive Member for Planning and Growth to liaise with Officers in respect of how communication with residents and Members could be improved.

The Executive Member for Planning and Growth acknowledged that communication could be improved. Councillor Snowdon sought and was given clarification as to the level of scrutiny undertaken in terms of when a decision was taken to negotiate or take formal action.

Councillor Curtis said that due to the significant number of enforcement cases the matter of boosting capacity was something that should be made a top priority.

Councillor Page asked when and how the enforcement strategy would be reviewed and by whom. The Executive Member for Planning and Growth explained that this was being reviewed by the Committee this evening.

The Head of Planning and Building Control said that Members were focussing on the Enforcement Plan that had been agreed in March 2021 after being considered by the Overview and Scrutiny Committee and the Executive. She said that if there were concerns this evening it was for Members to provide any observations to the Executive Member and it was for Members to consider when the next review should take place. Members were advised that there would be a council review of enforcement policy coming up.

Councillor Devonshire said that there were concerns and he suggested that more resources be allocated to planning enforcement. The Executive Member for Planning and Growth said that she would have to discuss this matter with the Head of Planning and Building Control.

Councillor Snowdon asked that it was explicitly reported back that the Overview and Scrutiny Committee was concerned over communications with residents about enforcement actions and also the point that had been raised in terms of whether more could be done with more resources.

Councillor Snowdon proposed and Councillor Rutland-Barsby seconded, a motion that the comments and feedback of the Overview and Scrutiny Committee in respect of the council's approach to planning enforcement be passed onto the Executive.

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

RESOLVED – that the comments and feedback of the Overview and Scrutiny Committee in respect of the council’s approach to planning enforcement be passed onto the Executive.

147 FUTURE SERVICE DESIGN OF WASTE, RECYCLING AND STREET CLEANSING SERVICES

The Executive Member for Environmental Sustainability submitted a report seeking the comments of the Overview and Scrutiny Committee on the proposals due to be referred to the Executive in respect of the competitive dialogue procurement for the waste and recycling collection and street cleansing contract due to expire in May 2025. The report was based on outcomes from the Member lead joint working group between East Herts Council (EHC) and North Herts Council (NHC) and identified key service changes affecting the contract specification drafting.

Members were advised that the report covered details of both East Herts Council and North Herts Council changes so that the impacts across the shared service could be fully identified. The key drivers for the services changes were set in the context of the pending national Resources and Waste Strategy and the financial challenges authorities were facing which is exacerbated by inflationary pressures.

The Executive Member for Environmental Sustainability said that it was anticipated that the proposed changes will secure a more financially and environmentally sustainable service as well as making the joint contract attractive to the market. Members

were being asked to consider extended frequency residual waste collections, a transition to smaller 180 litre residual waste bins, weekly separate food waste collections for houses and flats and a cessation of bring site recycling services.

The Executive Member for Environmental Sustainability said that the service proposals would be supported by a major communications plan and additional staff resources to ensure a smooth transition to the new services.

Councillor Rutland-Barsby asked what steps were being taken to ensure that all refuse trucks were sustainable to reduce their carbon footprint. The Executive Member for Environmental Sustainability said that in addition to exploring a more sustainable fleet as part of the procurement process, the Council had also commissioned a report looking at the future fleet requirement for the service in terms of the viability of alternative technologies.

Councillor Devonshire asked if Officers had investigated what electronic refuse trucks were available and could be suitable for the Council. The Executive Member for Sustainability said that he was pleased to say that the council had an electric vehicle demonstration was attended in October 2021 and the East Herts Climate Change Strategy approved by Full Council on 27 July 2022 recognised the need to reduce the reliance on diesel powered refuse vehicles.

Members were advised that the although the use of electric refuse vehicles was increasing it was not yet a

viable solution for the council's refuse and recycling fleet. The pre-engagement work would include discussions in terms of what suitable options the council might be able to consider.

Councillor Goldspink said that, in terms of the new contract, eight years appeared to be a long time and the original contract was for seven years. She asked what had prompted the decision to change the length of the contract and what were the advantages and disadvantages of an eight-year contract.

The Executive Member for Environmental Sustainability said that a seven-year contract length was historically based on the average life of vehicles. He said that it was now increasingly common for vehicles to have a longer life and electric vehicles lasted longer with fewer moving parts. An additional contract cost saving would be made with vehicles depreciating over a longer period and less frequent contract procurement was better value for money as contract procurement exercises were resource intensive.

Councillor Goldspink asked what would happen if circumstances changed and the council wanted to make changes to the contract. The Executive Member for Environmental Sustainability said that manufacturers were flexible and there was the option to include sub clauses in the contract to ensure some flexibility in terms of frequency of collections.

Councillor Devonshire said that some residents would find three weekly collections to be extremely

problematic and he asked how these residents would be helped. He said that it made sense to introduce electrically powered refuse trucks as these could be charged overnight at the depot.

The Executive Member for Environmental Sustainability said that the contract operated at unit rates and a price was paid per collection per bin. He said that the core service was proposed to be three weekly collections except for some residents who received a different service. The council would be reviewing all the policies and residents who had exceptional circumstances would be considered favourably.

Councillor Kemp said that some residents would have three weekly residual collections, and some would have two weekly collections. He asked how this would work and what would be the cost implications.

Councillor Kemp asked for an update in relation to using recycling bins for flats with smaller openings to prevent contamination. He asked if 5 litre food waste collection caddies could be introduced again for residents.

Councillor Kemp asked how food waste collection would be managed in flats and how could recycling be enhanced in flats. He commented on what could be done to avoid bins being filled with compacted decomposing food waste which would be difficult to empty and clean. He asked about the cost implications of introducing separate food waste collections earlier

than 2025, either voluntarily or if required to do so by legislation.

The Executive Member for Environmental Sustainability said that supply of different aperture bins had been difficult with long lead times. He said that the council always tried to inform residents in flats before changing bin provision and any changes on site had to be agreed by any managing agent.

The Executive Member for Environmental Sustainability said that food waste would be managed in smaller wheeled bins for flats which would be collected weekly. A food waste collection service had been operated by North Herts Council at flats since 2013. The Council would be working managing agents to ensure all flats had sufficient access to recycling.

The Executive Member for Environmental Sustainability said that there was no proposal to deliver separate food waste collection caddies and some residents would still have caddies from 10 years ago. He confirmed that residents could request a food caddy if required.

The Shared Service Manager (Waste) said that all residents would have their own preferences for disposing of food waste and a lot of residents disposed of this almost immediately into a 23-litre caddy kept outside. She said that the wholesale delivery cost would be prohibitive.

Councillor Rutland-Barsby asked if the council would still support volunteer litter picks. She commented on

whether the council would not now have to advertise the contract across the EU following Brexit. The Executive Member for Environment Sustainability said that the only change to the public contract regulations 2015 brought in by Brexit removed all references to the EU. The Shared Service Manager (Waste) said that the procurement set up was broadly very similar to before and the process would attract the companies that were interested.

The Executive Member for Environmental Sustainability said that the council would still be supporting organised litter picking by community groups and would be contributing with the adopt an area scheme for individuals who wished to litter pick in the district.

The Executive Member for Environmental Sustainability said that introducing additional services mid contract would be expensive and it was already expected that the provision within the medium-term financial plan (MTFP) for 2025 would not be sufficient given the increases being seen in inflammatory costs.

The Executive Member for Environmental Sustainability said that it was advantageous to introduce a food waste collection service alongside the extended frequency residual waste changes as this would ensure a higher resident participation in food waste collections in favour of using the residual waste bin.

The Shared Service Manager (Waste) said that it would be appropriate to provide fortnightly bespoke services

for some residents. Councillor Ward-Booth asked how confident the council was that reducing the size of bins would not reduce the levels of recycling. The Executive Member for Environmental Sustainability said that the reduction in size of the residual waste bin to 180 litres from 240 litres would encourage residents to recycle more.

Councillor Curtis said that he had a few concerns in respect of shifting to three weekly collections for residual waste collections and the system to be used to determine who would still need a two-weekly collection.

Councillor Symonds asked about the clearance of weeds from pavements and from outside shops. The Executive Member for Environmental Sustainability said that the street cleansing would be included in the new contract and would be monitored on a weekly basis. The Shared Service Manager (Waste) said that weed spraying was currently carried out under the terms of the grounds maintenance contract.

