

Public Document Pack

EAST HERTFORDSHIRE DISTRICT COUNCIL

NOTICE IS HEREBY GIVEN that a meeting of East Hertfordshire District Council will be held in the Council Chamber, Wallfields, Hertford on Wednesday 18th January, 2023 at 7.00 pm, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

Date this 11 day of January 2023

James Ellis
Head of Legal and
Democratic Services

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

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

AGENDA

1. Chairman's Announcements

To receive any announcements from the Chairman.

2. Leader's Announcements

To receive any announcements from the Leader of the Council.

3. Apologies for Absence

To receive any Members' apologies for absence.

4. Minutes - 14 December 2022 (Pages 5 - 34)

To approve as a correct record and authorise the Chairman to sign the Minutes of the Council meeting held on 14 December 2022.

5. Declarations of Interest

To receive any Members' declarations of interest.

6. Petitions

To receive any petitions.

7. Public Questions

To receive any public questions.

8. Members' Questions

To receive any Members' questions.

9. Executive Report - 10 January 2023 (Pages 35 - 38)

To receive a report from the Leader of the Council and to consider recommendations on the matters below:

(A) Annual Treasury Management Review 2021/22_(Pages 39 - 64)

(B) East Herts UK Shared Prosperity Fund and Rural Prosperity Fund
(Pages 65 - 118)

10. Bishop's Stortford Town Council Cemetery Bill (Pages 119 - 145)

11. Millstream 30 Year Business Plan 2023/24 (Pages 146 - 181)
12. Protocol for the submission of Planning Application Representations (Pages 182 - 192)
13. Review of Councillor Complaints Handling Procedure (Pages 193 - 243)
14. Motions on Notice

To receive Motions on Notice.

15. Exclusion of the public

To move that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the discussion of Appendix A in Item 11 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the said Act.

Disclosable Pecuniary Interests

A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

Public Attendance

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

MINUTES OF A MEETING OF THE
COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 14 DECEMBER 2022, AT 7.00
PM

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

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
Lorraine Blackburn	- Scrutiny Officer
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Steven Linnett	- Head of Strategic Finance and Property
Helen Standen	- Deputy Chief Executive
Ben Wood	- Head of Communications, Strategy and

Policy

ALSO IN ATTENDANCE:

- Lead for
Cambridgeshire,
Hertfordshire and
Bedfordshire Federation
of Small Businesses

269 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Reverend Stephen Bate, for his welcome. He also thanked Members for wearing Christmas attire for the meeting and explained the background to the tradition in that it was a fundraising event to raise money for the Chairman's charity.

The Chairman summarised the events that he and the Vice Chairman Councillor Rosemary Bolton, had attended since the last meeting of Council.

- Light of Love events in Buntingford, Hertford and Bishop's Stortford which were Isabel Hospice events
- The High Sheriffs Justices Service at St Albans Cathedral
- A Tour of the Essex and Herts Air Ambulance at North Weald. He said that Air Ambulance was a charity and solely funded from charitable donations
- He advised Members that this weekend, Hertford Theatre gave away 14 free tickets to local children plus their parents so that they could attend the Christmas Production of "The Snowsmith" at Ware Drill Hall.

The Chairman advised Members that there would be a

Holocaust Memorial Event on Thursday 26 January at 6:30pm in the Council Chamber. This event would be in person, the first since 2019.

The Chairman was pleased to announce that Councillor Stan Bull had been awarded a Queen's Platinum Jubilee Coin for his services as a Voluntary Ambulance Car Driver. He said that Councillor Bull had been volunteering for over 22 years.

Councillor Bull explained that his work as a voluntary driver had happened by chance in that he had been working with a friend who had asked him what he was going to do when he retired. He said that he had enjoyed every minute of his time as a driver, and that it was a very rewarding job helping people. He felt that it was an ideal job for a retiree adding that two weeks ago the traffic manager for the service had said just how much he appreciated his help. Councillor Bull said that he was very proud to receive the award.

Finally, the Economic Development Team had provided a lot of work on business support during the Covid recovery period. The Chairman introduced Pam Charman, the Lead for the Cambridgeshire, Hertfordshire and Bedfordshire Federation of Small Businesses who explained the background to the federation, which was to influence government and policy to secure business friendly ideas. She presented the award to the Economic Development Team and thanked the team for producing a thriving business programme, working in a way which was relevant and said that we should all celebrate what had been achieved in East Hertfordshire.

The Chairman reminded Members to pick up their mail

from the pigeon-holes.

The Chairman announced that item 11 (Member Non-Attendance Waiver and Extension to Six Month Time Limit) be withdrawn as the Member was now in attendance.

270 LEADER'S ANNOUNCEMENTS

The Leader said that she always enjoyed this meeting just before Christmas. She thanked the staff who she said had come through a very difficult time especially to the refuse crews who continued to do an essential job. She said that very few bins had been missed. The Leader said that the roads were not easy and would remain so for more days and asked Members and residents to be careful.

At the Leader's request Councillors Kaye and Cutting made announcements on her behalf:

Councillor Kaye provided an update on the UK Shared Prosperity Fund. The Council had applied for money for various projects and had been given £219,000 to spend by March 2023. Two further tranches of money would be provided in 2023/24 and 2024/25.

Secondly the Council had been successful in achieving the bronze award in relation to the Defence Employer Recognition Scheme organised by the Ministry of Defence. Councillor Huggins had been instrumental in raising this issue at a previous Council meeting. Under the scheme, additional priority was afforded to members of the armed forces in relation to social housing and providing grant support to commemorate the work of armed forces. Councillor Kaye said that there were only two other councils in Hertfordshire which had been given this award.

He thanked Councillor Huggins for raising this initially and championing this cause adding that the Council would be working towards achieving the silver award status.

Councillor Cutting provided an update in relation to the headline results following a residents' survey on how the Council runs things. He provided a comparative study to Members.

271 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bell, Brady, Burmicz, Frecknall, Hollebon, Huggins, McMullen, Page and Stevenson.

272 MINUTES - 16 NOVEMBER 2022

Councillor Curtis said that he had emailed the Chairman regarding Anti-Semitism and the publication of the Anti-Semitism audit on the adoption on the "I Hate" definition and queried whether the council had yet adopted the policy on a Campaign against Anti-Semitism.

The Head of Legal and Democratic Services thanked the Member for the early notification of his query and confirmed that the Council had accepted the definition and the policy had been adopted in 2019.

The Chairman confirmed that he, the Vice Chairman and Councillor Crofton attended the Remembrance Sunday events at all five of our towns, not four.

Councillor L Haysey proposed, and Councillor E Buckmaster seconded a motion that the Minutes of the

meeting held on 16 November 2022 be approved as a correct record and be signed by the Chairman.

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

RESOLVED – that the Minutes of the meeting held on 16 November 2022 be approved as a correct record and signed by the Chairman.

273 DECLARATIONS OF INTEREST

There were no declarations of interest.

274 PETITIONS

There were no petitions to consider.

275 PUBLIC QUESTION

David Royle, on behalf of the Sustainable Sawbridgeworth Community Group, to ask Cllr Graham McAndrew, Executive Member for Environmental Sustainability

Is this Council aware of the Cornwall Development and Decision Wheel (CDDW) used by Cornwall Council for cabinet decisions since September 2019* and has it considered a similar approach for its own decision making, using the Doughnut Economics model pioneered by Kate Raworth, which aims to ensure that no one misses out on life's essentials (from food and housing to healthcare and political voice), while ensuring that, collectively, we do not overdo the pressure on Earth's life-supporting systems,

such as a stable climate, fertile soils, and a protective ozone layer? If not, how does this Council propose to keep this balance?

Response

I'd like to thank David Royle for bringing Cornwall's approach to my attention. I have to admit that I was not aware of this model but from an initial look, I can see that it aims to locate council decision-making within the wider environmental sustainability context.

I am pleased to report, therefore, that while not specifically using Cornwall's Development and Decision Wheel, East Herts Council has already adopted many of the model's key principles. Notably, all reports put before members, whether at a scrutiny committee, the Executive or the full Council, include a section on environmental implications. Added to this, as environmental sustainability has been one of the council's corporate priorities for three years now, decision-making across the council's broad remit is increasingly being seen through the lens of climate change, air quality, biodiversity and the like. Examples range from the solar panels, air source heating and other energy efficiency measures at Grange Paddocks and Hartham Leisure Centre to advanced discussions with housing associations about Passivhaus development and new emission standards for licensed taxis set to become among the strictest in Hertfordshire from next April.

I think a great example of the council taking difficult financial decisions with regard to its wider environmental responsibilities is our decision to switch our vehicle fleet to five e-vehicles. While delivering a modest but welcome financial savings of £2,000 over the coming five years,

more importantly, this will give an annual saving of at least nine tonnes of carbon dioxide equivalent – that’s a total saving of at least 45 tonnes over five years – and will also contribute to improving air quality.

Finally, earlier today, I, together with members and officers from across Hertfordshire, met representatives of the National Farmers Union to discuss biodiversity and soil sustainability as these are obviously important considerations given the rural nature of much of our district.

So, while I and officers will most definitely look into Cornwall’s approach in more detail, I hope I have been able to provide assurances that sustainability considerations already play a central role in East Herts Council’s decision-making.

There was no supplementary question.

276 MEMBERS' QUESTIONS

Question 1

Cllr Norma Symonds to ask Cllr Peter Boylan, the Executive Member for Neighbourhoods

Our council agreed a five-year housing plan in May this year. Six months has now gone, and I would like to ask the Executive Member for Neighbourhoods for an update on what has happened so far, especially with social housing.

Response

Since Council’s approval of the Housing Strategy in May

this year, considerable progress has been made. Members may recall that delivering more affordable homes with lower rents – and even social rents where possible – is the *very first objective* listed in the Strategy. I was therefore particularly pleased to officially open the new housing scheme in Pegram Drive, Buntingford last month where Hightown Housing have delivered nine homes at social rent. Added to this, B3 Living's new scheme in Bengoe sees rents capped at the local housing allowance, meaning they are just 60%-70% of private market rents in Hertford. I think both schemes show that low rents can and are being delivered when the council and registered providers work together. On top of this, officers are currently exploring new ways to ensure low rents, including talking to two registered providers about building homes for social rent on the few small plots of land still in the council's ownership.

The Housing Strategy is, however, about more than simply rent levels. Providing homes for our most vulnerable residents is another major priority and so the development of affordable rented bungalows on two sites this year, in Buntingford and in Bishop's Stortford, is especially welcome when we remember that there are 33 people on the Housing Register with significant mobility-related needs, who would greatly benefit from level access homes.

Furthermore, the Strategy prioritises making homes more energy efficient, thus I was thrilled to see so many of Network Homes new affordable rented and shared ownership homes at the Blakemoor Manor development in Hertford had solar panels and e-car charging points when I visited earlier this year. I know that Network are currently drawing up a proposal to build homes to the Passivhaus specification in the district. Added to this, private home-

owners have also been able to benefit from the county-wide 'solar panel bulk buy' scheme which the council was part of this summer. The scheme was so over-subscribed that another round next year now seems likely.

Finally, we cannot overlook the importance of getting the day-to-day work of helping homeless people find accommodation and running an effective housing application and nomination process. I am currently working with officers on options for speeding up the assessment of applicants' medical circumstances and I am very grateful to Cllr Symonds for agreeing to look over those proposals when they are ready in the new year.

So, although we only six months into the five- year Housing Strategy, I hope I have been able to demonstrate that work is already well underway to deliver the priorities so resoundingly endorsed by members back in May.

There was no supplementary question.

Although not a supplementary question Councillor Symonds said she had come across a veteran and the speed with which housing worked at was brilliant because of our Veterans' Charter and that they did some really good work.

Question 2

Cllr Stephen Reed to ask Cllr Peter Boylan, the Executive Member for Neighbourhoods

Due to the previous death in Rochdale due to damp and mould, could the Executive Member for Neighbourhoods explain if any measures have been taken to avoid East

Herts repeating what happened.

Response

I'm sure all members were as shocked and saddened as I was to learn of the death of two year old Awaab Ishak who had endured prolonged exposure to damp and mould in his social rented home in Rochdale. Whilst this council does not hold any housing stock, it does, however, have a very important role to play in helping to avoid a similar tragedy here in East Herts.

This council has a specialist Housing Standards team within Environmental Health which employs several different techniques to tackle damp and mould, culminating, where necessary, in the use of formal powers to take punitive action. More typically, however, a resolution can be achieved through practical advice and support, with cases remaining open until confirmation that the problem has been remedied or it returns or worsens, prompting further investigatory visits and remedial action.

A high quality, responsive service is provided to the public with detailed advice on the council's website, such as a helpful checklist of things to consider which could be causing the problem and an easy-to-use form for reporting problems. Of note, over the 12 months of 2021/22, the Environmental Health team were approached by 62 tenants in social and private rented housing whose complaints primarily concerned damp and mould.

Perhaps understandably, the numbers of enquiries have increased in recent weeks so I would like to assure members that the Environmental Health team has reviewed all current and recent cases and are confident that there are no open cases which mirror the conditions which led to the young boy's needless and preventable

death.

Of course, social landlords also have a key role to play in tackling damp and mould. At the council's request, the district's largest landlords – covering nine-out-of-ten affordable homes – have provided details of how they are supporting their tenants. I have passed this information to fellow members as soon as I have received it. Officers from both the Housing and Environmental Health teams are continuing to work with all social landlords to ensure no tenant's reports of damp and mould go unheeded. It is also worth noting that on 22 November, the Regulator for Social Housing also wrote to all housing associations asking for a range of assurance to prevent a recurrence of such an incident.

Finally, if a tenant approaches the Housing service feeling a need to transfer to another property due to damp and mould, Housing and Environmental Health officers immediately work closely with the landlord to alleviate the problem and so avoid a disruptive move. If, on the rare occasion, a move may be necessary, officers discuss this with the medical advisor currently commissioned to assess housing applicants' circumstances. The medical advisor has assured the council that she always carefully considers the impact of reported damp and mould on an applicants' health and has reported that she will remain vigilant of any new national guidance or best practice issued.

I hope I have been able to reassure members that the council takes *all* reports of damp and mould extremely seriously. The council will *always* work with tenants, landlords and householders to find effective, permanent solutions and will *not* shy away from using its powers to require and force landlords to carry out remedial works if necessary.

There was no supplementary question.

Question 3

Cllr Alexander Curtis to ask Cllr Graham McAndrew, the Executive Member for Environmental Sustainability

Great Amwell residents have reported that on multiple occasions the paper boxes contained within their cardboard/glass/metal recycling bins have been tipped into the waste collection lorry instead of being emptied into a separate container. What steps is East Herts District Council taking to ensure that the contractor, Urbaser, stops doing this, in line with our contract with them?

Response

We are moving away from inner paper boxes which will prevent this from happening in the future. Urbaser have reminded their staff to check recycling bins before emptying. Unfortunately, we are operating on a high level of agency staff which can exacerbate the issue. If residents are concerned that their box or items in the box are being tipped into the chamber.

Incorrectly, we encourage reporting so we can review CCTV and take further action.

Councillor Curtis said that the Council should keep an eye on this especially in relation to hitting targets.

Question 4

Cllr Mione Goldspink to ask Cllr Geoffrey Williamson,

the Executive Member for Financial Sustainability

What would be the effect on the Council's future budget of cancelling the plans to build a cinema on the Old River Lane site in Bishop's Stortford? Would cancelling this project free up money for general revenue expenditure?

Response

My thanks to Councillor Goldspink for raising this question. I refer Members to the Business Plan for the Arts Centre which was presented to Council in March last year. This stated that the Arts Centre would need a subsidy of just shy of £700k for the first seven years but thereafter will return a surplus amounting to £7.6m over the remainder of the period in which we will be repaying the loan. This is taking into account all the finance costs as they were calculated at the time the Business Case was prepared. Hence, in answer to the question if the Arts Centre project were to be cancelled this would cost the Council £6.9m over the next 30 years.

Whilst borrowing for the Arts Centre has revenue implications in terms of Minimum Revenue Provision and interest payments, if the Arts Centre did not proceed these savings would only be notional, as we would need to decapitalise all expenditure to date and that would become an immediate charge of in the region of £2 million to the revenue account. That £2 million deficit would then reduce the General Fund balance below the minimum recommended by our Section 151 officer, and the Council would have no choice but to use earmarked reserves to restore the General Fund balance back to a minimum level. As we intend to use our reserves judiciously in the coming years to smooth out our savings requirements in

the MTFP, using these reserves to bolster the General Fund instead would cause significant further savings requirements to be met in the first two years of the new Council, which I don't believe is a position anyone in this chamber would advocate.