Councillor Curtis proposed and Councillor Devonshire seconded, a motion that the comments and feedback of the Overview and Scrutiny Committee in respect of the future service design of the waste, recycling and street cleansing contract be passed onto the Executive.

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

RESOLVED – that the comments and feedback of the Overview and Scrutiny Committee in

respect of the future service design of the waste, recycling and street cleansing contract be passed onto the Executive.

148 OVERVIEW AND SCRUTINY - DRAFT WORK PROGRAMME 2022/23

The Scrutiny Officer presented the draft work programme which was attached to the report as an appendix.

Councillor Rutland-Barsby commented on various concerns from some Members in respect of whether Officers could investigate ways for there to be more direct contact with the council beyond the current digital arrangements, given that the council closes its doors several days a week. She referred to this being added to the Agenda for the November meeting.

Councillor Wyllie said that the Scrutiny Officer would forward the response from the Executive Member for Corporate Services to all Members of Overview and Scrutiny Committee.

The Scrutiny Officer said that Members were encouraged to look at the draft work programme with a view completing this for the civic year. She said that Members had suggested an item be added for the next meeting in terms of what work could be done in rural areas that did not immediately fall within the scope for project and also an item relation to what could be done to facilitate better linkages between towns.

The Scrutiny Officer said that Leadership Team had put a couple of items on the forward plan which would need some consideration in relation to the Surveillance Technologies Policy and Data Protection Policy, which would come before the Overview and Scrutiny Committee in November.

It was proposed by Councillor Curtis and seconded by Councillor Rutland-Barsby, 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.

149 URGENT ITEMS

There was no urgent business.

The meeting closed at 9.23 pm

Chairman
Date

Agenda Item 5

East Herts Council Report

Overview and Scrutiny Committee

Date of meeting: Tuesday 8 November 2022

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

Report title: Data Protection Policy

Ward(s) affected: (All Wards);

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

This committee is asked to consider the draft policy, propose any amendments to include prior to consideration by Executive and recommend the policy, with any amendments, to Executive for **adoption**.

RECOMMENDATIONS FOR Overview and Scrutiny Committee:

- a) **That the Committee considers the Data Protection Policy and provides any observations and suggested amendments to the Information Governance and Data Protection Manager for inclusion in the final version.**

- b) **That the Data Protection Policy be recommended to Executive for adoption.**

1.0 Proposal(s)

- 1.1. As above

2.0 Background

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

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

3.0 Reason(s)

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

3.2. The Policy sets out how the council ensures:

3.2.1. compliance with the data protection principles and a privacy by design approach;

3.2.2. that high importance is placed on the correct, lawful and fair handling of personal data and respects the privacy rights of all individuals with whom it deals, particularly when working from home;

3.2.3. that an appropriate lawful basis is identified prior to the processing of data;

3.2.4. that appropriate privacy notices or privacy-related documentation are in place prior to the processing of personal data;

3.2.5. that procedures are in place to respond to data subject right requests;

- 3.2.6. that appropriate security measures, whether technical or organisational, are in place to sufficiently protect personal data;
- 3.2.7. that procedures are in place to ensure that sharing of personal data remains compliant;
- 3.2.8. that procedures are in place to ensure the lawful transfer or processing of personal data to or in countries outside of the UK where this is required;
- 3.2.9. that data protection impact assessments are carried out when required;
- 3.2.10. that roles and responsibilities are in place to support the above.

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

4.0 Options

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

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

5.0 Risks

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

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

6.0 Implications/Consultations

Community Safety

No

Data Protection

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

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

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

Legal

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

Specific Wards

No

7.0 Background papers, appendices and other relevant material

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

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East Herts District Council

Data Protection Policy

Document Control

Organisation	East Hertfordshire District Council
Title	Data Protection Policy
Author – name and title	Tyron Suddes, Information Governance and Data Protection Manager
Owner – name and title	Tyron Suddes, Information Governance and Data Protection Manager
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1. Introduction

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

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

2. Definitions

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

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

3. Scope

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

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

4. The Data Protection Principles

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

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

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

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

5. The Rights of Data Subjects

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

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

6. Lawful, Fair, and Transparent Data Processing

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

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

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

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

7. Consent

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

purposes may need to be obtained from the data subject.

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

8. Specified, Explicit, and Legitimate Purposes

8.1 The Council collects and processes:

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

9. Adequate, Relevant, and Limited Data Processing

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

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

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

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

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

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

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

11. Data Retention

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

12. Secure Processing

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

13. Accountability and Record-Keeping

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Data Protection Impact Assessments and Privacy by Design

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

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

be taken into consideration:

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

15. Keeping Data Subjects Informed

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

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

16. Data Subject Access

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

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

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

17. Rectification of Personal Data

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

18. Erasure of Personal Data

- 18.1 Data subjects have the right to request that the Council erases the personal data it holds about them in the following circumstances:

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

19. Restriction of Personal Data Processing

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

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

20. Objections to Personal Data Processing

20.1 Data subjects have the right to object to the Council processing their personal data based on legitimate interests, for direct marketing (including profiling), and processing for scientific and/or historical research and statistics purposes.

20.2 Where a data subject objects to the Council processing their personal data based on its legitimate interests, the Council shall cease such processing immediately, unless it can be demonstrated that the Council's legitimate grounds for such processing override the data subject's interests, rights, and freedoms, or that the processing is necessary for the conduct of legal claims.

20.3 Where a data subject objects to the Council processing their personal data for direct marketing purposes, the Council shall cease such processing promptly.

20.4 Where a data subject objects to the Council processing their personal data for scientific and/or historical research and statistics purposes, the data subject must, under Data Protection Law, "demonstrate grounds relating to his or her particular situation". The Council is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

21. Direct Marketing

21.1 The Council will be subject to certain rules and regulations when undertaking direct marketing, however, the majority of messages that public authorities send to individuals are unlikely to constitute direct marketing.

21.2 If undertaking electronic direct marketing including email and text messaging, prior consent of data subjects is required.

21.3 The right to object to direct marketing shall be explicitly offered to data subjects in a clear and intelligible manner and must be kept separate from other information in order to preserve its clarity.

21.4 If a data subject objects to direct marketing, their request must be complied with promptly. A limited amount of personal data may be retained in such circumstances to the extent required to ensure that the data subject's marketing preferences continue to be complied with.

22. Personal Data Collected, Held, and Processed

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

23. Data Security - Transferring Personal Data and Communications

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

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

24. Data Security – Storage

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

- 24.1 All electronic copies of personal data should be stored securely using passwords and data encryption;
- 24.2 All hardcopies of personal data should be stored securely in a locked box, drawer, cabinet, or similar;

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

25. Data Security – Disposal

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

26. Data Security - Use of Personal Data

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

home (ideally behind a lockable door, in a room with lockable windows) for home working, particularly when handling personal data. The Council recognises that home workers may not always be able to ensure a degree of security comparable to the Council's premises, but all reasonably practicable efforts should be made to ensure the best security possible in the circumstances;

- 26.1.6 Where personal data held by the Council is used for marketing purposes, it shall be the responsibility of the relevant data administrator to ensure that the appropriate consent is obtained and that no data subjects have opted out, whether directly or via a third-party service;

27. Data Security - IT Security

27.1 The Council shall ensure that the following measures are taken with respect to IT and information security:

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

28. Organisational Measures

28.1 The Council shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:

- 28.1.1 All employees, agents, contractors, or other parties working on behalf of the Council shall be made fully aware of both their individual responsibilities and the Council's responsibilities under Data Protection Law and under this Policy, and shall be provided with a copy of this Policy;

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

29. Transferring Personal Data to a Country outside the UK

- 29.1 The Council may, from time to time, transfer ('transfer' includes making available remotely) personal data to countries outside of the UK. The UK GDPR restricts such transfers in order to ensure that the level of protection given to data subjects is not compromised.
- 29.2 Personal data may only be transferred to a country outside the UK if one of the following applies:

- 29.2.1 The UK has issued regulations confirming that the country in question ensures an adequate level of protection (referred to as 'adequacy decisions' or 'adequacy regulations'). From 1 January 2021, transfers of personal data from the UK to EEA countries will continue to be permitted. Provisions are also in place to recognise pre-existing EU adequacy decisions in the UK.
- 29.2.2 Appropriate safeguards are in place including binding corporate rules, standard contractual clauses approved for use in the UK (this includes those adopted by the European Commission prior to 1 January 2021), an approved code of conduct, or an approved certification mechanism.
- 29.2.3 The transfer is made with the informed and explicit consent of the relevant data subject(s).
- 29.2.4 The transfer is necessary for one of the other reasons set out in the UK GDPR including the performance of a contract between the data subject and the Council; public interest reasons; for the establishment, exercise, or defence of legal claims; to protect the vital interests of the data subject where the data subject is physically or legally incapable of giving consent; or, in limited circumstances, for the Council's legitimate interests.

30. Data Breach Notification

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

Agenda Item 6

East Herts Council Report

Overview and Scrutiny Committee

Date of meeting: Tuesday 8 November 2022

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

Report title: Surveillance Technologies Policy

Ward(s) affected: (All Wards);

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

This committee is asked to consider the draft policy, propose any amendments to include prior to consideration by Executive and recommend the policy, with any amendments, to Executive for **adoption**.

RECOMMENDATIONS FOR Overview and Scrutiny Committee:

- a) **That the Committee considers the Surveillance Technologies Policy and provides any observations and suggested amendments to the Information Governance and Data Protection Manager for inclusion in the final version.**

- b) **That the Surveillance Technologies Policy be recommended to Executive for adoption.**

1.0 Proposal(s)

- 1.1. As above.

2.0 Background

- 2.1. Following identification of the council's use of overt surveillance technology across various service areas, it was found that a surveillance technologies policy is required to govern the council's control and staff use of surveillance technologies.
- 2.2. This policy will ensure that the controllership and use of surveillance technologies are in line with data protection legislation and good practice guidelines and codes issued by the Surveillance Camera Commissioner and the Information Commissioner's Office.
- 2.3. This policy will apply only to overt surveillance technologies operated by the council and utilised by employees with relevant roles.

3.0 Reason(s)

- 3.1 This policy sets out how the council will comply with the 12 guiding principles in the Surveillance Camera Code of Practice (SCCP) when carrying out new or existing surveillance activities by ensuring:
 - 3.1.1 through a data protection impact assessment, that there is a defined and limited purpose and that the use of the surveillance is in pursuit of a legitimate aim and takes into account the effect on individuals;
 - 3.1.2 that there is transparency through the publication of privacy notices;
 - 3.1.3 that roles and responsibilities are clearly defined;
 - 3.1.4 that there are procedures in place for the appropriate storage of and access to surveillance data.
- 3.2 This policy will ensure compliance with the fifth principle in the SCCP which requires clear rules, policies and procedures to be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
- 3.3 Additionally, the policy ensures compliance with the accountability principle within the UK GDPR and particularly article 24(1) which requires technical and organisational measures to be implemented to ensure, and demonstrate, compliance with the UK GDPR wherever personal data is processed.
- 3.4 A surveillance asset register has been included in the policy so that the location and scope of council-controlled surveillance

technologies and the steps taken to mitigate risks to each location are recorded.

- 3.5 The register will be reviewed annually to ensure any new surveillance systems have been added and that existing information is kept up to date. Additionally, the register will ensure that the council remains informed of the purpose, type, and location of surveillance technologies that it controls.

4.0 Options

- 4.1 Not to adopt this policy and maintain the use of existing and future surveillance technologies without an adopted policy document.
NOT RECOMMENDED as this would work against the council's aim to comply with the SCCP and the accountability principle within the UK GDPR.
- 4.2 To consider and recommend this policy to Executive for adoption.
RECOMMENDED as a means of ensuring that the council has an up-to-date policy document in place to demonstrate its compliance with the SCCP and UK GDPR.

5.0 Risks

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

6.0 Implications/Consultations

Community Safety

No

Data Protection

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

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

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

Legal

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

Specific Wards

No

7.0 Background papers, appendices and other relevant material

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

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East Herts District Council

Surveillance Technologies Policy

Document Control

Organisation	East Hertfordshire District Council
Title	Surveillance Technologies Policy
Author – name and title	Tyron Suddes – Information Governance and Data Protection Manager
Owner – name and title	Tyron Suddes – Information Governance and Data Protection Manager
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1. Introduction

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

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

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

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

2. Scope

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

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

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

3. Policy Statement

The purpose of this policy is to:

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

4. Surveillance Technologies

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

These technologies include the following:

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

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

5. Relevant Legislation

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

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

6. Roles and Responsibilities

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

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

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

6.1. Service Manager Responsibilities

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

Service Managers have the following responsibilities:

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

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

6.2. Surveillance Operators' Responsibilities

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

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

6.3. Information Governance and Data Protection Manager Responsibilities

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

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

7. Storage and Security

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

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

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

8. Retention

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

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

9. Access Requests

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

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

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

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

10. Regulation of Investigatory Powers (RIPA)

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

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

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

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

11. Hertfordshire CCTV Partnership

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

12. Breaches of this Policy

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

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

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

Appendix 1 – Surveillance Code of Practice

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

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

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

Appendix 2 – Surveillance Asset Register

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

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

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

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

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

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

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

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

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

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

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

Agenda Item 7

East Herts District Council

Overview and Scrutiny Committee

Date of Meeting: 8 November 2022

Report by: Head of Planning and Building Control

Report title: Development Management - Update

Ward(s) affected: All

Summary

- This report sets out the current position with planning applications. It explains the current challenges and actions being taken to improve the service provided to our customers particularly in regard to addressing the backlog of planning applications, the speed of decision making and improved communication to customers.

RECOMMENDATION FOR Overview and Scrutiny Committee that:

(A) 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 sets out the current position with planning applications. It explains the current challenges and actions being taken to improve the service provided to our customers particularly in regard to addressing the backlog of planning applications, the speed of decision making and improved communications with customers.

2.0 Background

- 2.1 The Council deals with around 2500 planning applications a year (on average we receive 50 to 60 applications per week) and is the 9th busiest District Council planning service (out of 188) in England.
- 2.2 There has been an increase in the number of planning applications over the last two years. This is being experienced across the country and is thought to be a consequence (in part) of changing working patterns and people looking to create extra space to work from home.
- 2.3 Alongside this increase in planning applications, there has been a high turnover of staff, with the team dealing with planning applications most affected. Whilst recruitment for some posts has been successful, recent recruitment has not been as successful.
- 2.4 Given the challenges filling vacant permanent roles it has been necessary to explore alternative options to maintain service delivery, some of these have been more successful than others. Arrangements were put in place for an external company to provide support, but this did not work as anticipated because the quality of staff offered/provided was not acceptable and the company was also suffering from staff shortages. Other companies have been approached but there are not staff available to help. Agency staff are used to help for temporary periods but again the quality of officer is not consistent, and the use of agency staff is not financially sustainable in the long term.
- 2.5 Challenges around retention and recruitment of staff is not unique to East Herts and it is no worse than other authorities. The shortage of planners is a national issue alongside other

interrelated issues such as the lack of capacity to deal with increasing workloads, high staff turnover and retention issues, lack of experienced planners at the senior and principal level, with an increasing shift of staff moving from the public sector to the private sector.

- 2.6 Developers in the private sector are experiencing similar staffing issues (although not to the same extent as the public sector) with the lack of planners across both sectors being of real national concern.
- 2.7 The Government are aware of the issue and in 2020 did indicate that they would develop a comprehensive resources and skills strategy for Planning. Nothing detailed (apart from an indication that planning fees will be reviewed) has emerged, despite mounting evidence that the system is struggling with the current level of resources.
- 2.8 The Royal Town Planning Institute (the professional body representing planners in the UK) issued a report in September 2022 setting out the current challenges being faced by Local Planning Authorities across England; in the report it states that:

'Planning is one of the most important strategic and decision-making functions that local authorities have to improve resident's lives. Without better quality planning services, communities will miss opportunities to level up, deliver vital housing and tackle climate change. However, Local Authorities face significant funding, recruitment, skills and performance challenges as evidenced in this report.'

- 2.9 Like many Local Planning Authorities, the turnover of staff at East Herts has impacted service delivery. This has also, in part, contributed to a significant backlog of planning applications.