There would also be of course the non-financial cost to our residents by depriving them of this grand new facility.

There was no supplementary question.

Question 5

Cllr Alexander Curtis to ask Cllr Geoffrey Williamson, the Executive Member for Financial Sustainability

Could the Executive Member please confirm that sufficient savings will be made in his upcoming 2023/24 budget to ensure that the Council can keep to its Medium Term Financial Plan?

Response

I thank Councillor Curtis for raising this. In answer, I would refer Councillor Curtis and other Members to the report on the budget and Medium Term Financial Plan that was considered by the Executive last week. The report indicated that after planned increases in revenue are taken into account we have a savings target in 2023/24 of £822k; the major causes of this being the local government pay settlement for staff, and higher contract inflation.

We have already identified measures that enable us to meet that target. In particular, we have worked with the Leadership Team on savings that relate to efficiencies

within the organisation and which do not affect our delivery of services to residents, and as such these do not require Member approval. These savings have a combined value of £866k, which being in excess of the target means in relation to Cllr Curtis's question that sufficient savings have been identified to allow us to present a balanced budget for next year in line with our Medium Term Financial Plan.

I can remind Members that the budget and MTFP will be considered by the Audit & Governance Committee on 24th January, prior it coming before Full Council on 1st March.

There was no supplementary question.

Question 6

Cllr Carolyn Redfern to ask Cllr Geoffrey Williamson, the Executive Member for Financial Sustainability

In view of the Transforming East Herts Programme and the plans to severely slim down East Herts spending, when will Executive publish the plans in full, to let residents know what they are doing to ensure services are protected and they will not be underserved?

Response

The business case for the Transformation Programme was published in July and this gives the details for what the programme comprises and what it will achieve. Its aim is to enable the Council to protect its delivery of its services but at lower costs through efficiencies and greater use of technology. We believe this will give our residents a better experience overall yet at the same time contributing to our need to reduce expenditure. With reference to my reply to

Cllr Curtis, this is already bearing fruit with the savings that have been identified for the next financial year which will save £822k but with no impact on the quality of our services to our residents.

Going forward beyond next year there are further savings that will be required and the Transformation Programme will be at the heart of this, and in conjunction, the new Administration after next May will be tasked to set the new Corporate Plan and alongside that to undertake a Reconciling Policy, Performance & Resources exercise to ensure its future spending is aligned with its new corporate plan priorities.

There was no supplementary question.

Question 7

Cllr Carolyn Redfern to ask Cllr Graham McAndrew, the Executive Member for Environmental Sustainability

What is the Council doing to address issues of parking, speed limits and rat runs throughout the district but in particular the serious issues in West Street, Hertford?

Response

The management of speeding and inappropriate use of roads, as a through route, is for Hertfordshire County Council (the Highway Authority) to consider. East Herts council has no powers to manage these types of issues.

The power to enforce the associated Traffic Regulation Orders would be for the police to undertake. East Herts has no powers to engage. We will of course direct correspondents to the appropriate authority, and if

possible, highlight the issues directly to the police.

We will carry out parking enforcement when obstruction of residential driveways, or dropped kerbs, are reported by the public.

In relation to parking in West Street, there are very limited parking restrictions in the road. These are checked daily through the mobile patrols carried out by Civil Enforcement Officers.

277 EXECUTIVE REPORT - 25 OCTOBER AND 22 NOVEMBER 2022

The Leader of the Council presented a report setting out recommendations to the Council made by the Executive at its meetings on 25 October and 22 November 2022.

277 COUNCIL TAX SUPPORT SCHEME

The Executive Member for Financial Sustainability presented the recommendation which was referred to in the Executive report of 25 October 2022 that no changes be made to the local Council Tax Support Scheme for April 2023.

Councillor G Williamson proposed that the recommendation in the report be supported.
Councillor M Pope seconded the proposal.

Councillor M Goldspink said that her party supported the recommendation.

The motion to support the recommendation having been proposed and seconded was put to the meeting and upon

a vote being taken, was declared CARRIED.

RESOLVED – that no changes be made to the local Council Tax Support Scheme for April 2023.

277 NORTH OF HERTFORD - LAND WEST OF WADESMILL ROAD,
BENGEO (HERT4, PHASE 2) MASTERPLANNING
FRAMEWORK

The Executive Member for Planning and Growth presented the recommendation which was referred to the Executive on 22 November 2022 regarding a recommendation to agree the Masterplanning Framework as a material consideration for Development Management purposes.

Councillor J Goodeve proposed that the recommendation in the report be supported.

Councillor Ruffles seconded the proposal.

Councillor Goldspink said that she was confused by this proposal given that there was some opposition. She said that the plan seemed to centre on whether there should be a quarry and if the quarry was not included whether housing could be built. She said that situation was complicated to residents and that there was a campaign to stop housing being built in this area. Councillor Goldspink said she would be abstaining from voting.

The Executive Member for Planning and Growth said that this site was an allocated site in the District Plan and it complied with the council's policies. She said that there had not been a planning application submitted but it was anticipated that one would be forthcoming shortly.

Councillor Wilson said that he supported the “Save Bengo Fields Campaign” and was hopeful that an application would not go through but he understood the need for a Masterplan.

Councillor Curtis said that he was aware of the campaign and that green space should be retained and would not be voting and deferring to local knowledge on this.

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

RESOLVED – that the North of Hertford – Land West of Wadesmill Road, Bengo (HERT4, Phase 2) Masterplanning Framework October 2022 be agreed as a material consideration for Development Management purposes.

277 AFFORDABLE HOUSING NEEDS ASSESSMENT UPDATE FOR EAST HERTS

The Executive Member for Neighbourhoods presented the recommendation which was referred to the Executive report 22 November 2022.

Councillor P Boylan proposed that the recommendation in the report be supported.

Councillor N Symonds seconded the proposal.

Councillor Goldspink said that the Liberal Democrat Group was happy to support the recommendation but that it was sad to see that there was still so much need for affordable housing in the district. She hoped that the Council would

try to provide more affordable homes.

Councillor Curtis welcomed the assessment on the update. He said that he was disappointed that under 20% of the total number of affordable homes were homes for people to own not rent. He felt that the Council should be doing more to encourage home ownership rather for people to rent. It was for that reason he would be voting against the recommendation.

Councillor Crystall asked if the Assessment referred to in the report could be made available to Members.

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

RESOLVED – that the Affordable Housing Needs Assessment Update 2022 be supported to form part of the evidence base to inform Development Management decisions and support the East Herts District Plan 2018 and any future reviews and revisions to it.

277 FIRST HOMES – ADOPTION OF A TECHNICAL GUIDANCE NOTE

The Executive Member for Neighbourhoods presented the recommendation which was referred to in the Executive report of 22 November 2022 regarding the adoption of a Technical Guidance Note.

Councillor P Boylan proposed that the recommendation in the report be supported. Councillor B Deering seconded the proposal.

Councillor Deering said that the Council was one of the highest providers of affordable housing in the county and took the provision of affordable housing very seriously.

Councillor Goldspink said that the Liberal Democrat Group was happy to support the recommendation. She added that it was unfortunate that decisions appeared to be taken by developers in terms of whether they might want to use this scheme in terms of providing affordable homes.

Councillor Redfern added her grateful thanks to officers and supported the comments made by Councillor Goldspink.

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

RESOLVED – that the First Homes Technical Advice Note be approved.

278 COUNCIL TAX BASE

The Executive Member for Financial Sustainability presented the recommendation which was referred in the Executive report of 22 November 2022 regarding the calculation of the Council Tax base for the whole district and for each Parish and Town Council for 2023/24.

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

The motion to support the recommendations having been

proposed and seconded were put to the meeting and upon a vote being taken, was declared CARRIED.

RESOLVED – that (A) the calculation of the Council’s tax base for the whole district and for the parish areas for 2023/24 be approved.

(B) that pursuant to the report and in accordance with the Local authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by Est Hertfordshire District Council as its council tax base for the whole areas for 2023/24 shall be 63892.8 and for the parish areas listed below for 2023/24 shall be as follows:

ALBURY	287.47	HIGH WYCH	344.58
ANSTEY	174.21	HORMEAD	368.16
ARDELEY	210.00	HUNSDON	518.73
ASPENDEN	124.61	LITTLE BERKHAMSTEAD	274.25
ASTON	442.71	LITTLE HADHAM	549.18
BAYFORD	225.90	LITTLE MUNDEN	422.27
BENGEO	281.91	MUCH HADHAM	981.05
BENNINGTON	411.81	SACOMBE	90.93
BISHOP’S STORTFORD	17064.08	STANSTEAD ST. MARGARETS	710.36
BRAMFIELD	109.73	SAWBRIDGE WORTH	4075.77
BRAUGHING	665.18	STANDON	2013.99
BRENT PELHAM/ MEESDEN	149.81	STANSTEAD ABBOTTS	704.78
BRICKENDEN	358.19	STAPLEFORD	271.21
BUCKLAND	113.30	STOCKING PELHAM	84.85

BUNTINGFORD	3342.84	TEWIN	866.03
COTTERED	326.90	THORLEY	153.27
DATCHWORTH	736.34	THUNDRIDGE	707.95
EASTWICK / GILSTON	440.94	WALKERN	720.16
FURNEUX PELHAM	269.29	WARESIDE	308.61
GREAT AMWELL	970.42	WARE TOWN	7565.32
GREAT MUNDEN	144.57	WATTON AT STONE	1057.61
HERTFORD	12406.21	WESTMILL	169.34
HERTFORD HEATH	973.62	WIDFORD	294.15
HERTINGFORDBURY	334.05	WYDDIAL	76.13

279 MEMBER NON-ATTENDANCE WAIVER AND EXTENSION TO SIX-MONTH TIME LIMIT

This item was withdrawn.

280 DEBATE NOT HATE

The Leader proposed the following motion on notice:

This Council notes the Local Government Association are calling for support from organisations to sign the Debate Not Hate public statement, aiming to address the rise in abusive and intimidating behaviour directed at local politicians.

This Council acknowledges the findings of this report, principally that 88% of the locally elected representatives who responded to the LGA's survey have faced abuse and intimidation in the last 12 months. 73% said they have experienced it over social media where it seems to be

becoming increasingly normalised and 64% said they have experienced it in person.

The Council understands this can have a significant impact on the health and wellbeing of our Members and their families and we should be taking steps to ensure elected representatives feel safe and secure in their own communities.

By signing up to the Debate Not Hate public statement, The Council will lend its support to the LGA's recommendations, one of which is that the relevant Government department should convene a working group, in partnership with the LGA, to bring together agencies to develop and implement an action plan to address the issue of abuse.

I invite Councillors to share any experiences they have had and lend their support to Debate Not Hate

Councillor Goldspink seconded the motion and she said that it was a very important motion. She added that it was important as Members, to be able to express feelings but in a courteous and respectful manner. She wanted to support the proposal made by the LGA and felt that all seven recommendations be supported and made available with the Minutes of this meeting.

The Executive Member for Wellbeing said that he was aware of the pressures on Members and Officers and that Members were now more accessible through social media and as such had more direct contact with residents who perhaps might say things which they might not in a face to face situation. He felt that people should be encouraged to speak in an appropriate manner.

Councillor Crofton said that he had not experienced any anger or abuse but had had nothing but “kindness and love”.

Councillor Dumont said that he had not experienced any abuse as a Councillor but was concerned about the abuse on Parish Councillors, who were volunteers.

Councillors Symonds said that some years ago someone had written to her about bomb making instructions and said that “someone was coming to get me”.

Councillor Boylan reminded Members that over the last few years, two Parish Councils were almost wiped out because of abuse from one councillor to another. He said that Members were here to be held to account but that they needed to be respectful to one another. He explained that abusive behaviour might put off future volunteers from standing on Parish Councils.

Councillor Curtis supported the motion. He said he had received several comments over the years and comments about taking “backhanders” about councillors working with developers. He supported the LGAs action.

Councillor Jones supported the motion adding that he regularly suffered social media abuse on a daily basis. He said that it affected his family, but he had learned to live with it.

Councillor Stowe said he had suffered some online abuse and by a Police Officer. He urged Members not to respond but accepted that it was hard not to respond to online comments.

Councillor Haysey said that her approach to any abusive emails was to ask the person to be polite in order for her to help them. She added that Members and Officers had a right to courtesy and privacy and staff needed to know that they would be supported when it happened. She said that the message should be that the Council would not allow this behaviour from residents.

Councillor Deering strongly associated himself with Councillor Haysey's comments. He said that he could not understand why some residents were so abusive to Officers who should know that they are supported.

The motion to support the recommendation having been proposed by Councillor Haysey and seconded by Councillor Goldspink was put to the meeting and declared CARRIED.

RESOLVED – that

This Council notes the Local Government Association are calling for support from organisations to sign the Debate Not Hate public statement, aiming to address the rise in abusive and intimidating behaviour directed at local politicians.

This Council acknowledges the findings of this report, principally that 88% of the locally elected representatives who responded to the LGA's survey have faced abuse and intimidation in the last 12 months. 73% said they have experienced it over social media where it seems to be becoming increasingly normalised and 64% said they have experienced it in person.

The Council understands this can have a significant impact

on the health and wellbeing of our Members and their families and we should be taking steps to ensure elected representatives feel safe and secure in their own communities.

By signing up to the Debate Not Hate public statement, The Council will lend its support to the LGA's recommendations, one of which is that the relevant Government department should convene a working group, in partnership with the LGA, to bring together agencies to develop and implement an action plan to address the issue of abuse.

As requested by Councillor Goldspink at the meeting the LGA recommendations are as listed below.

Recommendation 1: Councils and other relevant partners should take greater responsibility for the safety and wellbeing of councillors and take a proactive approach to preventing and handling abuse and intimidation against councillors. This should include addressing the impacts of abuse on councillors' mental health and wellbeing and working in partnership with other agencies and councils to ensure that threats and risks to councillors' safety, and that of their families, are taken seriously.

Recommendation 2: The LGA should continue to gather and disseminate good practice from across the sector, consider what more can be done to prevent abuse and intimidation of councillors through the Civility in public life programme, and support councils and councillors when these incidents occur.

Recommendation 3: Police forces should work to improve the consistency of responses to abuse of and threats made against councillors and take a risk-based approach that

accounts for the specific risks that councillors face, as they do with other high-risk individuals, such as MPs. This should include identifying best practice in relation to councillor support and safety and sharing it across the country.

Recommendation 4: The Government should prioritise legislation to put it beyond doubt that councillors can withhold their home address from the public register of pecuniary interests.

Recommendation 5: The LGA should work with political parties, election and democratic officers, and organisations responsible for guidance to raise awareness of the options currently available and promote the practice of keeping home addresses private during the election process and once elected.

Recommendation 6: Social media companies and internet service providers should acknowledge the democratic significance of local politicians and provide better and faster routes for councillors reporting abuse and misinformation online.

Recommendation 7: The relevant [Government department should convene a working group](#), in partnership with the LGA, to bring together relevant agencies to develop and implement an action plan to address the issue of abuse of local politicians and their safety.

The meeting closed at 8.38 pm

Chairman
Date

Council

Date of Meeting: 18 January 2023

Report by: Councillor Linda Haysey, Leader of the Council

Report title: Executive Report – 10 January 2023

Ward(s) affected: All

Summary

- This report details the recommendations to Council made by the Executive at its meeting on 10 January 2023.

1.0 Item considered and recommended to Council

1.1 Since the last Council meeting, the Executive met on 10 January 2023. At these meetings the Executive considered and supported a number of recommendations for Council on the following items:

- 1.1.1 Annual Treasury Management Review 2021/22
- 1.1.2 East Herts UK Shared Prosperity Fund and Rural Prosperity Fund

1.2 This report sets out the recommendation for the above items. The full report, including the Appendix, may be viewed on the council's website.

1.3 The Minutes of the meeting are attached as **Appendix A**.

1.4 This report excludes items also considered by the Executive where those reports are separate agenda items on the Council

agenda.

2.0 Annual Treasury Management Review 2021/22

2.1 The Executive was asked to review to Council's treasury management activities for 2021/22, including the prudential indicators and identifies the associated impact on the 2021/22 treasury management strategy and recommend its approval to Council.

RECOMMENDATION TO COUNCIL:

(a) That the Annual Treasury Management Review 2021/22 and the outturn Prudential Indicators be approved.

3.0 East Herts UK Shared Prosperity Fund and Rural Prosperity Fund

3.1 The Executive was asked to consider the proposals for the allocation of the UK Shared Prosperity Fund and Rural Prosperity Fund representing a total investment of £2,245,977 in the District between 2022/23 – 2024/25.

RECOMMENDATION TO COUNCIL:

(A) to meet the objectives in Appendix B, the following amounts from the East Herts UK Shared Prosperity Fund (UKSPF) and the Rural Prosperity Fund (RPF) be recommended to Council:

- **up to £290,000 allocated from the UKSPF for delivery of the Cultural Strategy**
- **up to £566,000 allocated from the UKSPF for delivery of the Climate Change Strategy**

- up to £630,000 allocated from the UKSPF and up to £236,421 from the RPF for delivery of town and village centre improvements
- up to £287,000 allocated from the UKSPF and up to £236,421 from the RPF for delivery of business support activity

(B) that it is recommended to Council that the award of UKSPF and RPF funded grants and/ or contracts to deliver:

- Cultural Strategy objectives be delegated to the Head of Housing and Health acting in consultation with the Executive Member for Communities
- Climate Change Strategy objectives be delegated to the Head of Housing and Health acting in consultation with the Executive Member for Environmental Sustainability
- Town and village centre objectives be delegated to the Head of Communications, Strategy and Policy acting in consultation with the Executive Member for Planning and Growth
- Business support objectives be delegated to the Head of Communications, Strategy and Policy acting in consultation with the Executive Member for Planning and Growth.

(C) That it is recommended to Council that this year's (2022-23) UKSPF allocation of £215,186 be allocated to the projects set out in Appendix B.

6.0 Executive Decisions

6.1 Other matters determined by the Executive are detailed in the Minutes of the meeting, at Appendix A to this report.

7.0 Background papers, appendices and other relevant material

- 7.1 Executive minutes – 10 January 2023 (to follow)
- 7.2 Annual Treasury Management Review
- 7.3 UKSPF Investment Plan, Outcomes and Outputs, RPF Addendum, EQIA

Contact Member

Councillor Linda Haysey – Leader of the Council

linda.haysey@eastherts.gov.uk

Contact Officer

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

Report Author

Katie Mogan – Democratic Services Manager

Tel: 01279 502441. Katie.mogan@eastherts.gov.uk

East Herts District
Council Annual
Treasury
Management
Review 2021/22
Outturn Report 2021/22

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ABBREVIATIONS USED IN THIS REPORT

This is an optional area which clients may wish to include in their report if they feel that members would appreciate having this list of abbreviations and definitions.

ALMO: an Arm's Length Management Organisation is a not-for-profit company that provides housing services on behalf of a local authority. Usually an ALMO is set up by the authority to manage and improve all or part of its housing stock.

CE: Capital Economics - is the economics consultancy that provides Link Group, Treasury solutions, with independent economic forecasts, briefings and research.

CFR: capital financing requirement - the council's annual underlying borrowing need to finance capital expenditure and a measure of the council's total outstanding indebtedness.

CIPFA: Chartered Institute of Public Finance and Accountancy – the professional accounting body that oversees and sets standards in local authority finance and treasury management.

CPI: consumer price index – the official measure of inflation adopted as a common standard by countries in the EU. It is a measure that examines the weighted average of prices of a basket of consumer goods and services, such as transportation, food and medical care. It is calculated by taking price changes for each item in the predetermined basket of goods and averaging them.

ECB: European Central Bank - the central bank for the Eurozone

EU: European Union

EZ: Eurozone -those countries in the EU which use the euro as their currency

Fed: the Federal Reserve System, often referred to simply as "the Fed," is the central bank of the United States. It was created by the Congress to provide the nation with a stable monetary and financial system.

FOMC: the Federal Open Market Committee – this is the branch of the Federal Reserve Board which determines monetary policy in the USA by setting interest rates and determining quantitative easing policy. It is composed of 12 members--the seven members of the Board of Governors and five of the 12 Reserve Bank presidents.

GDP: gross domestic product – a measure of the growth and total size of the economy.

G7: the group of seven countries that form an informal bloc of industrialised democracies--the United States, Canada, France, Germany, Italy, Japan, and the United Kingdom--that meets annually to discuss issues such as global economic governance, international security, and energy policy.

Gilts: gilts are bonds issued by the UK Government to borrow money on the financial markets. Interest paid by the Government on gilts is called a coupon and is at a rate that is fixed for the duration until maturity of the gilt, (unless a gilt is index linked to inflation); while the coupon rate is fixed, the yields will change inversely to the price of gilts i.e. a rise in the price of a gilt will mean that its yield will fall.

HRA: housing revenue account.

IMF: International Monetary Fund - the lender of last resort for national governments which get into financial difficulties.

LIBID: the London Interbank Bid Rate is the rate bid by banks on deposits i.e., the rate at which a bank is willing to borrow from other banks. It is the "other end" of the LIBOR (an offered, hence "ask" rate, the rate at which a bank will lend). These benchmarks ceased on 31st December 2021 and have, generally, been replaced by SONIA, the Sterling Overnight Index Average.

MHCLG: the Ministry of Housing, Communities and Local Government - the Government department that directs local authorities in England.

MPC: the Monetary Policy Committee is a committee of the Bank of England, which meets for one and a half days, eight times a year, to determine monetary policy by setting the official interest rate in the United Kingdom, (the Bank of England Base Rate, commonly called Bank Rate), and by making decisions on quantitative easing.

MRP: minimum revenue provision - a statutory annual minimum revenue charge to reduce the total outstanding CFR, (the total indebtedness of a local authority).

PFI: Private Finance Initiative – capital expenditure financed by the private sector i.e. not by direct borrowing by a local authority.

PWLB: Public Works Loan Board – this is the part of H.M. Treasury which provides loans to local authorities to finance capital expenditure.

QE: quantitative easing – is an unconventional form of monetary policy where a central bank creates new money electronically to buy financial assets, such as government bonds, (but may also include corporate bonds). This process aims to stimulate economic growth through increased private sector spending in the economy and also aims to return inflation to target. These purchases increase the supply of liquidity to the economy; this policy is employed when lowering interest rates has failed to stimulate economic growth to an acceptable level and to lift inflation to target. Once QE has achieved its objectives of stimulating growth and inflation, QE will be reversed by selling the bonds the central bank had previously purchased, or by not replacing debt that it held which matures. The aim of this reversal is to ensure that inflation does not exceed its target once the economy recovers from a sustained period of depressed growth and inflation. Economic growth, and increases in inflation, may threaten to gather too much momentum if action is not taken to 'cool' the economy.

RPI: the Retail Price Index is a measure of inflation that measures the change in the cost of a representative sample of retail goods and services. It was the UK standard for measurement of inflation until the UK changed to using the EU standard measure of inflation – Consumer Price Index. The main differences between RPI and CPI is in the way that housing costs are treated and that the former is an arithmetical mean whereas the latter is a geometric mean. RPI is often higher than CPI for these reasons.

SONIA: the Sterling Overnight Index Average. Generally, a replacement set of indices (for LIBID) for those benchmarking their investments. The benchmarking options include using a forward-looking (term) set of reference rates and/or a backward-looking set of reference rates that reflect the investment yield curve at the time an investment decision was taken.

TMSS: the annual treasury management strategy statement reports that all local authorities are required to submit for approval by the full council before the start of each financial year.

VRP: a voluntary revenue provision to repay debt, in the annual budget, which is additional to the annual MRP charge, (see above definition).

Annual Treasury Management Review 2021/22

Purpose

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2021/22. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

During 2021/22 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 02/03/2021)
- a mid-year, (minimum), treasury update report (Council 01/03/2022)
- an annual review following the end of the year describing the activity compared to the strategy, (this report)

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Audit & Governance Committee before they were reported to the full Council. Member training on treasury management issues was undertaken during the year on 09/11/2021 in order to support members' scrutiny role.

Executive Summary

During 2021/22, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Prudential and treasury indicators	31.3.21 Actual £m	2021/22 Original £m	31.3.22 Actual £m
Capital expenditure	31.5	45.8	25.2
Capital Financing Requirement	6.1	42.2	29.2
Gross borrowing	1.5	26.0	21.5
Investments			
• Longer than 1 year	20.0	20.0	20.0
• Under 1 year	12.4	5.7	20.2
• Total	32.4	25.7	40.2
Net borrowing	(30.9)	0.03	(18.7)

Capital expenditure was significantly lower than estimated, due to delays in major projects.

Under 1 year investment balance was higher than expected at year end, due to short term borrowing completed at the end of March 2022 to fund major project spend in 2022/23.

Other prudential and treasury indicators are to be found in the main body of this report. The Head of Strategic Finance also confirms that borrowing was only undertaken for a capital purpose and the statutory borrowing limit, (the authorised limit), was not breached.

The financial year 2021/22 continued the challenging investment environment of previous years, namely low investment returns.

Recommendations

The Council is recommended to:

1. Approve the actual 2021/22 prudential and treasury indicators in this report
2. Note the annual treasury management report for 2021/22

Introduction and Background

This report summarises the following:-

- Capital activity during the year;
- Impact of this activity on the Council's underlying indebtedness, (the Capital Financing Requirement);
- The actual prudential and treasury indicators;
- Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
- Summary of interest rate movements in the year;
- Detailed debt activity; and
- Detailed investment activity.

1. The Council's Capital Expenditure and Financing

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

General Fund	31.3.21 Actual £m	2021/22 Budget £m	31.3.22 Actual £m
Capital expenditure	31.5	45.8	25.2
Financed in year	(6.9)	(4.8)	(2.0)
Unfinanced capital expenditure	24.6	41.0	23.2

2. The Council's Overall Borrowing Need

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2021/22 unfinanced capital expenditure (see above table), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies, (such as the Government, through the Public Works Loan Board [PWLB], or the money markets), or utilising temporary cash resources within the Council.

Reducing the CFR – the Council's underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision – MRP, to reduce the CFR. This is effectively a repayment of the General Fund borrowing need. This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- the application of additional capital financing resources, (such as unapplied capital receipts); or
- charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).

The Council's 2021/22 MRP Policy, (as required by DLUHC Guidance), was approved as part of the Treasury Management Strategy Report for 2021/22 on 02/03/2021.

The Council's CFR for the year is shown below, and represents a key prudential indicator. It includes PFI and leasing schemes on the balance sheet, which increase the Council's borrowing need. No borrowing is actually required against these schemes as a borrowing facility is included in the contract.

CFR: General Fund	31.3.21 Actual £m	2021/22 Budget £m	31.3.22 Actual £m
Opening balance	(18.5)	6.1	6.1
Add unfinanced capital expenditure (as above)	24.6	35.0	23.1
Less MRP/VRP	0	0	0
Less PFI & finance lease repayments	0	0	0
Closing balance	6.1	41.1	23.1

Borrowing activity is constrained by prudential indicators for gross borrowing and the CFR, and by the authorised limit.

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2021/22) plus the estimates of any additional capital financing requirement for the current (2022/23) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2021/22. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

	31.3.21 Actual £m	2021/22 Budget £m	31.3.22 Actual £m
Gross borrowing position	1.5	26.0	21.5
CFR	6.1	42.2	23.1
Under / over funding of CFR	(4.6)	(16.2)	(1.6)

The authorised limit - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2021/22 the Council has maintained gross borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital, (borrowing and other long term obligation costs net of investment income), against the net revenue stream.

	2021/22 £m
Authorised limit	160.0
Maximum gross borrowing position during the year	21.5
Operational boundary	50.0
Financing costs as a proportion of net revenue stream	0.67%

3. Treasury Position as at 31st March 2022

The Council's treasury management debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the end of 2021/22 the Council's treasury, (excluding borrowing by PFI and finance leases), position was as follows:

DEBT PORTFOLIO	31.3.21 Principal £m	Rate/ Return	Average Life yrs	31.3.22 Principal £m		Rate/ Return	Average Life yrs
Fixed rate funding:							
-PWLB	1.5	8.875%		1.5		8.875%	
-Market	0.0			20.0		0.875%	
Variable rate funding:							
-PWLB	0.0			0.0			
-Market	0.0			0.0			
Total debt	1.5			21.5			
CFR	6.1			23.1			
Over / (under) borrowing	(4.6)			(1.6)			
Total investments	32.4			40.2			
Net debt	30.9			(18.7)			

The maturity structure of the debt portfolio was as follows:

	31.3.21 Actual £m		31.3.22 Actual £m
Under 12 months	0.0		20.0
12 months and within 10 years	0.0		0.0
Over 10 years	1.5		1.5

INVESTMENT PORTFOLIO	31.3.21 Actual £m	31.3.21 Actual %	31.3.22 Actual £m	31.3.22 Actual %
Treasury investments				
Banks	6.8	21.0%	12.6	31.0%
Building Societies - rated	-	-	5.5	13.5%
Building Societies – unrated	-	-	-	-
Local authorities	-	-	-	-
DMADF (H M Treasury)	-	-	-	-
Total managed in house	6.8	21.0%	18.1	44.5%
Bond funds				
Property funds	20.0	61.7%	20.0	49.1%
Cash fund managers	5.6	17.3%	2.6	6.4%
Total managed externally	25.6	79.0%	22.6	55.5%
TOTAL TREASURY INVESTMENTS	32.4	100%	40.7	100%

Non Treasury investments				
Third party loans	0.1	0.5%	0.1	0.7%
Subsidiaries				
Companies	4.9	35.0%	4.9	34.5%
Property	9.1	64.5%	9.2	64.8%
TOTAL NON TREASURY INVESTMENTS	14.1	100%	14.2	100%

Treasury investments	32.4	69.7%	40.7	74.1
Non Treasury investments	14.1	30.3%	14.2	25.9
TOTAL OF ALL INVESTMENTS	46.5	100%	54.9	100%

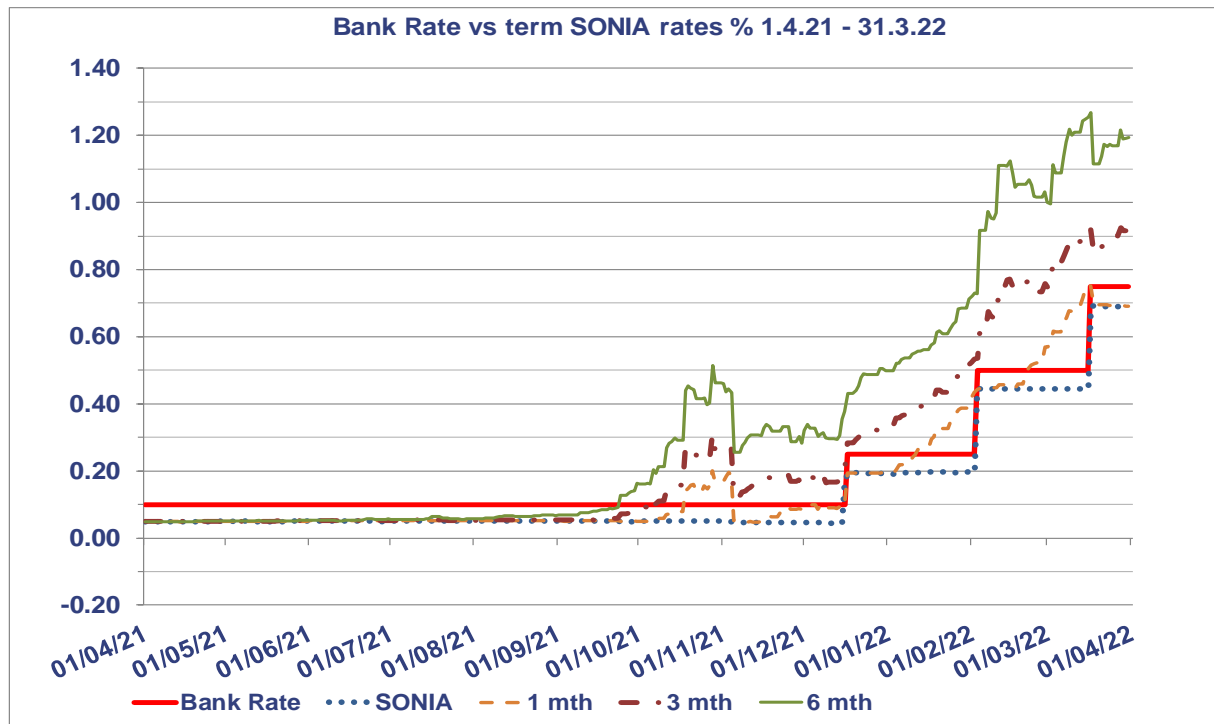
The maturity structure of the investment portfolio was as follows:

	31.3.21 Actual £m	31.3.22 Actual £m
Investments		
Longer than 1 year	20.0	20.0
Up to 1 year	<u>12.4</u>	<u>20.7</u>
Total	32.4	40.7