- 2.10 The backlog has been compounded significantly by delays in responses from statutory bodies who provide essential specialist advice when processing applications, such as the Lead Local Flood Authority. These bodies are also struggling with resources and staffing. In addition, the service is still recovering from the impacts of the pandemic when site visits were restricted contributing to significant delays in processing applications.
- 2.11 A Service Review for Planning was undertaken in July 2021 and refreshed again in April 2022. This review took a holistic approach rather than just focussing on the structure of the service. Along with a refresh of the structure of the service, it recommended a number of operational improvements. These included improving opportunities to generate income, reviewing business processes and performance management measures, developing a customer improvement plan and a recruitment and retention plan.
- 2.12 In terms of business processes, both enforcement and planning validation processes have been through a lean process review with various recommendations being taken forward to improve the process and information to customers.
- 2.13 Following on from the Service Review work, a focussed restructure of the service took place in summer 2022. The main proposals included:
- Creating capacity for Service Managers to focus on strategic co-ordination of the teams and administrating DMC.
 - Building resilience, capacity and support at the team leader level in order to enhance the overall effectiveness of the service.
 - Creating progression opportunities for planners within the team through career grading to provide incentives for

career development.

- Creating a culture of developing the team with opportunities put in place: to progress; to generate home grown talent; increased competence and capability through investment in individual and team development.
- Encouraging Officers to be flexible and to work as one team depending on the needs and priorities of the service to help increase capacity and resilience and enable Officers to develop and expand their skills set.
- Strengthening the planning resource for the Gilston Area.
- Strengthening the urban design and conservation resource to continue to support the implementation of strategic sites and enable the continuation of proactive conservation work.
- Establishing a GIS and digital resource to assist in meeting the government's digital agenda.
- Reviewing the admin and technical support in line with the Council's aspiration for a central business support hub.

2.14 Recruitment for the new posts is currently in train with a recruitment campaign scheduled to launch in November 2022.

Hertfordshire Planning Resilience Work

2.15 In addition to the work that is being undertaken within the service, Hertfordshire Growth Board has established a Task and Finish Group to explore ways of improving planning resilience across Hertfordshire. This group includes representatives from local authorities, the private sector and Higher and Further Education institutions. The chair of HIPP, Cllr Linda Haysey is the political sponsor for this work, with Amanda Foley CeX at St Albans City and District Council the Chief Executive sponsor.

2.16 An Action Plan has already been established with it focussing

on the following:

- Actions to promote joint working, sharing of capacity and resources.
- Recruitment and retention - Careers fairs, apprenticeships/grad scheme and mapping entry routes in to place based careers; and
- Career progression and promotion – CPD event, mentoring programme, career progression scheme, skills development programme.

3.0 Considerations

Addressing the backlog of planning applications and associated planning delays

- 3.1 The planning service is currently working through a backlog of approximately 450 planning applications, these are mostly minor and householder applications. The backlog is largely a legacy of the service limitations during the Covid 19 pandemic, but also a consequence of a sharp increase in application submissions over the last three years, coupled with ongoing challenges around recruitment and retention of planning Officers. In addition, many applications have gone over-target because of a significant lag time in receiving statutory responses from some external bodies which are critical to the assessment of certain development proposals.
- 3.2 The backlog of applications and associated delays to decision making has understandably been a cause of frustration for applicants and Members. Whilst ideally the service would want to focus on determining the over-target applications first, it is important to carefully balance this against determining in-time applications to ensure statutory determination targets are met. These are set by the government and can result in special measures and planning powers being taken away from the

Council if they are not met.

3.3 Despite the current challenges, performance in recent years has been good, with national targets still being met. For the year 2021-2022 the Council determined 79% of major applications within the statutory time period (the national target is 60%) and 85% of minor and householder applications within the statutory time period (the national target is 70%).

3.4 Whilst determination of in-time applications remains good, addressing the backlog remains a key priority for the service. Progress is being made to work through the backlog and speed up decision making in general. This demonstrates that many of the measures put in place to date are working, however there is still a way to go, and Officers recognise that further interventions are required to speed up this process; these are summarised below and include:

- Establishment of a focused “Backlog team” with dedicated Officers working solely on backlog applications. A quarterly report will be issued to members confirming the number of backlog decisions taken. Officers are targeting the determination of 100 applications plus per quarter over the next 12 months. The first report will be issued at the end of the year for Q3.
- Fast-track straightforward/non-contentious applications that have not received any objections. This is supported by a fast-track report template that was introduced in mid-October.
- Look to avoid unnecessary and resource intensive appeals by peer reviewing recommendations for all “on balance” cases and undertaking a forensic review of applications approved at appeal to identify trends and factor this into decision making.
- Re-introduce the pre-application service for minor development proposals to help streamline the formal

application process. Data on the uptake of this service will be reported quarterly to members.

Being a responsive and customer focused Planning Service

- 3.5 As a service we recognise the importance of communicating to our customers and keeping applicants, members and residents up to date on the progress of their planning application. A particular concern has been raised about Officers not responding to telephone calls.
- 3.6 Officers spend a large part of their time out on site or in meetings and for this reason they are not always able to respond to calls immediately.
- 3.7 A number of actions have been implemented to address this, summarised as follows:
- Officers required to respond to all phone calls during office hours when desk based. This is being monitored through regular spot checks by managers which will be reported back on at the end of Q3.
 - Measures have been put in place so Officer calls can now be redirected to the Tech Support Team when Officers are not desk based. Messages are taken and Officers are required to respond to messages within 1 working day. This is being monitored by managers and response rates will be reported back on at the end of Q3.
- 3.8 In addition to the above we continue to encourage our members to use the member booking system for their queries as this assists us greatly in directing them to the appropriate Officer and enables us to monitor response rates that can be reported back on.

4.0 Conclusions

4.1 The actions presented in this report set out measures that will assist with addressing the backlog of planning applications, the speed of decision making and communications to customers. It sets out positive action and tangible outputs that can be monitored and measured to demonstrate to members and the public that progress is being made.

5.0 Implications/Consultations

5.1 There are no specific consultation implications arising from this report. There are specific regulations which guide consultation on planning applications and details are set out in the Council's Statement of Community Involvement.

Community Safety

There are no specific community safety recommendations arising.

Data Protection

There are no specific data protection issues arising from this report. All planning applications are validated and processed in line with GDPR.

Equalities

There are no specific equalities arising from this report.

Environmental Sustainability

There are no specific environmental sustainability implications arising from this report. However, environmental sustainability may be a factor in determining planning applications.

Financial

The report outlines that agency staff are used as an interim measure whilst recruitment for permanent posts takes place. However, this is not financially sustainable in the long term and other options are

being considered across Hertfordshire in order to provide great resilience and assist with recruitment and retention difficulties.

Health and Safety

There are no specific health and safety issues arising from this report. Site visits are required as part of determining planning applications and any health and safety issues covered by the agreed risk assessment for the Planning Service.

Human Resource

There are no human resources recommendations arising from this report. The HR team have been assisting with recruitment of vacant posts.

Human Rights

There are no specific human rights issues arising from this report.

Legal

There are no specific legal issues arising from this report. An applicant can appeal a planning decision and that may involve the legal team. Similarly, there may be some difficult planning issues that arise during the course of a planning application that requires legal advice.

Specific Wards

None.

16.0 Background papers, appendices and other relevant material

16.1 Empowering Public Sector Planning published by the Royal Town Planning Institute September 2022.

Contact Member

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East Herts Council Report

Overview and Scrutiny Committee

Date of Meeting: 8 November 20

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

Report title: Corporate Plan Progress – Digital Communications

Ward(s) affected: All

Summary

- Overview and Scrutiny review progress against various elements of the East Herts Corporate Plan (East Herts: A Place to Grow) and the four “SEED” priorities. For November 2022, Committee Members had expressed an interest in looking more in depth at the “Enabling Communities” theme, specifically with regards to the objective of “growing our digital communication channels”. This paper updates Committee Members on progress within this objective as well as updating on the digital uptake of services more generally.