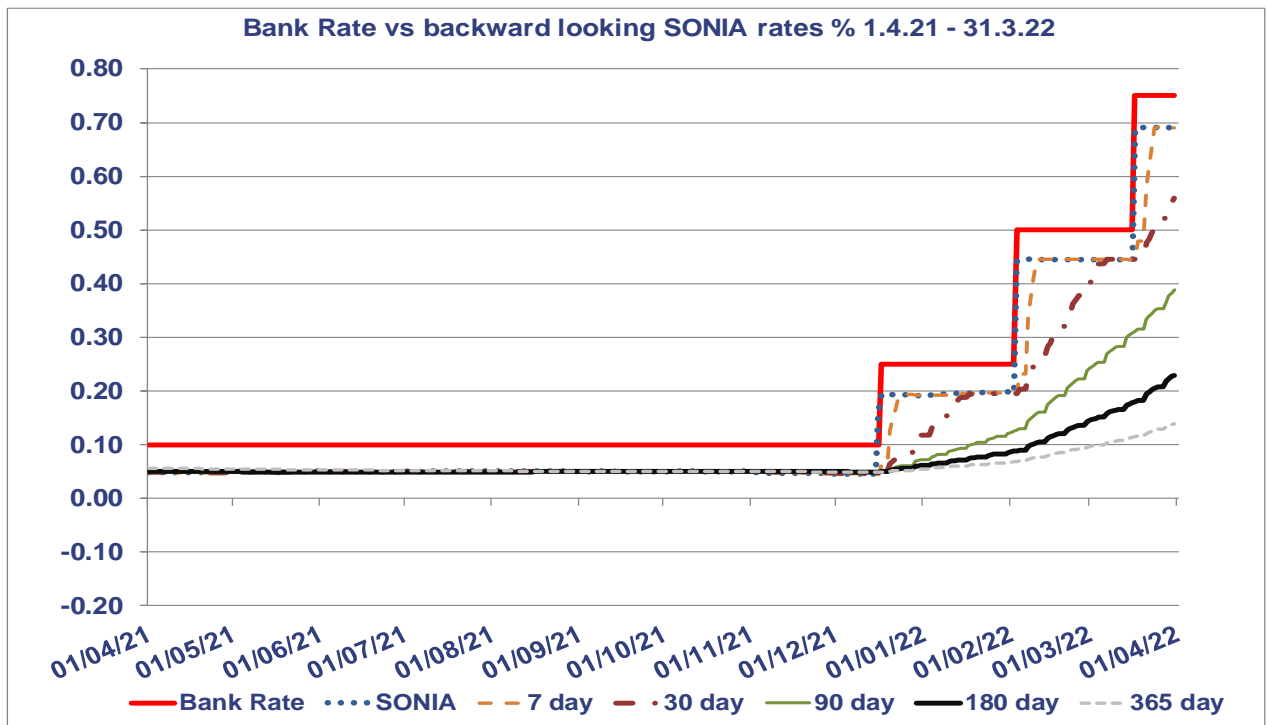
4. The Strategy for 2021/22

4.1 Investment strategy and control of interest rate risk

Investment Benchmarking Data – Sterling Overnight Index Average 2021/22



	Bank Rate	SONIA	1 mth	3 mth	6 mth
High	0.75	0.69	0.75	0.93	1.27
High Date	17/03/2022	18/03/2022	16/03/2022	28/03/2022	17/03/2022
Low	0.10	0.05	0.05	0.05	0.05
Low Date	01/04/2021	15/12/2021	10/11/2021	14/04/2021	09/04/2021
Average	0.19	0.14	0.17	0.24	0.34
Spread	0.65	0.65	0.71	0.88	1.22



	Bank Rate	SONIA	7 day	30 day	90 day	180 day	365 day
High	0.75	0.69	0.69	0.56	0.39	0.23	0.14
High Date	17/03/2022	18/03/2022	25/03/2022	31/03/2022	31/03/2022	31/03/2022	31/03/2022
Low	0.10	0.05	0.05	0.05	0.05	0.05	0.05
Low Date	01/04/2021	15/12/2021	16/12/2021	16/12/2021	16/12/2021	07/06/2021	13/12/2021
Average	0.19	0.14	0.13	0.12	0.09	0.07	0.06
Spread	0.65	0.65	0.65	0.51	0.34	0.18	0.09

Investment returns remained close to zero for much of 2021/22. Most local authority lending managed to avoid negative rates and one feature of the year was the continued growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2021/22 was that Bank Rate would remain at 0.1% until it was clear to the Bank of England that the emergency level of rates introduced at the start of the Covid-19 pandemic were no longer necessitated.

The Bank of England and the Government also maintained various monetary and fiscal measures, supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the various lockdowns/negative impact on their cashflow. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates remained low until towards the turn of the year when inflation concerns indicated central banks, not just the Bank of England, would need to lift interest rates to combat the second-round effects of growing levels of inflation (CPI was 6.2% in February).

While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates as illustrated in the charts shown above and below. Such an approach has also provided benefits in terms of reducing counterparty risk exposure, by having fewer investments placed in the financial markets.

4.2 Borrowing strategy and control of interest rate risk

During 2021/22, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were very low and minimising counterparty risk on placing investments also needed to be considered.

A cost of carry remained during the year on any new long-term borrowing that was not immediately used to finance capital expenditure, as it would have caused a temporary increase in cash balances; this would have incurred a revenue cost – the difference between (higher) borrowing costs and (lower) investment returns.

The policy of avoiding new borrowing by running down spare cash balances has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.

Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Head of Strategic Finance therefore monitored interest rates in financial markets and adopted a pragmatic strategy based upon the following principles to manage interest rate risks:

- if it had been felt that there was a significant risk of a sharp FALL in long and short term rates, (e.g. due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings would have been postponed, and potential rescheduling from fixed rate funding into short term borrowing would have been considered.
- if it had been felt that there was a significant risk of a much sharper RISE in long and short term rates than initially expected, perhaps arising from an acceleration in the start date and in the rate of increase in central rates in the USA and UK, an increase in world economic activity or a sudden increase in inflation risks, then the portfolio position would have been re-appraised. Most likely, fixed rate funding would have been drawn whilst interest rates were lower than they were projected to be in the next few years.

Interest rate forecasts expected only gradual rises in medium and longer-term fixed borrowing rates during 2021/22 and the two subsequent financial years until the turn of the year, when inflation concerns increased significantly. Internal, variable, or short-term rates, were expected to be the cheaper form of borrowing until well in to the second half of 2021/22.

Forecasts at the time of approval of the treasury management strategy report for 2021/22 were as follows: -

Link Group Interest Rate 8.3.21												
	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24
BANK RATE	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 month ave earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
6 month ave earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
12 month ave earnings	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20
5 yr PWLB	1.20	1.20	1.20	1.20	1.20	1.20	1.30	1.30	1.40	1.40	1.40	1.40
10 yr PWLB	1.60	1.60	1.60	1.70	1.70	1.70	1.80	1.80	1.90	1.90	1.90	1.90
25 yr PWLB	2.10	2.10	2.20	2.30	2.30	2.30	2.40	2.40	2.50	2.50	2.50	2.50
50 yr PWLB	1.90	1.90	2.00	2.10	2.10	2.10	2.20	2.20	2.30	2.30	2.30	2.30

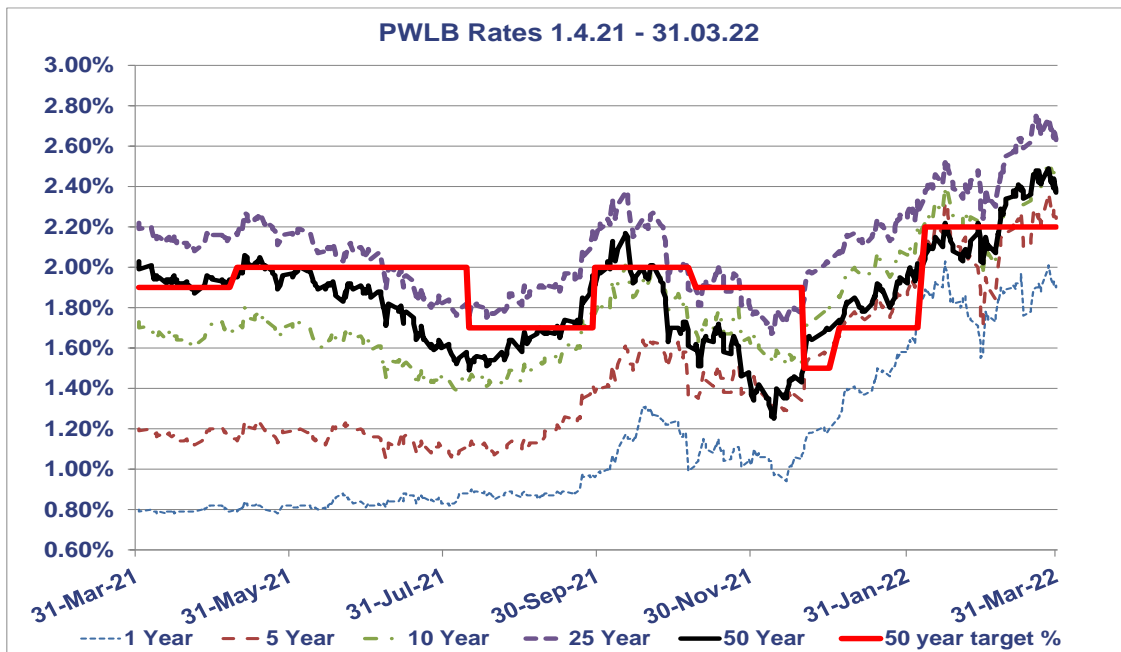
For information purposes, the tables below, show how interest rate forecasts changed during 2021/22: -

Link Group Interest Rate View 10.5.21											
	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24
BANK RATE	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.25	0.25	0.25
3 month ave earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.30	0.30	0.30
6 month ave earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.20	0.30	0.40	0.40	0.40
12 month ave earnings	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.40	0.50	0.50	0.50
5 yr PWLB	1.20	1.30	1.30	1.30	1.40	1.40	1.40	1.40	1.50	1.50	1.50
10 yr PWLB	1.70	1.70	1.80	1.80	1.90	1.90	1.90	2.00	2.00	2.00	2.00
25 yr PWLB	2.20	2.30	2.40	2.40	2.40	2.50	2.50	2.50	2.50	2.50	2.60
50 yr PWLB	2.00	2.10	2.20	2.20	2.20	2.30	2.30	2.30	2.30	2.30	2.40

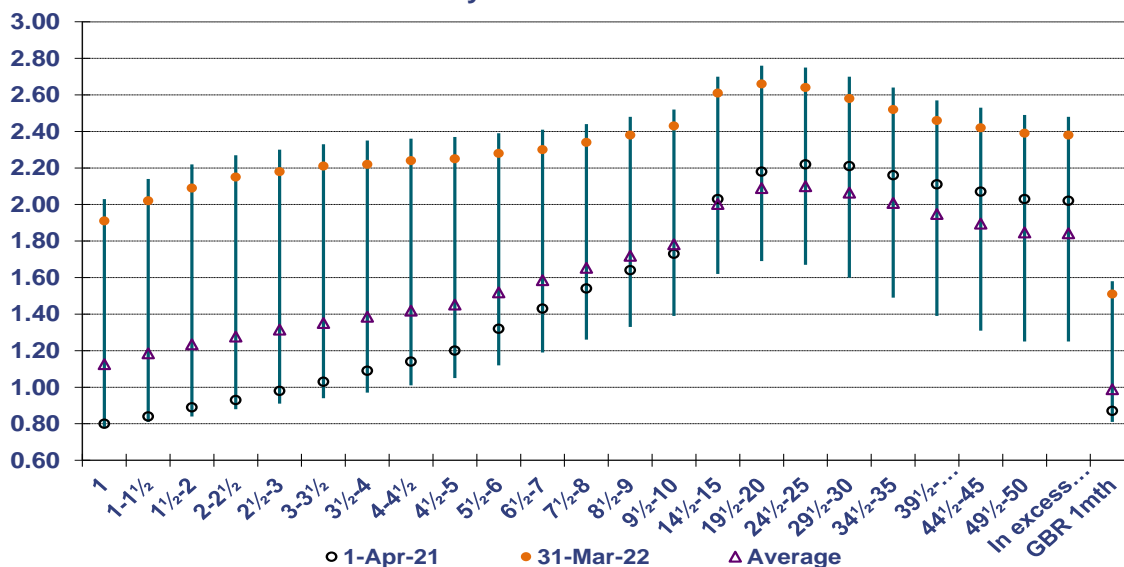
Link Group Interest Rate View 8.11.21														
	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25
BANK RATE	0.25	0.25	0.50	0.50	0.50	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.25
3 month ave earnings	0.30	0.40	0.50	0.50	0.50	0.60	0.80	0.90	1.00	1.00	1.00	1.00	1.00	1.00
6 month ave earnings	0.40	0.50	0.60	0.60	0.70	0.80	0.90	1.00	1.10	1.10	1.10	1.10	1.10	1.10
12 month ave earnings	0.50	0.60	0.70	0.70	0.80	0.90	1.00	1.10	1.20	1.20	1.20	1.20	1.20	1.20
5 yr PWLB	1.50	1.50	1.60	1.60	1.70	1.70	1.70	1.80	1.80	1.80	1.90	1.90	2.00	2.00
10 yr PWLB	1.80	1.90	1.90	2.00	2.00	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.30	2.40
25 yr PWLB	2.10	2.20	2.30	2.40	2.40	2.40	2.50	2.50	2.60	2.60	2.60	2.60	2.70	2.70
50 yr PWLB	1.90	2.00	2.10	2.20	2.20	2.20	2.30	2.30	2.40	2.40	2.40	2.40	2.50	2.50

Link Group Interest Rate View 7.2.22													
	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25
BANK RATE	0.75	1.00	1.00	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
3 month av. earnings	0.80	1.00	1.00	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
6 month av. earnings	1.00	1.10	1.20	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30	1.30
12 month av. earnings	1.40	1.50	1.60	1.70	1.70	1.60	1.60	1.50	1.40	1.40	1.40	1.40	1.40
5 yr PWLB	2.20	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30
10 yr PWLB	2.30	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40
25 yr PWLB	2.40	2.50	2.50	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60	2.60
50 yr PWLB	2.20	2.30	2.30	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40

PWLB RATES 2021/22



PWLB Certainty Rate Variations 1.4.21 to 31.3.2022

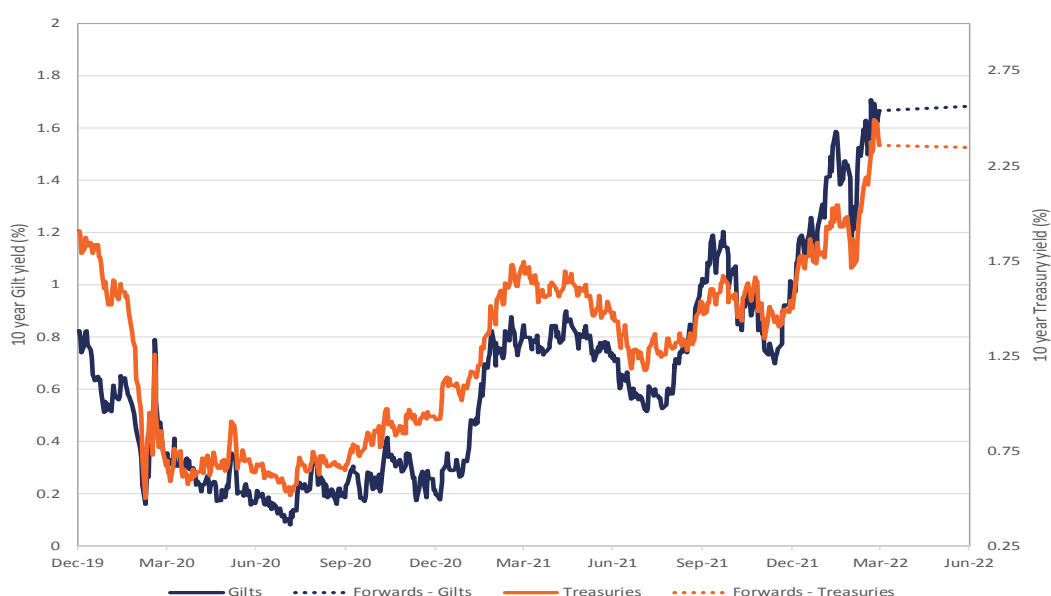


HIGH/LOW/AVERAGE PWLB RATES FOR 2021/22

	1 Year	5 Year	10 Year	25 Year	50 Year
01/04/2021	0.80%	1.20%	1.73%	2.22%	2.03%
31/03/2022	1.91%	2.25%	2.43%	2.64%	2.39%
Low	0.78%	1.05%	1.39%	1.67%	1.25%
Low date	08/04/2021	08/07/2021	05/08/2021	08/12/2021	09/12/2021
High	2.03%	2.37%	2.52%	2.75%	2.49%
High date	15/02/2022	28/03/2022	28/03/2022	23/03/2022	28/03/2022
Average	1.13%	1.45%	1.78%	2.10%	1.85%
Spread	1.25%	1.32%	1.13%	1.08%	1.24%

PWLB rates are based on gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields. Inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation and the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last 30 years. We have seen, over the last two years, many bond yields up to 10 years in the Eurozone turn negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession. Recently, yields have risen since the turn of the year on the back of global inflation concerns.

Graph of UK gilt yields v. US treasury yields



Gilt yields fell sharply from the spring of 2021 through to September and then spiked back up before falling again through December. However, by January sentiment had well and truly changed, as markets became focussed on the embedded nature of inflation, spurred on by a broader opening of economies post the pandemic, and rising commodity and food prices resulting from the Russian invasion of Ukraine.

At the close of the day on 31 March 2022, all gilt yields from 1 to 5 years were between 1.11% – 1.45% while the 10-year and 25-year yields were at 1.63% and 1.84%.

Regarding PWLB borrowing rates, the various margins attributed to their pricing are as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

There is likely to be a further rise in short dated gilt yields and PWLB rates over the next three years as Bank Rate is forecast to rise from 0.75% in March 2022 to 1.25% later this year, with upside risk likely if the economy proves resilient in the light of the cost-of-living squeeze. Medium to long dated yields are driven primarily by inflation concerns but the Bank of England is also embarking on a process of Quantitative Tightening when Bank Rate hits 1%, whereby the Bank's £895bn stock of gilt and corporate bonds will be sold back into the market over several years. The impact this policy will have on the market pricing of gilts, while issuance is markedly increasing, is an unknown at the time of writing.

5. Borrowing Outturn

Loans were drawn to fund the net unfinanced capital expenditure and naturally maturing debt.

The loans drawn were:

Lender	Principal	Type	Interest Rate	Maturity
Market – Inter Local Authority	£5m	Fixed interest rate	0.80%	6 months
Market – Inter Local Authority	£5m	Fixed interest rate	0.85%	6 months
Market – Inter Local Authority	£5m	Fixed interest rate	0.85%	6 months
Market – Inter Local Authority	£5m	Fixed interest rate	1.00%	9 months

Borrowing in advance of need

The Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.

Rescheduling

No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

Repayments

No repayments were made during the year.

6. Investment Outturn

Investment Policy – the Council's investment policy is governed by DLUHC investment guidance, which has been implemented in the annual investment strategy approved by the Council on 2nd March 2021. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Resources – the Council’s cash balances comprise revenue and capital resources and cash flow monies. The Council’s core cash resources comprised as follows:

Balance Sheet Resources (£m)	31.3.21	31.3.22
Balances	£9.2m	£18.2m
Earmarked reserves	£23.9m	£21.3m
Usable capital receipts	£0.2m	£0.2m
Total	£33.3m	£39.7m

Investments held by the Council

- The Council maintained an average balance of £14.8m of internally managed funds.
- The internally managed funds earned an average rate of return of 0.09%.
- The comparable performance indicator is 1 month LIBID uncompounded, which was 0.0796% or 1 month LIBID compounded monthly, which was 0.0457% .
- Total investment income was £798.6k.

Investments held by fund managers

The Council approved the use of property funds up to a value of £20m, at the time of investment. Working with our advisors Link Asset Services, two funds were chosen, Lothbury Property Trust and Hermes Property Unit Trust. Both funds had waiting lists to invest. The invitation to invest in the Lothbury fund arose in June 2015 and the Hermes fund in December 2015. The performances of these funds for 2021/22 are detailed below:

Fund Manager	Investments Held	Net Return
Lothbury Property Trust	£10.0m	17.5%
Hermes Property Unit Trust	£10.0m	21.1%
Total	£20.m	38.6%

7. The Economy and Interest Rates

UK. Economy. Over the last two years, the coronavirus outbreak has done huge economic damage to the UK and to economies around the world. After the Bank of England took emergency action in March 2020 to cut Bank Rate to 0.10%, it left Bank Rate unchanged at its subsequent meetings until raising it to 0.25% at its meeting on 16th December 2021, 0.50% at its meeting of 4th February 2022 and then to 0.75% in March 2022.

The UK economy has endured several false dawns through 2021/22, but with most of the economy now opened up and nearly back to business-as-usual, the GDP numbers have been robust (9% y/y Q1 2022) and sufficient for the MPC to focus on tackling the second-round effects of inflation, now that the CPI measure has already risen to 6.2% and is likely to exceed 8% in April.

Gilt yields fell towards the back end of 2021, but despite the war in Ukraine gilt yields have shot higher in early 2022. At 1.38%, 2-year yields remain close to their recent 11-year high and 10-year

yields of 1.65% are close to their recent six-year high. These rises have been part of a global trend as central banks have suggested they will continue to raise interest rates to contain inflation.

Historically, a further rise in US Treasury yields will probably drag UK gilt yields higher. There is a strong correlation between the two factors. However, the squeeze on real household disposable incomes arising from the 54% leap in April utilities prices as well as rises in council tax, water prices and many phone contract prices, are strong headwinds for any economy to deal with. In addition, from 1st April 2022, employees also pay 1.25% more in National Insurance tax. Consequently, inflation will be a bigger drag on real incomes in 2022 than in any year since records began in 1955.

Average inflation targeting. This was the major change in 2020/21 adopted by the Bank of England in terms of implementing its inflation target of 2%. The key addition to the Bank's forward guidance in August 2020 was a new phrase in the policy statement, namely that "it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and *achieving the 2% target sustainably*". That mantra now seems very dated. Inflation is the "genie" that has escaped the bottle, and a perfect storm of supply side shortages, labour shortages, commodity price inflation, the impact of Russia's invasion of Ukraine and subsequent Western sanctions all point to inflation being at elevated levels until well into 2023.

USA. The flurry of comments from Fed officials following the mid-March FOMC meeting – including from Chair Jerome Powell himself – hammering home the hawkish message from the mid-March meeting, has had markets pricing in a further 225bps of interest rate increases in 2022 on top of the initial move to an interest rate range of 0.25% - 0.5%.

In addition, the Fed is expected to start to run down its balance sheet. Powell noted that the rundown could come as soon as the next meeting in May.

The upward pressure on inflation from higher oil prices and potential knock-on impacts on supply chains all argue for tighter policy (CPI is estimated at 7.8% across Q1), but the hit to real disposable incomes and the additional uncertainty points in the opposite direction.

More recently, the inversion of the 10y-2y Treasury yield spread at the end of March led to predictable speculation that the Fed's interest rate hikes would quickly push the US economy into recession. Q1 GDP growth is likely to be only between 1.0% and 1.5% annualised (down from 7% in Q4 2021). But, on a positive note, the economy created more than 550,000 jobs per month in Q1, a number unchanged from the post-pandemic 2021 average. Unemployment is only 3.8%.

EU. With euro-zone inflation having jumped to 7.5% in March it seems increasingly likely that the ECB will accelerate its plans to tighten monetary policy. It is likely to end net asset purchases in June – i.e., earlier than the Q3 date which the ECB targeted in March. And the market is now anticipating possibly three 25bp rate hikes later this year followed by more in 2023. Policymakers have also hinted strongly that they would re-start asset purchases if required. In a recent speech, Christine Lagarde said "we can design and deploy new instruments to secure monetary policy transmission as we move along the path of policy normalisation."

While inflation has hit the headlines recently, the risk of recession has also been rising. Among the bigger countries, Germany is most likely to experience a "technical" recession because its GDP contracted in Q4 2021, and its performance has been subdued in Q1 2022. However, overall, Q1 2022 growth for the Eurozone is expected to be 0.3% q/q with the y/y figure posting a healthy 5.2% gain. Finishing on a bright note, unemployment fell to only 6.8% in February.

China. After a concerted effort to get on top of the virus outbreak in Q1 of 2020, economic recovery was strong in the rest of the year; however, 2021 has seen the economy negatively

impacted by political policies that have focussed on constraining digital services, restricting individual freedoms, and re-establishing the power of the One-Party state. With the recent outbreak of Covid-19 in large cities, such as Shanghai, near-term economic performance is likely to be subdued. Official GDP numbers suggest growth of c4% y/y, but other data measures suggest this may be an overstatement.

Japan. The Japanese economic performance through 2021/22 is best described as tepid. With a succession of local lockdowns throughout the course of the year, GDP is expected to have risen only 0.5% y/y with Q4 seeing a minor contraction. The policy rate has remained at -0.1%, unemployment is currently only 2.7% and inflation is sub 1%, although cost pressures are mounting.

World growth. World growth is estimated to have expanded 8.9% in 2021/22 following a contraction of 6.6% in 2020/21.

Deglobalisation. Until recent years, world growth has been boosted by increasing globalisation i.e. countries specialising in producing goods and commodities in which they have an economic advantage and which they then trade with the rest of the world. This has boosted worldwide productivity and growth, and, by lowering costs, has also depressed inflation. However, the rise of China as an economic superpower over the last 30 years, which now accounts for 18% of total world GDP (the USA accounts for 24%), and Russia's recent invasion of Ukraine, has unbalanced the world economy. In addition, after the pandemic exposed how frail extended supply lines were around the world, both factors are now likely to lead to a sharp retrenchment of economies into two blocs of western democracies v. autocracies. It is, therefore, likely that we are heading into a period where there will be a reversal of world globalisation and a decoupling of western countries from dependence on China (and to a much lesser extent Russia) to supply products and vice versa. This is likely to reduce world growth rates.

Central banks' monetary policy. During the pandemic, the governments of western countries have provided massive fiscal support to their economies which has resulted in a big increase in total government debt in each country. It is therefore very important that bond yields stay low while debt to GDP ratios slowly subside under the impact of economic growth. This provides governments with a good reason to amend the mandates given to central banks to allow higher average levels of inflation than we have generally seen over the last couple of decades. Both the Fed and Bank of England have already changed their policy towards implementing their existing mandates on inflation, (and full employment), to hitting an average level of inflation. Greater emphasis could also be placed on hitting subsidiary targets e.g. full employment before raising rates. Higher average rates of inflation would also help to erode the real value of government debt more quickly.

Appendix 2: Graphs

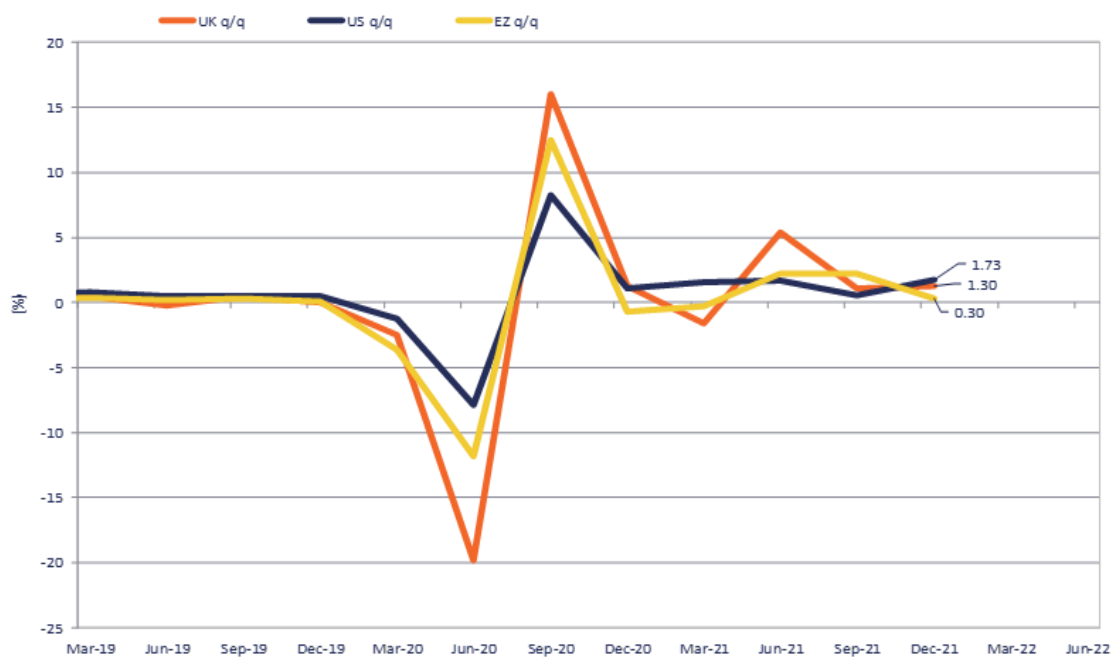
Please find below graphs which clients may wish to use.

Market Expectations for Future Increases in Bank Rate (6th April 2022)

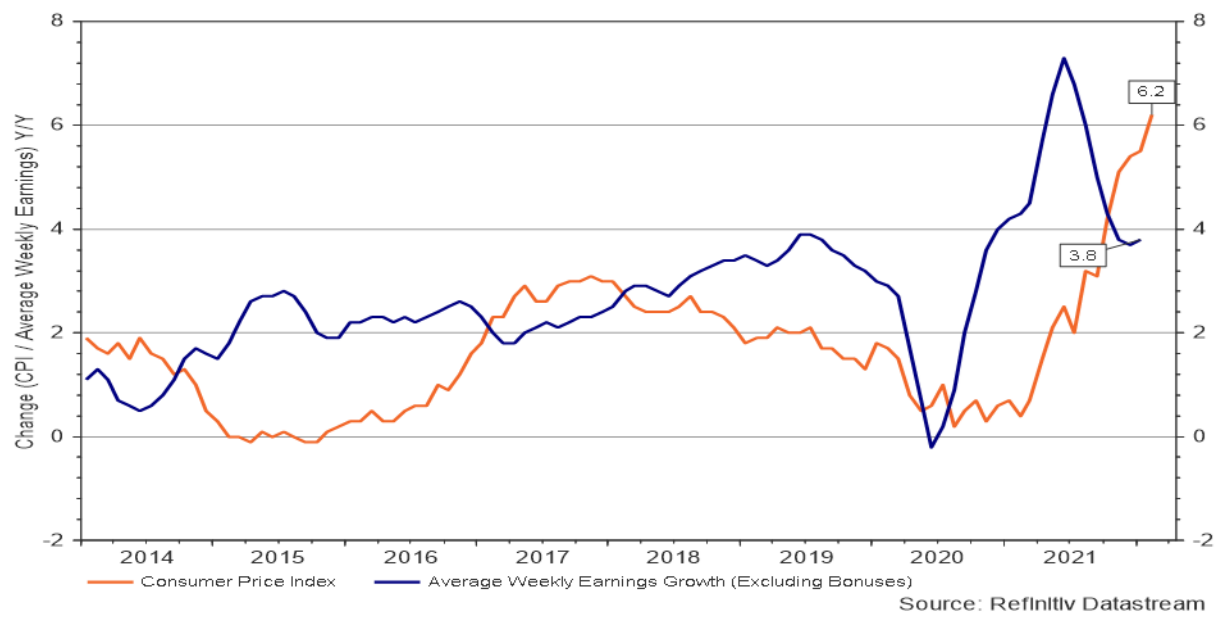


*MD0 = Change in Bank Rate expected at MPC meeting to be held May 2022, MD1 = Jun-22, MD2 = Aug-22, MD3 = Sep-22, MD4 = Nov-22, MD5 = Dec-22, MD6 = Feb-23

UK, US and EZ Quarterly GDP



CPI v Average Weekly Earnings Growth



Appendix 3: Approved countries for investments as at 31.3.22

AAA

- Australia
- Denmark
- Germany
- Luxembourg
- Netherlands
- Norway
- Singapore
- Sweden
- Switzerland

AA+

- Canada
- Finland
- U.S.A.

AA

- Abu Dhabi (UAE)
- France

AA-

- Belgium
- Hong Kong
- Qatar
- **U.K.**



UK Shared Prosperity Fund

Investment Plan Drafting Template

Version 2
May 2022

Your location

East Hertfordshire

Your details

Benjamin Wood, Head of Communications, Strategy and Policy

Benjamin.wood@eastherts.gov.uk

07519 293733

East Hertfordshire Council

Local challenges and opportunities

In this section, we will ask you:

- If you've identified any challenges or opportunities, you intend to support
- Which of the UKSPF investment priorities these fall under

ARE THERE ANY LOCAL CHALLENGES YOU FACE WHICH FALL UNDER THE COMMUNITIES AND PLACE INVESTMENT PRIORITY?