RECOMMENDATION FOR Overview and Scrutiny Committee

- (A)** Committee Members consider the report and recommend any actions / considerations to the Executive with regards to digital communications

1.0 Proposal(s)

1.1 N/A

2.0 Background

Digital Communications

- 2.1 The main objective with regards to growing our digital communications channels relates to our email marketing and social media platforms, specifically Facebook, Twitter, Instagram, LinkedIn and our resident newsletter, Network. Expanding the reach and engagement through our digital channels is a key priority for the team. Progress towards this is reported corporately each quarter, alongside the press favourability score (**see Appendix A and B**).
- 2.2 Twitter is used as a resident information platform but tends to be news / interest driven and best for partner and business engagement. It is also our channel with the highest follower count. We have grown the number of followers from 11,494 in September 2021 to 11,988 in September 2022, a growth rate of just over 4% (figure 1).

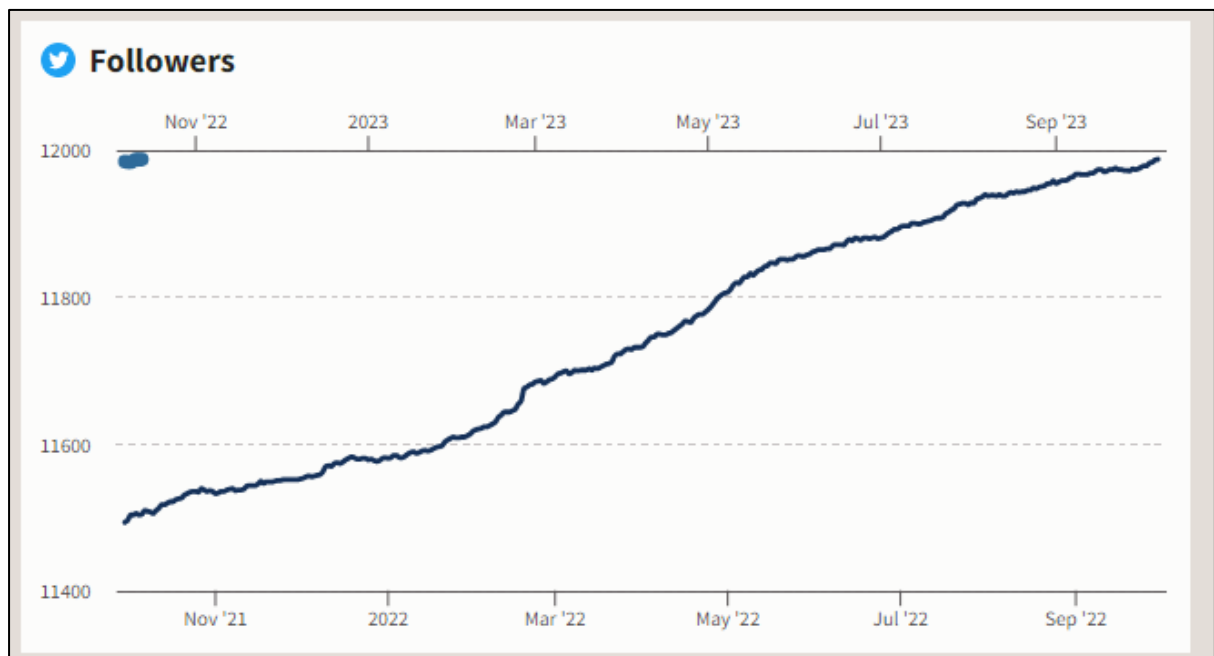


Figure 1

Industry comparison data is not available, but anecdotally this reflects the experience of most councils who are seeing a steady increase in Twitter following but at a slower rate than other channels. This is linked to Twitter’s overall slower growth rate compared with emerging channels like TikTok and YouTube.

- 2.3 Facebook is a resident focused channel, where we are also seeing our highest growth rates. Follower count has increased from 5,568 in September 2021 to 6,529 in September 2022, a growth rate of 18% (figure 2).

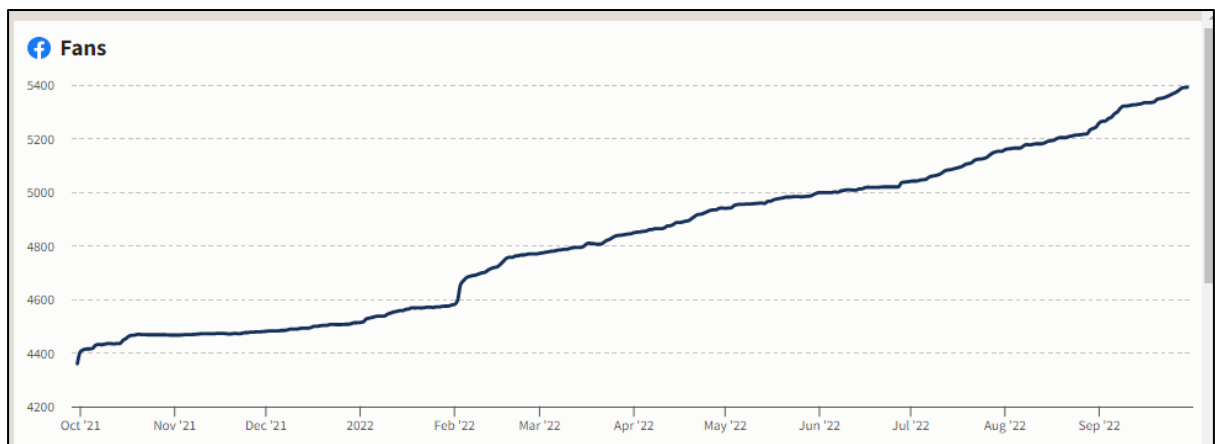


Figure 2

Again, industry comparisons are hard to come by, but this puts us fifth in Hertfordshire for follower count, which is a good result considering the resources available for social media management in the team.

- 2.4 Instagram is an image-led platform. It does not allow content links in posts, which, depending on the nature of the story, does not always lend itself to our content. That said, 'stories' is an increasingly popular feature, which you can cross-populate with Facebook, and our follower count has grown from 2,444 in September 2021 to 2,650 in September 2023. The team has made a concerted effort to build a library of high-quality local

photographs so that we can improve our Instagram content and presence.

- 2.5 LinkedIn is used predominantly for business focused content, staff engagement and job post sharing. We advertised through LinkedIn for the first time this year and saw good levels of reach and engagement. It has grown from 1,495 connections in September 2021 to 1,845 in September 2022.
- 2.6 Email marketing is done through Mailchimp and is an 'opt-in' weekly newsletter called Network, which residents subscribe to through our website. We have grown subscribers by 13% this year, from 3,647 to 4,112 (figure 3). Whilst we have an above average open rate of 60% (compared to the industry average of 40%), there is potential to significantly boost subscriber numbers. The team is currently working to refresh the newsletter's look and feel and continually evaluates the top performing content to ensure we tailor stories to better engage our readers.