(If yes) Describe these challenges, give evidence where possible

The Halifax Quality of Life Survey (2020) announced that East Herts is the best place to live in the UK, thanks to school achievement, high life expectancy, excellent health and happiness scores, and high average earnings. The district also has a strong and distinct character, based on its popular market towns along with great access to parks and green spaces as well as larger conurbations such as London and Cambridge. For East Herts, Levelling Up is about continuing to invest in our success whilst also ensuring no one is left behind.

The challenges we face under the Communities and Place investment priority have been anticipated by three strands of existing cross-collaborative work in the district, as follows:

- The East Herts Cultural Strategy, adopted by Council in 2021
- The East Herts Climate Change Strategy, adopted by Council in July 2022
- Town Centre co-ordination and improvement which has been accelerated through covid recovery collaboration

The Cultural Strategy:

The district has a distinct cultural heritage reflecting its market towns and countryside, including its rural and agricultural landscape. The district is home to a number of cultural and creative industries, museums, heritage sites, arts centres, performance companies, sculpture and craft retail, individual craft makers and designers, giving residents a place to relax and enjoy a wonderful range of cultural activities. There are also over 120 parks and open spaces, providing valuable places for all people to play, exercise, meet one another, and hold public events and festivals.

The Cultural Strategy was the result of collaboration with various public and voluntary organisations in the district to understand the challenges and agree priorities for the future. We want to make East Herts a place where:



- truly extraordinary things happen throughout the district, all year round
- strong partnerships result in a resilient cultural infrastructure that offers our diverse communities a wide range of cultural opportunities
- residents along with the public, private and voluntary sectors support each other to encourage entrepreneurial and innovative cultural practitioners to invest, live and work in East Herts
- investment in arts and culture contributes to tangible gains in health and wellbeing outcomes, economic resilience and environmental sustainability
- sustainability is at the heart of our cultural infrastructure and activities
- our achievements are recognised far beyond our district's boundaries

The strategy can be found here: [East Herts Cultural Strategy 2021-2025 \(onwebcurl.com\)](https://www.onwebcurl.com)

The Climate Change Strategy:

For the year 2020/21, the council’s annual own net carbon emissions stood at 2,565 tonnes CO2e, while total district-wide net emissions stood at 630.5 kilo tonnes CO2e. Both figures are falling but there is clearly still much to do.

The Council has working on a wider sustainability agenda for some time (illustrated by the first priority within the Corporate Plan of “Sustainability at the Heart of Everything We do”) however this work increased in profile at the Council meeting of 24th July 2019, where a Climate Change Declaration was unanimously agreed.

Consultation was undertaken with members of the public in early 2022 and the issues raised most frequently of areas of concern were:

- active, greener transport, including public transport, walking, cycling and promotion of low emission and e-vehicles
- domestic energy efficiency in both new and existing homes
- biodiversity and wildlife protection
- waste reduction and maximising recycling
- using planning policies to tackle climate change
- involving individuals and community groups



The climate change strategy sets out the approach we will take, working in partnership with other organisations to achieve the national target of net zero by 2030. The strategy can be found here: [East Herts Climate Change Strategy 2022 2026 - Appendix A greener east Herts ccs 2022 to 2026.pdf](#)

We also plan to work with key partners on the Harlow and Gilston Garden Town project to ensure the 10,000 new dwellings and new communities created are fully sustainable.

Town Centres:

East Hertfordshire’s five market towns of Hertford, Ware, Bishop’s Stortford, Sawbridgeworth and Buntingford all have a distinct character, as do the other 100 villages and hamlets that make up the district.

Our high streets have not been immune to global changes in shopping behaviours and much of this was exposed through Covid. At the same time, we have seen an overall loss of commercial and retail space in our town and their centres due to housing developments/ needs.



The challenge is for our town and village centres to remain relevant as destinations and with overall offers which move away from traditional retail towards more social, leisure and hospitality.

That said our towns are in no way unviable with low vacancy levels. Through work which started with the Re-opening High Streets Safely fund and then the Welcome Back Fund, focusing on covid recovery, we have seen greater collaboration between all tiers of local government, the police and businesses. We want to build on this work to ensure all towns have a clear vision for improvement which is backed by local stakeholders with a set of deliverable actions which meet UKSPF interventions.

Overall

In East Herts we had already begun working on joint activities which would align with the Levelling Up agenda. In most cases however no direct funding to any actions had been agreed. The UKSPF allows us to accelerate our vision by offering investment against key actions which will galvanise support across stakeholders and deliver the best outcomes for our communities.

ARE THERE ANY LOCAL OPPORTUNITIES UNDER THE COMMUNITIES AND PLACE INVESTMENT PRIORITY THAT YOU INTEND TO SUPPORT?

(If yes) Describe these opportunities, give evidence where possible

Cultural Strategy:

A number of actions have been identified through the Cultural Strategy Delivery Group, as follows:

- map out the current landscape of cultural assets and activities across the district
- Support development of a cultural offer which takes on board the changing population profile and ensures a widening range of activities that meet the needs of all our residents
- Embed arts and culture within new neighbourhoods and garden towns in the district, creating cultural opportunities for residents
- Support the development of affordable cultural opportunities for East Herts residents especially the over 50s and 12-24 year old young people
- Promote opportunities to access Community Grants supporting the development of cultural activities in areas of relative deprivation
- Support the development of local, cultural opportunities, working with local community groups and village halls, to minimise the cost of and/or the need to travel to participate in cultural activities. Including dementia friendly cinema screenings
- Work with colleagues from Community Safety to engage with residents and communities to safeguard people, property and individuals
- Support initiatives to promote a high quality Night time Economy in East Herts, for example, by supporting the use of the Police’s Community Voice engagement tool

The best means of supporting these projects will be to invite grant applications from local organisations best placed to deliver them, with monitoring of evidence and data against relevant UKSPF indicators and interventions.

Climate change:

The strategy which was adopted on 27 July 2022 has 3 strategic aims:

- making changes to the council's own premises and the services we deliver
- using our regulatory powers to promote action by others
- influencing and encouraging others to do things

Delivery against the last two aims will meet Levelling Up priorities. For “using our regulatory powers” the council’s own emissions only account for around 0.4% of emissions across the whole district. Thus, everyone living in, working in or visiting East Herts has an important role to play in helping as part of a collective effort to achieve carbon neutrality across the district as a whole. We will use our regulatory powers to promote action by others. This includes our planning powers and duties regarding the development of new homes and commercial buildings as well as conversion or extension of existing buildings; our duties regarding the licensing of the taxi trade, in particular the setting of standards for vehicles that are used as taxis in the district and our environmental health powers regarding standards in the private housing sector.

With regards to involving and influencing everyone, a key strand of our efforts to reduce carbon emissions across East Herts is based on influencing, encouraging and making it as easy as possible for our residents and businesses to take action that will enhance sustainability. We recognise that community groups are ideally placed to ‘spread the word’ and act as credible communicators throughout their networks. Over the lifetime of this strategy, we anticipate new ideas and groups emerging and we see the East Herts Environmental and Climate Forum as the ideal way to marshal a joint effort across the district which is far greater than the sum of its parts.

The best means of supporting these projects will be to produce a commissioning framework which outlines what climate change and UKSPF objectives are being prioritised. A procurement process will then follow to ensure the outcomes are met.

Within Harlow and Gilston Garden Town we are also keen on maximising modal shift and sustainable transport.

Town Centres:

During the covid crisis, we took the opportunity to support stakeholders in two of our five towns to conduct baseline surveys of residents and businesses, identifying joint positive and negative characteristics and views on how they would like to see their town centre evolve. The approach used the method outlined in the LGA’s “revitalising town centres’ toolkit (based on the work of the High Streets Taskforce). We want to continue developing the improvement plans for Hertford and Ware and replicate the process in the towns of Sawbridgeworth and Buntingford, as well as extend this offer to our smaller villages. We want to ensure every town has an action plan where local stakeholders agree the priorities and are involved in governance and delivery. Please note our largest town, Bishop’s Stortford, already has a joint action plan in place through its multi-agency, Shaping Stortford group.

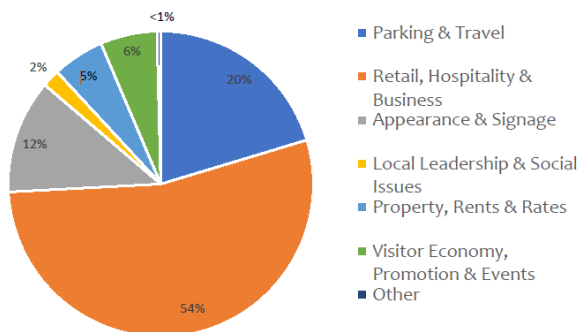
Priorities for our town centres include the following:

Improving appearance, accessibility and activity of streetscape and public realm

There are opportunities and a desire in both Hertford and Ware to make it easier and more appealing to get into and around the town centres. The evidence for such opportunities comes from the review of existing urban design assessments for each town centre, the 2022 stakeholder surveys showing a need to better match parking and travel options to customer needs; the experience and extension of experimental traffic orders and outdoor seating licenses during and beyond the pandemic; evolving sustainable travel plans for the towns; new footfall monitoring technology used by East Herts Council and proposals for new edge of town housing developments in some of the towns.

Ware

Respondents' Priorities for Ware Town Centre

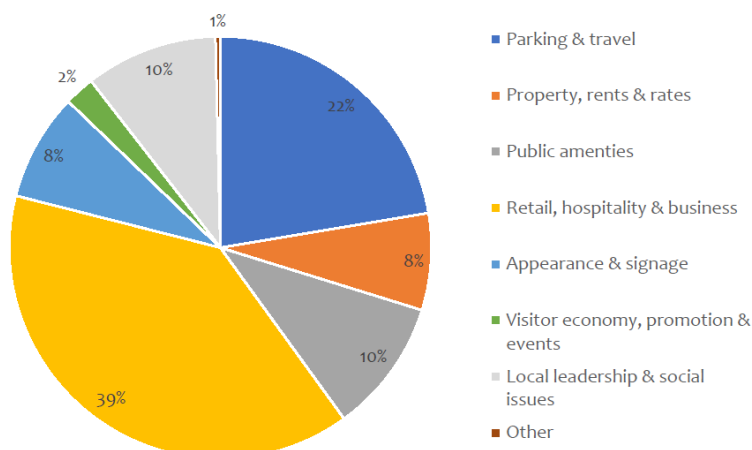


Sustaining and diversifying the mix of town centre businesses and services

There is a strong desire amongst stakeholders and a series of opportunities to sustain and diversify the mix of town centre businesses and services in each of the East Herts towns. The evidence for such opportunities comes from the 2022 surveys where this issue topped stakeholder priorities benchmarking and analysis of the existing business mix in each town; varying vacancy rates in each of the towns; existing analysis in the Local Plan, evidence of impacts of changing use class policies at the national level; related Levelling Up policies such proposed High Street Rental Auctions; experience of the business impacts of experimental traffic orders and outdoor seating licenses; new footfall monitoring technology used by East Herts Council; proposals for new edge of town housing developments that will lead to increased footfall in some of the towns.

Hertford

Users|Town Centre Priorities by Category



Campaigns promoting the offer of East Herts town centres to residents and visitors

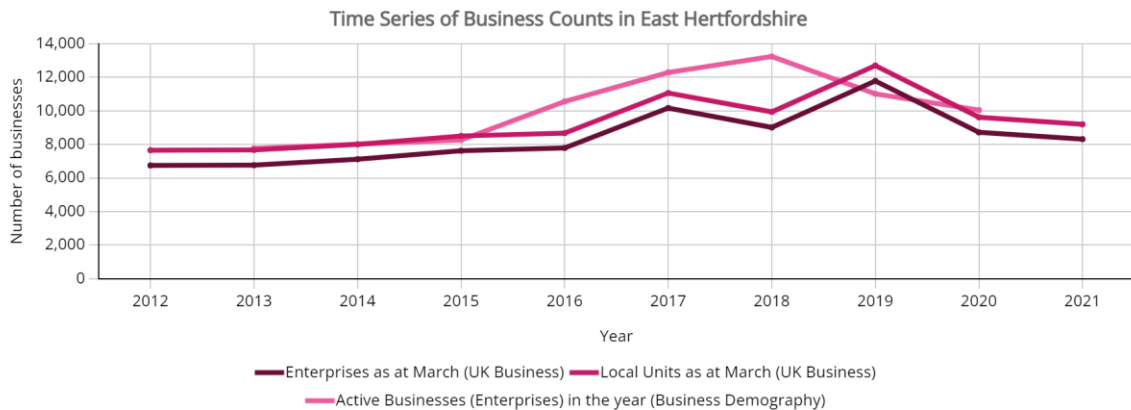
There are opportunities for developing and delivering campaigns promoting the culture /heritage /leisure/visitor offer of the town centres to residents and visitors. The evidence for such opportunities comes from the 2022 stakeholder surveys especially in Ware where events were cited as a priority by 28% of businesses, including the already acknowledged value heritage and leisure as a motivation for visits alongside varying perceptions of the visitor experience and appeal to tourists. Part of this also involves community safety and ensuring a viable night time economy, with our largest town (Bishop's Stortford) eager to obtain purple flag status.

Increasing community engagement from improved local coordination and communication

There are varying opportunities in the towns to enable increased community engagement from improved local coordination and communication through the formation and operation of town centre partnerships. The evidence for such opportunities comes from the 2022 stakeholder surveys indicating variable levels of civic pride and faith in partnerships across the towns; Ware already functions effectively with the Town Council taking the lead and local stakeholders providing positive input where required. Hertford has a more mixed approach with various groups looking at specific issues (development, nighttime economy). Bishop’s Stortford has a long-standing partnership group called Shaping Stortford which has set a vision for the town centre. In our smaller towns of Buntingford and Sawbridgeworth, the Town Councils tend to take the lead. In June 2002 the High Streets Task Force assessed that *“in 59% of places visited by our experts, long-term investment plans were compromised by the absence of, or poor quality of, local networks and partnerships.”* We want to ensure all our local towns have strong governance arrangements in place.

**ARE THERE ANY LOCAL CHALLENGES YOU FACE WHICH FALL UNDER THE SUPPORTING LOCAL BUSINESS INVESTMENT PRIORITY?
(If yes) Describe these challenges, give evidence where possible**

The district has just over 8300 enterprises and has seen steady growth since 2013/14. However, this number is down from its pre-pandemic peak of 12,000 with a series of closures 2020.



Source: ONS, UK Business; activity, size and location / ONS, Business Demography To view or download this data, click on the grid icon to the right -->

Although covid has undoubtedly made an impact on the number of businesses in the district there had been fluctuations beforehand. We are aware that several hundred businesses are registered to just a few single addresses in Hertford and Sawbridgeworth for people often working in the ‘gig’ economy and operating outside of the district (e.g., Deliveroo drivers). These addresses in the district, often simple business registration and post box services, had a tendency to cause overall fluctuations in business numbers. However, continuing to grow the number of businesses in the district to pre-pandemic levels is a major local challenge for East Hertfordshire.

East Herts has for many years been a favoured destination of people looking to move residence out of London, often to start families. Many of these people continue to work for organisations based in London although daily commuting is less popular following the pandemic and the advent of home working. This is reflected in the residential weekly wage of £763 against the Average local job of £630. This brings benefits to the district but does risk an over reliance on our residents commuting for work, re-enforcing the need for a sustainable local economy.

The district has strong business start-up rates. Our business demography is dominated by small and micro sized companies. The most dominant sectors are professional, scientific and technical followed by construction however within these categories there are no obvious dominant areas or industries. This diversity adds to the resilience of the local economy in periods of low growth.

Enterprises by Employment Size Band as at March 2021					
Area	Micro Enterprises (0 to 9 employees)	Small Enterprises (10 to 49 employees)	Medium-sized Enterprises (50 to 249 employees)	Large Enterprises (250+ employees)	Total Enterprises
Broxbourne	4,005	295	45	20	4,370
Dacorum	7,430	555	115	40	8,140
East Hertfordshire	7,585	590	120	20	8,315
Hertsmere	7,045	520	100	30	7,700
North Hertfordshire	5,815	540	105	15	6,475
St Albans	8,160	580	105	35	8,880
Stevenage	2,900	250	45	10	3,215
Three Rivers	4,965	340	55	25	5,385
Watford	4,735	385	80	35	5,235
Welwyn Hatfield	4,655	395	75	35	5,160
Hertfordshire	57,305	4,460	845	260	62,870

Source: ONS, UK Business; activity, size and location. To view and download this data, click on the cloud icon on the right-->

Source: ONS, UK Business; activity, size and location. To view or download this data, click on the grid icon to the right -->

Count of Local Units by Broad Industry Group	
Industry Group	East Hertfordshire
Agriculture, forestry & fishing (A)	235
Mining, quarrying & utilities (B,D and E)	85
Manufacturing (C)	410
Construction (F)	1,275
Motor trades (Part G)	260
Wholesale (Part G)	350
Retail (Part G)	885
Transport & storage (inc postal) (H)	235
Accommodation & food services (I)	485
Information & communication (J)	635

Source: ONS, UK Business; activity, size and location, March 2021. To download this data, click on the cloud icon.

Count of Local Units by Broad Industry Group	
Industry Group	East Hertfordshire
Financial & insurance (K)	195
Property (L)	385
Professional, scientific & technical (M)	1,695
Business administration & support services (N)	915
Public administration & defence (O)	55
Education (P)	225
Health (Q)	325
Arts, entertainment, recreation & other services (R,S,T and U)	545
Total Local Units	9,200

Source: ONS, UK Business; activity, size and location, March 2021. To download this data, click on the cloud icon.

Alongside our first major challenge of continuing to provide general business support for start-up is the need to accommodate “second stage growth”. Due to the popularity of the area and loss of employment area to housing, there is virtually no spare vacant capacity or liquidity in the commercial property market. Furthermore, much of our stock is outdated and requires new investment to ensure compliance with environmental standards. We will look to encourage owners to make better use of, upgrade and to expand the commercial stock of space to accommodate these companies locally and thereby retain the wealth and prosperity.

ARE THERE ANY LOCAL OPPORTUNITIES UNDER THE SUPPORTING LOCAL BUSINESS INVESTMENT PRIORITY THAT YOU INTEND TO SUPPORT?

(If yes) Describe these opportunities, give evidence where possible

There are opportunities to address challenges within East Herts through increasing the number of businesses using the Hertfordshire Local Enterprise's Growth Hub services (1312 over the most recent 3 years), with a corresponding up-lift in jobs safeguarded and created. Increasing the number of participants on start-up programmes would bring benefits through engaging with more clients (200+ p.a.) and creating more businesses per year (currently circa 50).

Hertfordshire Growth Hub's mission is to deliver growth across Hertfordshire – by making it easier to support and grow a business, creating a sustainable and inclusive local economy. This free at access and impartial service acts as a gateway to other broader and more detailed business support provision. The core service provides for a face-to-face and online/telephone based advisory support alongside an online information service. Additional funding would enable delivery of an enhanced offer to SMEs in East Hertfordshire.

The Growth Hub has a track record of delivery in our area, supporting (on average per annum) 1624 businesses and creating or safeguarding 140 jobs and has historically been funded via EU and UK Government sources.


We also wish to support the Local Enterprise's Start-up/Get Enterprising countywide programme. This provides free at access start-up and early-stage business support, acting as a gateway to other broader and more detailed business service provision.

Over the past five years, 5,279 individuals across the county received support, 304 jobs were created or safeguarded, and 1,365 new businesses were started and supported.

Creative & Screen Industries is one of the fastest growing sectors in Hertfordshire and in the wider south-east. Just over half of the new studio space being planned and delivered in London and the south-east is coming to Hertfordshire, confirming its pre-eminence in the UK film and TV world. If all the studio floorspace being planned for Hertfordshire is delivered, then in time the area of sound stages in Hertfordshire will exceed that of Hollywood.

In order to support this growth and exploit the opportunities it brings to the benefit of the wider Hertfordshire economy; it has been proposed that all Hertfordshire districts/boroughs would benefit from creating a film office service for Hertfordshire. This has been supported by the Hertfordshire Growth Board sector panel and East Herts Council.

Alongside these countywide schemes we also have a strong track record of in-house delivery for business support.

<p>We want to encourage and nurture small businesses to bring growth, wealth and investment to the area. Our “new premises grant”, offering support for businesses looking to expand or set up in new premises in the district was launched in October 2021 and ceased earlier due to the funding running out much sooner than expected. It was highly successful, with 51 businesses accessing support (totalling close to £200,000) in just 6 months.</p>	
	<p>The Launchpad 2 project is a 3 year ERDF match funded business support and grant scheme, delivered by East Herts Council</p>

	<p>through a contract with Deyton Bell. The scheme provides advice, support and match funded finance for businesses in specific sectors including bioscience, airport maintenance, repair and operations and social enterprise. So far 16 businesses have accessed support for developing new products and services. This scheme comes to an end in summer 2023 when the ERDF match funding expires.</p> <p>The UKSPF will enable us to continue both schemes, business growth and leveraging additional investment</p>
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ARE THERE ANY LOCAL CHALLENGES YOU FACE WHICH FALL UNDER THE PEOPLE AND SKILLS INVESTMENT PRIORITY? (In Scotland, Wales, and Northern Ireland this should also include challenges relating to Multiply)

(If yes) Describe these challenges, give evidence where possible

At this stage we have not identified any local challenges under this investment priority. However, we are aware that some residents, especially in the more rural communities, struggle with digital skills and digital access. We will be considering this challenge in the run up to the final year of the UKSPF.

ARE THERE ANY LOCAL OPPORTUNITIES UNDER THE PEOPLE AND SKILLS INVESTMENT PRIORITY THAT YOU INTEND TO SUPPORT? (In Scotland, Wales, and Northern Ireland this should also include challenges relating to Multiply)

(If yes) Describe these opportunities, give evidence where possible

In conjunction with our partners on the Hertfordshire and Essex Digital Innovation Zone, we will be considering the implementation of a digital skills programme for delivery in 2024/25. The DIZ is an informal partnership between different local authorities, further education sector and private sector in Hertfordshire in Essex. It has a successful track record of joining up digital activities across the sub-region. More details can be found here:

[DIZ – The Digital Innovation Zone](#)

Interventions

In this section, we will ask you about:

- Interventions you've chosen for each year of funding
- Outcomes you want to deliver
- Any interventions that are not listed here
- How these interventions fall under the UKSPF investment priorities, and your rationale for them
- Interventions not included in our list will be assessed before being approved, where you will need to show a clear rationale, how the intervention is value for money, what outcomes it will deliver and how you will monitor and evaluate the intervention. This may include a theory of change or logic chain.

WHAT ARE THE OUTCOMES YOU WANT TO DELIVER UNDER THE COMMUNITIES AND PLACE INVESTMENT PRIORITY? SELECT ALL THAT APPLY.	
Outcome	Tick if applicable
Jobs created	
Jobs safeguarded	
Increased footfall	X
Increased visitor numbers	X
Reduced vacancy rates	
Greenhouse gas reductions	X
Improved perceived/experienced accessibility	X
Improved perception of facilities/amenities	X
Increased number of properties better protected from flooding and coastal erosion	
Increased users of facilities / amenities	X
Improved perception of facility/infrastructure project	
Increased use of cycleways or paths	
Increase in Biodiversity	
Increased affordability of events/entry	
Improved perception of safety	X
Reduction in neighbourhood crime	
Improved engagement numbers	
Improved perception of events	X
Increased number of web searches for a place	
Volunteering numbers as a result of support	
Number of community-led arts, cultural, heritage and creative programmes as a result of support	X
Increased take up of energy efficiency measures	X
Increased number of projects arising from funded feasibility studies	
Number of premises with improved digital connectivity	
None of the above	

AND:

Increased amount of low or zero carbon energy infrastructure installed	X
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SELECT THE INTERVENTIONS YOU INTEND TO USE WHICH MEET THE COMMUNITIES AND PLACE INVESTMENT PRIORITY. YOU CAN SELECT AS MANY AS YOU LIKE.

Intervention <i>A full list of nation-specific interventions is available in the relevant annex to the Prospectus.</i>
E1: Funding for improvements to town centres and high streets, including better accessibility for disabled people, including capital spend and running costs.
E2: Funding for new, or improvements to existing, community and neighbourhood infrastructure projects including those that increase communities' resilience to natural hazards, such as flooding. This could cover capital spend and running costs.
E3: Creation of and improvements to local green spaces, community gardens, watercourses and embankments, along with incorporating natural features into wider public spaces
E4: Enhanced support for existing cultural, historic and heritage institutions that make up the local cultural heritage offer
E6: Support for local arts, cultural, heritage and creative activities.
E8: Funding for the development and promotion of wider campaigns which encourage people to visit and explore the local area
E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places.?
E10: Funding for local sports facilities, tournaments, teams and leagues; to bring people together.
E11: Investment in capacity building and infrastructure support for local civil society and community groups.
E12: Investment in community engagement schemes to support community involvement in decision making in local regeneration
E13 Community measures to reduce the cost of living, including through measures to improve energy efficiency, and combat fuel poverty and climate change.
E29 Supporting decarbonisation and improving the natural environment whilst growing the local economy. Taking a whole systems approach to invest in infrastructure to deliver effective decarbonisation across energy, buildings and transport and beyond, in line with our legally binding climate target. Maximising existing or emerging local strengths in low carbon technologies, goods and services to take advantage of the growing global opportunity

DO YOU PLAN TO USE ANY INTERVENTIONS NOT INCLUDED IN THE COMMUNITIES AND PLACE LIST?	
State the name of each of these additional interventions and a brief description of each of these	
No.	
Explain how each intervention meets the Communities and Place investment priority. Give evidence where possible, including why it is value money and the outcomes you want to deliver.	
N/A	
Do you consider that any of these interventions may provide a subsidy to potential recipients of the funding under the intervention's planned activity? All bids must also consider how they will deliver in line with subsidy control as set out in the guidance.	
No	
Detail the assessment you undertook to consider whether the intervention is a subsidy and any specific measures you will take to make sure the subsidy is permitted.	
N/A	

HAVE YOU ALREADY IDENTIFIED ANY PROJECTS WHICH FALL UNDER THE COMMUNITIES AND PLACE INVESTMENT PRIORITY?

Describe these projects, including how they fall under the Communities and Place investment priority and the location of the proposed project.

Yes.

There are a series of “enabling” activities and projects which we need to deliver in 2022/23 to facilitate delivery of major interventions in years 2023/24 and 2024/25.

Cultural Strategy:

- An asset mapping exercise which allows us to capture, quantify and review existing cultural assets across the district. This will require an initial build and then on-going maintenance throughout the lifetime of the UKSPF. Completion of this action then unlocks delivery of further actions within the Cultural Strategy. This project will begin in the Autumn of 2022.
- Design of an expanded East Herts community grants programme to deliver cultural strategy objectives that align with the above indicators and interventions. This will enable UKSPF resources to reach a variety of different organisations in the district to enable delivery of key outcomes. The grants programme will be launched in the Autumn of 2022 with delivery focused in the years of 2023/24 and 2024/25

Climate Change Strategy:

- Production of a Local Cycling and Walking Infrastructure Plan. This is an essential piece of work to inform sustainable travel actions across the district and enable many of the green travel interventions listed in the district. We also intend to submit a bid to the Levelling Up Fund in 2023 focusing on a wider cycling route, joining up Stansted Airport to Bishop’s Stortford, Rye House and Hertford
- Introduction of “community influencers”, working with local climate change interest groups, to encourage behaviour change
- Commissioning framework based on the strategy – delivery from 1 April 2023
- Contribution towards a joint sustainable travel officer within the Harlow and Gilston Garden Town project

Town Centres:

- Further development of town centre actions plans. Hertford, Ware and Bishop’s Stortford have these in place and an offer will be made to the other towns and any villages that wish to develop them. It will be a requirement of accessing town centre funding that a joint action plan which is owned by local partners is in place.
- Grant programme to enable town centre improvement – delivery from 1 April 2023 [or delivery programme based on priorities]
- HUQ footfall monitoring systems. We currently have this software in place, paid for by the Welcome Back Fund. It allows us to accurately track footfall in different areas and will be used to evidence the impact of any projects both for town centres and the cultural strategy,
- Perception surveys. Undertaking these will allow us to monitor the impact of any actions in town centres and the climate change strategy.

Do you consider these projects may provide a subsidy to potential recipients of the funding under the proposed planned activity?

All bids must also consider how they will deliver in line with subsidy control as [set out in the guidance](#).

No

Detail the assessment you undertook to consider whether the proposed projects constitute a subsidy and any specific measures you will take to make sure the subsidy is permitted.

All work undertaken in this section will be procured in accordance with the Council's normal procurement protocols. Where the extension of an existing contract is deemed legal, we reserve the right to use the extension to enable continuity of service. No funds will be allocated for existing activity – all grant applications have to be for new projects and activities that meet UKSPF outcomes

WHAT ARE THE OUTCOMES YOU WANT TO DELIVER UNDER THE SUPPORTING LOCAL BUSINESS INVESTMENT PRIORITY? SELECT ALL THAT APPLY.

Outcome	Tick if applicable
Jobs created	X
Jobs safeguarded	X
Increased footfall	
Increased visitor numbers	
Reduced vacancy rates	
Greenhouse gas reductions	
Number of new businesses created	X
Improved perception of markets	
Increased business sustainability	
Increased number of businesses supported	
Increased amount of investment	
Improved perception of attractions	
Number of businesses introducing new products to the firm	X
Number of organisations engaged in new knowledge transfer activity	
Number of premises with improved digital connectivity	
Number of businesses adopting new to the firm technologies or processes	X
Number of new to market products	
Number of R&D active businesses	
Increased number of innovation active SMEs	
Number of businesses adopting new or improved products or services	X
Increased number of innovation plans developed	
Number of early stage firms which increase their revenue following support	
Number of businesses engaged in new markets	
Number of businesses engaged in new markets	
Number of businesses increasing their export capability	
Increased amount of low or zero carbon energy infrastructure installed	
Number of businesses with improved productivity	
Increased number of projects arising from funded feasibility studies	
Increased number of properties better protected from flooding and coastal erosion	
None of the above	

SELECT THE INTERVENTIONS YOU INTEND TO USE WHICH MEET THE SUPPORTING LOCAL BUSINESS INVESTMENT PRIORITY. YOU CAN SELECT AS MANY AS YOU LIKE.

Intervention

A full list of nation-specific interventions is available in the relevant annex to the Prospectus.

E19: Increasing investment in research and development at the local level. Investment to support the diffusion of innovation knowledge and activities. Support the commercialisation of ideas, encouraging collaboration and accelerating the path to market so that more ideas translate into industrial and commercial practices.

E24: Funding for new and improvements to existing training hubs, business support offers, 'incubators' and 'accelerators' for local enterprise (including social enterprise) which can support entrepreneurs and start-ups through the early stages of development and growth by offering a combination of services including account management, advice, resources, training, coaching, mentorship and access to workspace.

E26: Support for growing the local social economy, including community businesses, cooperatives and social enterprises.

E30: Business support measures to drive employment growth, particularly in areas of higher unemployment.

DO YOU PLAN TO USE ANY INTERVENTIONS NOT INCLUDED IN THE SUPPORTING LOCAL BUSINESS LIST?

State the name of each of these additional interventions and a brief description of each of these

No

Explain how each intervention meets the Supporting Local Business investment priority. Give evidence where possible, including why it is value money and the outcomes you want to deliver.

N/A

Do you consider that any of these interventions may provide a subsidy to potential recipients of the funding under the intervention's planned activity? All bids must also consider how they will deliver in line with subsidy control as [set out in the guidance](#).

No

Detail the assessment you undertook to consider whether the intervention is a subsidy and any specific measures you will take to make sure the subsidy is permitted.

N/A

HAVE YOU ALREADY IDENTIFIED ANY PROJECTS WHICH FALL UNDER THE SUPPORTING LOCAL BUSINESS INVESTMENT PRIORITY?

Describe these projects, including how they fall under the Supporting Local Business investment priority and the location of the proposed project.

Yes.

We intend to support the delivery of a number of countywide schemes through the Hertfordshire Local Enterprise Partnership. We also plan to deliver two grant schemes through East Herts Council.