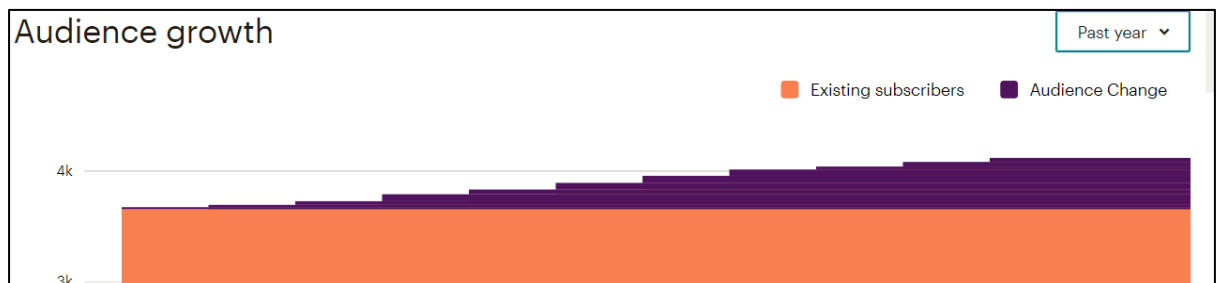


Figure 3

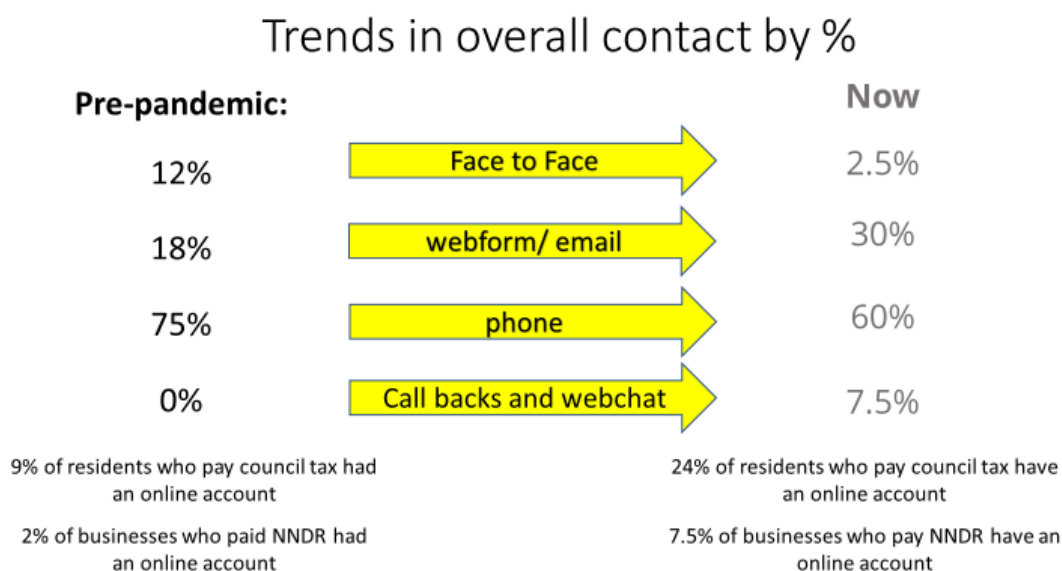
- 2.7 To conclude, we are continuing to drive growth across all our digital communication channels, albeit at different rates. Our current strategy has significantly boosted Facebook channel growth and subsequent page views to the website, which we have seen double compared to last year.

2.8 A key question for the future is whether we need to explore additional / different channels as YouTube and TikTok continue to increase in popularity, especially with younger audiences. This is likely to be tested on a campaign basis depending on the target audience.

Digital take up of services

2.9 On the 12 July 2022, Executive approved the [Transforming East Herts Business Case](#) which recognises the need to promote more digital take up of services in order to modernise delivery and achieve efficiency savings.

2.9 Digital take up of services has accelerated as a result of Covid and this has been a general trend seen globally. Looking across our four main contact channels there has been a noticeable shift in behaviours since 2019/20 (pre-pandemic) and now (first two quarters of 2022/23):



2.10 Telephony remains the contact channel of choice for most of our residents however this has dropped from around three out of every four contacts to three out of every five contacts in

the last two years. Similarly, face to face contacts have dropped by around 10%. In 2019/20 we saw around 12,000 visits to our offices. For the first six months of this year the number of visitors has been 1771 (it should be noted of course that some of this behaviour has been driven by the limited opening hours of reception as well as Covid induced behaviour change).

- 2.11 Contacts over the website and email have increased as a proportion of contacts and interestingly the “call back” option for residents is proving increasingly popular.
- 2.12 There has been a strong uptake in the percentage of residents who now have an online council tax account. The 15% increase equates to around an extra 9000 households signing up. The trend has not been as strong for business owners who pay business rates with an increase of just over 5% (around 250 businesses). Interestingly this is in stark contrast to the percentage of businesses that accesses Covid support grants via digital means which was 100%. This is a clear illustration that most businesses have the capability of engaging digitally when the incentive is there to do so.
- 2.14 As part of the Transforming East Herts programme we will be continuing to nudge customers towards digital engagement and take up of services. A useful benchmark is the level of residents who signed up online for green waste services (92.5%). Whilst not perhaps representing a cross-section of all those who live in East Herts, it is clear that there is potential for many more residents to contact us via digital means.

Digital Exclusion

- 2.15 Committee Members discussed the topic of digital exclusion on 22nd March 2022, with input from two external speakers. A recommendation was then made regarding the need to

ensure that any digital transformation programme also supports vulnerable individuals who may not have access to or be comfortable with using web based services.

2.16 The business case approved by Executive in July recognised this need, highlighting the logic of maximising self-service for those who can so that officers can focus on complex cases.

2.17 The council still offers a face to face service for those who require assisted support. Examples include:

- A number of residents who visited council offices over August and September who don't pay their council tax by direct debit and needed assistance with accessing the £150 rebate
- Visits by people who are at immediate risk of being homeless or at risk in the near future. Where the risk is immediate an assessment will be arranged as soon as possible. Where the risk is in the near future a call back will be arranged
- Residents needing parking vouchers for permit zones. Although vouchers can be purchased on line through the permit smart system, some residents prefer the flexibility of the hard copy version as they can be used hourly/ daily and for different vehicles. This flexibility is not available in the online system and works much better for residents that have, for example, different carers visiting them.

2.18 There are currently no plans under the Transformation programme to withdraw face to face services.

3.0 Reason(s)

3.1 N/A

3.2 Options

4.1 N/A

5.0 Risks

5.1 N/A

6.0 Implications/Consultations

6.1 N/A

Community Safety

No

Data Protection

No

Equalities

Yes – digital exclusion is covered in the report in terms of the Council’s approach

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A:** Quarterly Communications Report

7.2 **Appendix B:** Quarterly performance monitoring

Contact Member

Councillor George Cutting, Executive Member for Corporate Services
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Report Author

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Communications Performance Report

Quarter Two: 2022/23



Highlights



Sustainability at the heart of everything we do

Working together with the HCCSP we generated nearly **2,000** registrations for the **Solar Together** scheme, putting us third in Hertfordshire for sign-ups.

We were also a top performing district in giving away free trees, using up our allocation in just **10** days.



Love Parks Week

Working closely with the leisure and parks team, we helped attract hundreds of visitors to our two Love Parks week events, generating a **double page spread** in the local press and engagement through social media as residents competed to name the new sculpted cow in Pishiobury.



Operation London Bridge

Following the sad news of the death of her Majesty the Queen, we helped enact the council's Operation London Bridge plans, enabling the district to mourn and commemorate the life of Queen Elizabeth II.



New look employee awards

Working with HR, we helped to revamp the employee awards, giving it a fresh new look to drive over 20 nominations and celebrate the hard work of colleagues from across the council.

Other support / issues managed



Sworder's Field Skate Park / Castle Park budget

Healthy Hub drop-ins

Waste and parking consultations

Hunsdon / Kingsmead
Neighbourhood Plans

ASB Awareness Week

Old River Lane SPD

Planning: enforcement issues at Stortford
Fields and development in Buntingford

Digital

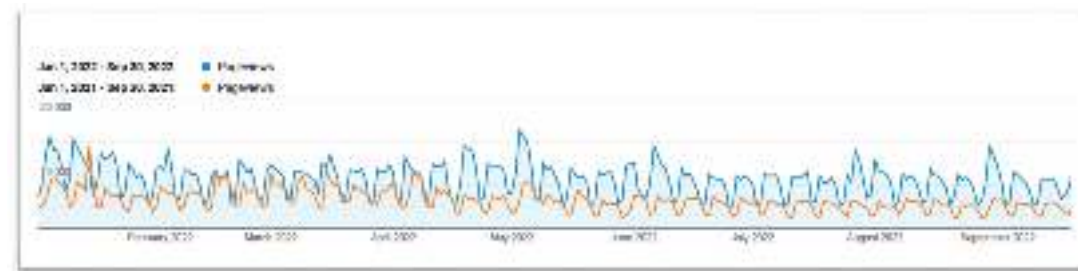


Email Marketing

- ✓ 88 new sign-ups to Network this quarter
- ✓ Open rate decreased 2.75% to 57.25% (still above industry average of 40%)
- ✓ Top stories: Parking, Solar Together, Plastic Free July

Website Stats

- ✓ Our website was viewed **632,962** times – a decrease compared to last quarter – but more than double Q2 the previous year



Website / Intranet Development

- ✓ Elements of new branding implemented
- ✓ Exploring options for future of intranet



Social Media

Channel Growth



We gained **91** new followers on Twitter



We gained **261** new likes on Facebook.*



Instagram grew by **40** followers



Total reach across all social media: **26,641**



*Channel has grown 18% over last 12 months

Top Posts

Our posts about the reinstatement of parking restrictions in Hertford town centre and ASB Awareness Week generated the highest levels of engagement, with a combined reach of **26,766**.



Press and Media

Coverage

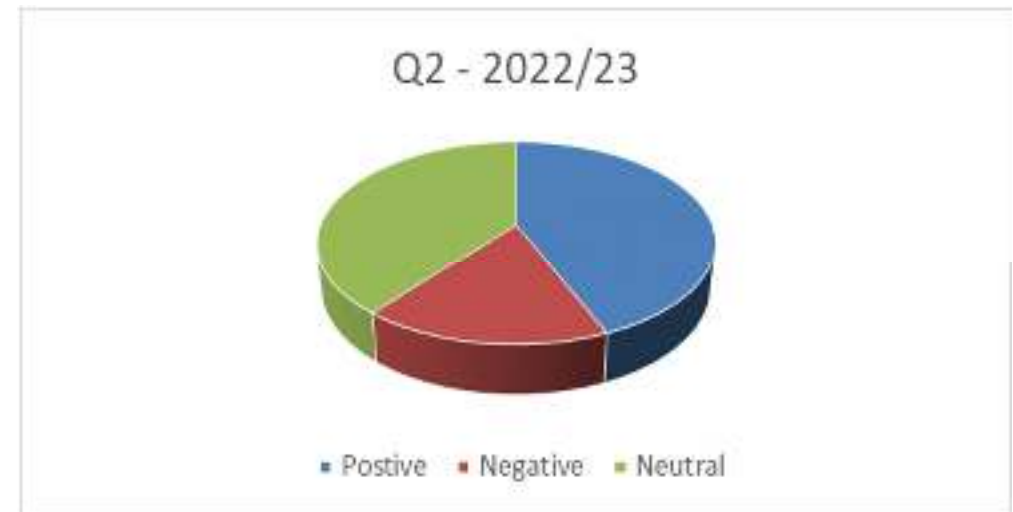
- ✓ Total of **130** articles about the council were published
- ✓ Positive press score of **109** (minus 26 from last Q1)

Favourability

Less favourable coverage came from articles about proposed parking changes, delays to Sworder's Field Skate Park and reader letters re NGE multi-storey.

Press releases

We sent 27 press releases – above target of two per week



Press and Media

The collage features several newspaper clippings from News 17. At the top left, a photo shows a group of people at a community event with rainbow flags. Below it, a photo shows a woman in a purple top and another in an orange top. At the bottom left, a photo shows a group of people in uniform. The central clipping is a large article titled 'Residents compile Neighbourhood Plan' with a sub-headline 'Contractor to...' and a photo of Cllr Linda Hayley. To the right, another clipping is titled 'More households to get energy from East Herts Council' with a sub-headline 'Old River'. Below that, a photo shows construction workers in safety gear. The background of the collage is a grid of smaller photos and text snippets.

Residents compile Neighbourhood Plan
 Contractor to...
 In the latest in a regular series, East Herts Council leader Cllr Linda Hayley updates indie readers on the authority's flagship Old River Lane project in Bishop's Stortford.

More households to get energy from East Herts Council
 Old River...

Group moves ahead

Contractor
 THE refurbishment of... Theatre is enter... development... How works... ready to... Activi... involved... assessment... technical... The Group... has been reg... Considerate C... with strict tem... in which the site... terms of its imp... communities, the... will be taken to pro... environment, and h... standards... Some demolition... needed to prepare the... main construction phas... Lewis, the appointed co...

Old River Lane
 The Old River Lane project is a major development in Bishop's Stortford. It is an important document that will ensure residents and give the council additional applications against... Please do visit www.eastherts.gov.uk for more information. Contact: 01438 520000. Email: info@eastherts.gov.uk

Community Council
 Bishop's Stortford

News 17



Looking Ahead

October	November	December
Parking and waste (Graham)	Hertford Theatre progress update (Eric)	Free tree giveaway (Graham)
3G Pitch and Grange Paddocks (Eric)	ORL SPD adoption (Jan)	Budget setting (Geoffrey)
October half term activities (Peter)	3 x affordable housing developments (Peter)	Parking (Pay by Phone / NGE) (Graham)
Sustainable warmth (Graham)	Community Grants (Jonathan)	Sustainable Xmas / collection messaging (Graham)
East Herts Lottery new organisations (Jonathan)	CSP you said / we did (Peter)	
	Global Enterprise Week (Jan)	

Quarterly Report: Q1 - April to June 2022

			2022-23						
Statistic			April	May	June	Q4 2021-22	Q1 total	INCREASE/DECREASE	
TWITTER	Tweets		44	62	46	222	152	-70.00	
	Followers		11,813	11,866	11,893	11733	11,893.00	160.00	
	Tweet impressions (K)		41	35.1	28.9	186	105	-80.80	
	Mentions		214	233	190	893	637	-256.00	
FACEBOOK	Posts		56	88	89	171	233	62.00	
	Followers		6,182	6,244	6,268	6080	6,268.00	188.00	
INSTAGRAM	Followers		2,572	2,604	2,610	2556	2,610.00	54.00	
	Posts		24	25	28	44	77	33.00	
	Likes		218	160	257	744	635	-109.00	
LINKEDIN	Connections		1,741	1,768	1,811	1711	1811	100.00	
	Clicks		60	45	18	281	123	-158.00	
INTERNAL COMMS	INTRANET	Intranet page views		14,726	15,037	15,155	46423	44918	-1,505.00
		Recipients		333	330	331	n/a	331.00	n/a first quarter tracking
	TEAM UPDATE	Team Update views		246	242	247	691	735	44.00
		Open rate		73.87%	73.33%	74.60%	1	73.93%	-1.07%
		Team Update top story (VIEWS + TITLE)		Staff recognition scheme winner	Staff recognition scheme winner	staff recognition scheme			
		Staff briefing attendance		n/a	n/a	@17/06/22 total 224 zoom + 6 chamber - total 230	n/a	230.00	no data to compare
	CONNECT	Open rate		70.27%	68.73%	63.69%		67.56	no data to compare
		Top Story #1		Vacancies on website	Vacancies on website	vacancies on website			
		Top Story #2		Hartham Leisure enters main construction phase	Northgate End opening press release	northgate end opening press release			
		Top Story #2		East Herts listed for national award	Fine for fly tipping press release	150 rebate press release			
EXTERNAL COMMS	WEBSITE		Page views	232,630	244,099	215,286	734819	692,015.00	-42,804
	MEDIA COVERAGE	PRESS	Press releases sent	9	10	4	24	23.00	-1
			Press articles	25	25	11	87	61.00	-26
			Press score	26	34	18	75	78.00	3
		DIGITAL MEDIA	Online articles	19	14	10	57	43.00	-14
			Press score	19	23	15	40	57.00	17
		COMBINED COVERAGE SCORE		COVERAGE SCORE	45	57	33	172	135.00
	Network	Subscribers		3944	4000	4024	3885	4,024.00	139
		Average Open Rate		59%	57.33%	56.60%	57.68%	60.00%	2.32%
		Top Story #1		Bin collection day tool	Council Tax £150 rebate	Large grant applications			
Top Story #2		applications for licenses	bin collection days link	northgate end car park					
Top Story #3		Hartham Leisure enters main construction phase	licence applications	cost of licing support					

Quarterly Report: Q2 - July - September 2022

		Statistic	July	Aug	Sep	Q1 totals	Q2 totals	INCREASE/DECREASE	
social media	twitter	Tweets	90	72	42	152	204	52.00	
		Followers	11,943	11,967	11,984	11,893	11984	91.00	
		Tweet impressions (K)	49.8	31.9	29	105	111	5.70	
		Mentions	283	225	152	637	660	23.00	
	facebook	Posts	87	45	45	233	177	-56.00	
		Followers	6,397	6,469	6,529	6,268	6,529	261	
	instagram	Followers	2,640	2,641	2,650	2,610	2,650.00	40	
		Posts	35	22	18	77	75	-2	
	linkedin	Likes	419	123	253	635	795	160	
		Connections	1,810	1,823	1,845	1811	1845	34	
		Clicks	71	2	8	123	81	-42	
internal comms	intranet	Intranet page views	14,355	12,950	13,776	30192	41081	10,889	
		Recipients	332	331	n/a not issued due to Queen's passing - regular features placed into Connect	331	331	0	
	team update	Team Update views	236	231		735	467	-268	
		Open rate	71.00%	69.79%		73.93%	70.40%	0	
		Team Update top story (VIEWS + TITLE)	Emily Cordwell video - staff recognition scheme - 122	Mee The Team feature					
			Staff briefing attendance	n/a	n/a	n/a	230	n/a	no data to compare
	connect	Open rate	69.70%	63.01%	69.88%	67.56%	67.53%		
		Top Story #1	vacancies - website	Transformation Update	Employee award nominations				
		Top Story #2	Causeway and Charringtons closure press release	HR vacancies	Employee award winners				
		Top Story #3	dog owner fined press release	2021 Census update	UNISON Update Sept 2022				
external comms	website	Page views	209,904	221,703	201,355	692,015	632,962.00	-59,053	
		Press releases sent	11	8	8	23	27	4	
	media coverage	press	Press articles	24	25	18	61	67	6
			Press score	14	26	18	78	58	-20
		digital media	Online articles	12	21	30	43	63	20
	Press score		6	18	27	57	51	-6	
	network	combined score	COVERAGE SCORE	20	44	45	135	109	-26
			Subscribers	4074	4106	4112	4,024	4,112	88
		Average Open Rate	56.99%	56.84%	57.91%	60.00%	57.25%	-2.75%	
		Top Story #1	Parking traffic regulation orders	Plastic Free July	Group solar power buying scheme				
Top Story #2		Love Parks Week	Waste management survey	manage cost of living					
Top Story #3	Licence Applications	Find your bin collection day	Bank holiday changes to bin services						

Agenda Item 9

East Herts Council Report

Overview and Scrutiny Committee

Date of Meeting: Tuesday 8 November 2022

Report by: Scrutiny Officer

Report title: Overview and Scrutiny Draft Work Programme

Ward(s) affected: All wards

Summary

- This report considers actions for inclusion in the Committee's existing Draft Work Programme and proposes amendments to the ongoing Work Programme

RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE that:

- (A) The main agenda items listed 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 sets out the draft work programme as a single report.**

- 1.2 Members of the Committee are reminded that guidance is sought on what items they may wish to scrutinise for the remainder of the Civic Year to May 2023. The items listed in the **Appendix A** are suggested items with reference to the Corporate Plan and Members can make their own recommendation on topics for scrutiny.
- 1.3 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 Plan and the Executive Forward Plan (on the intranet) published regularly.

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 the 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 where further guidance can be found. This 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 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 the function and remit of the Overview and Scrutiny Committee that they wish to suggest.

2.5 With the consent of the Chairman, the Section 106 Agreement item has been removed from the Work Programme. A report is being presented to Audit & Governance Committee on 15 November 2022 when the lead officer will include concerns expressed by O&S Members specifically on bidding procedures and potential legislative changes (to the Planning “Levelling up Bill”) within the report. An All Member Briefing for Members was held on 3 November 2022 to allow all Members to raise issues under a Q&A session.

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 expedited without sufficient scrutiny. It is therefore important to ensure that Members review Key Decisions which the Executive are about to make on their Forward Plan which is published and updated regularly. Approval of an updated Work Programme contributes to the mitigation of this risk by ensuring key activities of the council are scrutinised.
- 5.3 Key or non-key decisions can be “Called in” in exceptional circumstances by four Members in writing. The process is set out in paragraph 5.31.1 of the Constitution.

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 function 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 the Committee for a maximum of 15 minutes.

Community Safety

No

Data Protection

No

Equalities

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

Environmental Sustainability

Yes – the proposed Work Programme envisages the Overview and Scrutiny Committee receiving reports on the progress of the council's environmental and Climate Forum and the council's Corporate Plan.

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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Report Author: Lorraine Blackburn, Scrutiny Officer, Tel: 01279 502172. lorraine.blackburn@eastherts.gov.uk

“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default

Date	Report title/Strategy	SEED Priority	Background information	Officer invitee	Portfolio Holder	Executive Date
8 November 2022	Development Management Update:	Sustainability	<p>Report from Head of Planning and Building control on what steps are being taken to recruit to vacant posts and resolve the backlog managing the backlog of applications planning applications.</p> <p>Amended report agreed with the consent of the Chairman and Vice Chairman and substantive report on the Pre Planning Advice Process and Service Report to be brought to the Committee at a future date to be agreed.</p>	Sara Saunders	Cllr Goodeve Executive Member for Planning and Growth	
8 November 2022	Surveillance Technical Potential	Sustainability		Tyron Suddes, information Governance and Data Protection Manager	Councillor Cutting Executive Member for Corporate Services	25 November 2022
8 November 2022	Data Protection Policy	Sustainability		Tyron Suddes, information Governance and Data Protection Manager	Councillor Cutting Executive Member for Corporate Services	25 November 2022

“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default

Date	Report title/Strategy	SEED Priority	Background information	Officer invitee	Portfolio Holder	Executive Date
8 November 2022	Digital Communications Update Information report		Scrutiny on progress with the corporate plan. 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 (NDR) viewpoint encourage more to sign up by DD. How many residents are using emails for their enquiries (Figures are needed) digital exclusion update – what is the council continuing to do for those who cannot or do not want to use online services.	Ben Wood	Cllr Cutting, Executive Member for Corporate Services	

“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default

Date	Report title/Strategy	SEED Priority	Background information	Officer invitee	Portfolio Holder	Executive Date
17 January 2023	We will support town centres with post COVID recovery	Encouraging economic growth	Scrutiny on progress with the corporate plan.	Either Chris Smith Andrew Figgis (both Ben Wood)	Cllr Kaye – Executive Member for Communities	
Further items to be confirmed	Development of Rural Areas in Town Centres which do not fall within the parameters of the ERDF Projects		Requested by O&S Committee at their meeting on 20 September 2022	Chris Smith / Ben Wood	Cllr Goodeve – Executive Member for Planning and Growth	
	2a. Deliver the ERDF Launchpad 2 project					
	Developing better links between rural areas and Towns and working with our partners		Requested by O&S Committee at their meeting on 20 September 2022	Chris Smith /Ben Wood		

“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default

Date	Report title/Strategy	SEED Priority	Background information	Officer invitee	Portfolio Holder	Executive Date
	<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>	Cllr Kaye – Communities Cllr Goodeve – Planning and Growth	

“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default

Date	Report title/Strategy	SEED Priority	Background information	Officer invitee	Portfolio Holder	Executive Date
<p>21 March 2023</p> <p>To be confirmed</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>	<p>Encouraging Economic Growth</p>	<p>Scrutiny on progress with the corporate plan.</p> <p>(Suggest that this might be deferred until after the May elections as to update new and returning Members?)</p> <p>It might also be appropriate to have an update on the Transformation Programme and how this is progressing in the light of the savings to be achieved over the next few years??</p>	<p>Sara Saunders</p> <p>Steven Linnett</p>	<p>Cllr Kaye – Communities Cllr Goodeve – Planning and Growth</p>	

“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default

<p>21 March (but date tbc)</p>	<p>Pre- Planning Advice Process and Service</p>	<p>Sustainability</p>	<p>Updating the pre-app service was identified as an operational improvement when Planning underwent its recent service review. The restructure was completed at the end of August, and the Head of Service has been focussing their efforts on recruiting to vacant posts and resolving the backlog of planning applications.</p> <p>Report deferred from 8 November a with the consent of the Chairman. The Head of Planning and Building Control intends to provide a substantive report on this issue. Spring of 2023 has been provisionally suggested for this report .</p> <p>Remit from an earlier O&S Committee to provide an:</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>Sara Saunders, Head of Planning and Building Control</p>	<p>Cllr Goodeve, Executive Member for Planning and Growth</p>	
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“SEED” Priorities, Sustainability, Enabling, Encouraging and Digital by Default

Date	Report title/Strategy	SEED Priority	Background information	Officer invitee	Portfolio Holder	Executive Date
Date to be confirmed	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).		Deferred at the request of the Head of Planning and Building Control – date for consideration by Members – to be confirmed.	Sara Saunders, Head of Planning and Building Control	Cllr Goodeve, Executive Member for Planning and Growth	8 November 2022

Members’ views are sought regarding the timetabling of issues which Members may wish to review.

Wproc\$/Stortford/BSWP/NPS/Overview and Scrutiny/2021 – 2021/Committee Work Programme Appendix