Hertfordshire Local Enterprise Partnership schemes:

- The Herts Growth Hub: In order to enable this service to continue to deliver services at scale and impact, East Herts Council will be co-commissioning this service alongside the 9 other Hertfordshire authorities and the Hertfordshire Local Enterprise Partnership, leveraging our investment of £30k in 2023/24 and 2024/25 against a combined investment of £1.13m.
- Herts Start up/Get Enterprising: The UKSPF support would enable us to recruit additional advisers and deliver additional training/webinar sessions offering both generic and specialist business advice targeted at social enterprises and focused on themes such as sustainability, rural and sector support. Together with events, webinars and information,

this would enable us to deliver an enhanced local support service maintaining similar output activities. In order to enable this service to continue to deliver services at scale and impact, East Herts Council will be co-commissioning this service alongside the 9 other Hertfordshire authorities and the Hertfordshire Local Enterprise Partnership, leveraging our investment of £30k in 2023/24 against a combined investment of £600k

- The Herts Film Office: to provide a one-stop-shop service for a variety of film and TV-related activities across the county. Working closely with Creative England, the Film Office’s activities could include the following services that would benefit the district including promoting film locations and providing the support and interface for those offering and wanting to use locations and promoting and lobbying Hertfordshire as ‘film friendly’ and the ‘home of UK film’ to help secure future investment

Local business support delivered through East Herts Council:

- Design of a grant scheme similar to that of the previous “new premises” grant delivered. This will focus on businesses that wish to move from residential settings to commercial premises or wish to expand existing premises. The previous scheme was highly successful, and a similar format will be followed however there will be a requirement for match funding this time around for the applicant. The proposal is for this to be delivered from 2022/23 onwards.
- Design of a facilitated grant scheme similar to that the current Launchpad 2 programme. This will focus on supporting businesses with developing new services or products and bringing them to market, or for existing businesses to enter new markets (taking advantage of Brexit opportunities). This would be a match funding requirement for this and a maximum intervention rate of 50%. The proposal is for this to be delivered over years 2 and 3, when the current Launchpad 2 scheme finishes.

Do you consider these projects may provide a subsidy to potential recipients of the funding under the proposed planned activity?

All bids must also consider how they will deliver in line with subsidy control as [set out in the guidance](#).

Yes

Detail the assessment you undertook to consider whether the proposed projects constitute a subsidy and any specific measures you will take to make sure the subsidy is permitted.

The Herts LEP has confirmed that they have addressed subsidy control and its predecessor State Aid when procuring the services and in particular the business support offers, the main approach being to apply De Minimis.

We are satisfied with the assurances provided by the LEP. We will continue to monitor these assumptions over the life of the grant funding.

For our local grant programme, we will ensure any organisations receiving financial support do not exceed State Aid levels.

WHAT ARE THE OUTCOMES YOU WANT TO DELIVER UNDER THE PEOPLE AND SKILLS INVESTMENT PRIORITY? SELECT ALL THAT APPLY.

Outcome	Tick if applicable
Number of economically inactive individuals in receipt of benefits they are entitled to following support	
Increased active or sustained participants of UKSPF beneficiaries in community groups [and/or] increased employability through development of interpersonal skills	

Increased proportion of participants with basic skills (English, maths, digital and ESOL)	
Number of people in supported employment [and] number of people engaging with mainstream healthcare services	
Number of people sustaining engagement with keyworker support and additional services	
Number of people engaged in job-searching following support	
Number of people in employment, including self-employment, following support	
Number of people sustaining employment for 6 months	
Increased employment, skills and/or UKSPF objectives incorporated into local area corporate governance	
Number of people in education/training	
Increased number of people with basic skills (English, maths, digital and ESOL)	
Fewer people facing structural barriers into employment and into skills provision	
Increased number of people familiarised with employers' expectations, including, standards of behaviour in the workplace	
Fewer people facing structural barriers into employment and into skills provision	
Number of people gaining a qualification or completing a course following support	
Number of people gaining qualifications, licences, and skills	
Number of economically active individuals engaged in mainstream skills education, and training.	
Number of people engaged in life skills support following interventions	
Number of people with proficiency in pre-employment and interpersonal skills (relationship, organisational and anger-management, interviewing, CV and job application writing)	
Multiply only - Increased number of adults achieving maths qualifications up to, and including, Level 2.	
Multiply only - Increased number of adults participating in maths qualifications and courses up to, and including, Level 2.	
None of the above	

SELECT THE INTERVENTIONS YOU INTEND TO USE WHICH MEET THE PEOPLE AND SKILLS INVESTMENT PRIORITY. YOU CAN SELECT AS MANY AS YOU LIKE.

Intervention

A full list of nation-specific interventions is available in the relevant annex to the Prospectus.

DO YOU PLAN TO USE ANY INTERVENTIONS NOT INCLUDED IN THE PEOPLE AND SKILLS LIST?

State the name of each of these additional interventions and a brief description of each of these

No

Explain how each intervention meets the People and Skills investment priority. Give evidence where possible, including why it is value money and the outcomes you want to deliver.

N/A
<p>Do you consider that any of these interventions may provide a subsidy to potential recipients of the funding under the intervention's planned activity? All bids must also consider how they will deliver in line with subsidy control as set out in the guidance.</p>
No
<p>Detail the assessment you undertook to consider whether the intervention is a subsidy and any specific measures you will take to make sure the subsidy is permitted.</p>
N/A

<p>ENGLAND ONLY: People and Skills interventions can only be used in 2022-2023 and 2023-2024 if you have identified a local voluntary and community provision, previously supported by the European Social Fund, at risk of closure. If you have not identified a suitable provision, you will not be able to select interventions for 2022-2023 and 2023-2024 and your investment plan will not be approved.</p>			
<p>HAVE YOU ALREADY IDENTIFIED ANY PROJECTS for 2024-2025 WHICH FALL UNDER THE PEOPLE AND SKILLS INVESTMENT PRIORITY?</p>			
Yes			
<p>Describe the projects for 2024-25, including how they fall under the People and Skills investment priority and the location of the proposed project.</p>			
<p>We intend to deliver a digital skills programme, in conjunction with partners on the Hertfordshire and Essex Digital Innovation Zone.</p>			
<p>Do you consider these projects may provide a subsidy to potential recipients of the funding under the proposed planned activity? All bids must also consider how they will deliver in line with subsidy control as set out in the guidance.</p>			
No			
<p>Detail the assessment you undertook to consider whether the proposed projects constitute a subsidy and any specific measures you will take to make sure the subsidy is permitted.</p>			
N/A			
<p>HAVE YOU IDENTIFIED A LOCAL VOLUNTARY PROVISION AT RISK AS PART OF YOUR PEOPLE AND SKILLS INVESTMENT PRIORITIES?</p>			
No			
<p>(If Yes) Describe the local voluntary provision at risk and your rationale for supporting it.</p>			
No			
<p>Provide the European Social Fund Project Names and Project References for this voluntary and community provision at risk.</p>			
<p>What year do you intend to fund these projects? Select all that apply.</p>			
<table border="1"> <tr> <td>2022-2023</td> <td>2023-2024</td> <td>2024-2025</td> </tr> </table>	2022-2023	2023-2024	2024-2025
2022-2023	2023-2024	2024-2025	
<p>Describe the projects for 2022-2023 and 2023-2024, including how they fall under the People and Skills investment priority and the location of the proposed project.</p>			
N/A			
<p>Do you consider these projects may provide a subsidy to potential recipients of the funding under the proposed planned activity?</p>			

All bids must also consider how they will deliver in line with subsidy control as [set out in the guidance](#).

No

Detail the assessment you undertook to consider whether the proposed projects constitute a subsidy and any specific measures you will take to make sure the subsidy is permitted.

N/A

Approach to delivery and governance

In this section, we will ask you about:

- Structures you have in place to support delivery
- Support you have from stakeholders and the local community
- How you've engaged with MPs as part of your investment plan
- Opportunities you have identified to work with other places

Places need to show how MPs that cover the lead local authority have been engaged on the investment plan and whether they support it. More detail on the role of MPs can be found here.

STAKEHOLDER ENGAGEMENT AND SUPPORT

Have you engaged with any of the following as part of your investment plan? Select all that apply.

Public sector organisations	Private sector organisations	Civil society organisations
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Describe how you have engaged with any of these organisations. Give examples where possible.

East Herts no longer has a Local Strategic Partnership, the last meeting of such a group taking place in 2016. Therefore, we needed to start afresh with bringing partners back together, especially in a post Covid context where stakeholder engagement has focused on specific issues or topics as opposed to strategic challenges and opportunities facing the district.

We therefore organised a face-to-face event, held at Fletcher's Lea Conference Centre in Ware, on 23 June.



49 individuals from different organisations joined us for the half day event to discuss UKSPF priorities, led by the Leader of the Council (*left*)

The event focused on stakeholder workshops around the themes of the cultural strategy, climate change strategy, town centres and business support and generated lots of ideas to help inform the investment plan

The event was a success with lots of positive feedback from stakeholders regarding the transparency of priority setting and the opportunity to input into priorities. Although we do not see a need to re-introduce a Local Strategic Partnership there was a strong appetite from stakeholders for a regular event to take place to review progress towards Levelling Up and UKSPF priorities in

the district. We will therefore have an annual engagement event, open to all partners in the district to oversee delivery at a strategic level.

 <p>A screenshot of a Facebook post by Julie Marson MP, dated 3 days ago. The post text reads: "Good to catch up with Council Leader, Linda Haysey, and Chief Executive, Richard Cassidy, at East Herts Council in Hertford today to discuss ongoing local priorities." Below the text is a photograph of two women sitting on a purple sofa. The woman on the left is wearing a yellow jacket, and the woman on the right is wearing a blue patterned top. Below the photo, it says "You, Cllr Rosemary Bolton and 7 others" and "4 comments". At the bottom are icons for "Like", "Comment", and "Share".</p>	<p>Further engagement discussions took place as follows:</p> <ul style="list-style-type: none"> • Town Council Clerks & Chief Executives meeting – 9 June • Town and Parish Council annual conference – 22 June • Cultural Strategy delivery group – 15 June • MP briefings – various dates (see left) <p>There have also been a series of bi-lateral conversations with local organisations including the East Herts & Broxbourne Council for Voluntary Services and Citizens Advice Service.</p> <p>On top of that a series of countywide and sub-regional conversations with the Local Enterprise Partnership, Innovation Corridor, Harlow and Gilston Garden Town and Digital Innovation Zone</p>
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Summarise the governance structures you have in place, including how any advisory panels or associated partnership groups are made up

An annual gathering of East Herts stakeholders, following on from the initial meeting on 23 June, will be the forum in which progress on the previous year is shared and priorities for the next 12 months are agreed. Attendees from this year included:

- 4 town councils
- 13 parish councils
- The Council for Voluntary Services
- The Citizens Advice Service
- Age UK Herts
- Wodson Park Trust
- The Bishop’s Stortford Business Improvement District

This forum will be gathered on annual basis to review UKSPF priorities and progress towards meeting outcomes. The Cultural Strategy Group also has a delivery group composed of:

- Southern Maltings
- Courtyard Arts
- Southmill Arts
- Herts Visual Arts
- Herts Regional College
- Mudlarks
- Centre for Wellbeing
- Age UK Herts

This group will oversee criteria for the grant programme within the Communities and Place investment priority.

The climate change strategy will be delivered through the East Herts Environmental and Climate Forum which is a multi-agency group including:

- East Herts Sustainability Forum
- Hertford climate group
- Bishop’s Stortford climate change group
- Hertfordshire Sustainability Forum

The Environment and Climate Change forum will oversee agreement of the commissioning framework for the Communities and Place investment priority.

Current groups involved with delivery of town centre improvements include:

- Shaping Stortford (Hertfordshire County Council, East Herts Council, Bishop’s Stortford Town Council, Bishop’s Stortford Business Improvement District, private sector, Herts constabulary)
- Bishops Stortford Chamber of Commerce
- Buntingford Chamber of Commerce
- Hertford Hub (representing Hertford businesses)
- Ware Town Centre Steering Group (Ware Town Council, Herts Constabulary, private sector, East Herts Council, Hertfordshire County Council)

The town centre groups will be responsible for implementing their local improvement plans and overseeing any investment of UKSPF monies.

With regards to the Local Business investment priority, this will be delivered through the Hertfordshire Local Enterprise Partnership. This has a board in place to oversee delivery and the Leader of East Herts Council is represented on the board.

For our local business grant schemes, these will be overseen by East Herts Council’s Executive Committee.

Confirm all MPs covering your lead local authority have been invited to join the local partnership group.

Yes

Are there MPs who are not supportive of your investment plan?

No

(If Yes) Who are the MPs that are not supportive and outline their reasons why.

N/A

PROJECT SELECTION

Are you intending to select projects in any way other than by competition for funding?

Yes

(If Yes) Describe your approach to selecting projects, and why you intend to do it this way.

The majority of projects will be delivered through either a grant scheme or commissioning / procurement framework as outlined above. All schemes will adhere to the Council procurement and grant giving regulations

A small number of other projects will be commissioned directly with existing providers and existing contracts (e.g., LEP activities)

DO YOU INTEND TO WORK WITH OTHER PLACES ON ANY OF THE INTERVENTIONS WHICH FALL UNDER THE COMMUNITIES AND PLACE INVESTMENT PRIORITY?

Which interventions do you intend to collaborate on? Select all that apply.

Intervention	Tick if applicable
<i>A full list of nation-specific interventions is available in the relevant annex to the Prospectus.</i>	
E1: Funding for improvements to town centres and high streets, including better accessibility for disabled people, including capital spend and running costs.	
E17: Funding for the development and promotion (both trade and consumer) of the visitor economy, such as local attractions, trails, tours and tourism products more generally.	

Describe any interventions not included in this list?

Who are the places you intend to collaborate with?

Delivery of the climate change activities will involve working with other places within the county of Hertfordshire, likely to include all districts and the County Council. We will also be working with our Harlow and Gilston Garden Town Partners (Harlow Council, Epping Forest Council, Essex and Hertfordshire County Councils) on joint sustainable travel activities.

DO YOU INTEND TO WORK WITH OTHER PLACES ON ANY OF THE INTERVENTIONS WHICH FALL UNDER THE SUPPORTING LOCAL BUSINESS INVESTMENT PRIORITY?

Which interventions do you intend to collaborate on? Select all that apply.

Intervention	Tick if applicable
<i>A full list of nation-specific interventions is available in the relevant annex to the Prospectus.</i>	
E17: Funding for the development and promotion (both trade and consumer) of the visitor economy, such as local attractions, trails, tours and tourism products more generally	
E19: Increasing investment in research and development at the local level. Investment to support the diffusion of innovation knowledge and activities. Support the commercialisation of ideas, encouraging collaboration and accelerating the path to market so that more ideas translate into industrial and commercial practices.	
E24: Funding for new and improvements to existing training hubs, business support offers, 'incubators' and 'accelerators' for local enterprise (including social enterprise) which can support entrepreneurs and start-ups through the early stages of development and growth by offering a combination of services including account management, advice, resources, training, coaching, mentorship and access to workspace.	
E26: Support for growing the local social economy, including community businesses, cooperatives and social enterprises.	

Describe any interventions not included in this list?

N/A

Who are the places you intend to collaborate with?

We intend to collaborate with Hertfordshire LEP and Hertfordshire County Council on projects that will run across the 7 districts and boroughs of Broxbourne, East Hertfordshire, Hertsmere, Stevenage, Watford and Welwyn Hatfield

As supporters of the Hertfordshire Growth Board, made up of the County Council (HCC), the 10 district and borough councils and Hertfordshire Local Enterprise Partnership, East Herts is committed to working together to continue joint successes and creating opportunities for businesses and residents.

DO YOU INTEND TO WORK WITH OTHER PLACES ON ANY OF THE INTERVENTIONS WHICH FALL UNDER THE PEOPLE AND SKILLS INVESTMENT PRIORITY?

Which interventions do you intend to collaborate on? Select all that apply.

Intervention	Tick if applicable
<i>A full list of nation-specific interventions is available in the relevant annex to the Prospectus.</i>	

Describe any interventions not included in this list?

N/A

Who are the places you intend to collaborate with?

The Hertfordshire and Essex Digital Innovation Zone

PUBLIC SECTOR EQUALITY DUTY

How have you considered your public sector equality duty in the design of your investment plan?

Yes.

In line with the Public Sector Equality Duty, East Herts Council whilst exercising all their functions, demonstrates giving due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The Cultural Strategy has been designed specifically to address challenges around engagement and inclusivity. Delivery of UKSPF objectives that align with the strategy will by definition, address challenges around diversity and inclusion.

All other activities will be monitored in terms of the take up from groups or individuals with protected characteristics.

How will you consider your public sector equality duty when implementing your investment plan, including in the selection of projects?

Once our Investment Plan has been signed off, we will undertake an Equalities Impact Assessment to understand any disproportionate impact we are having on residents and any gaps in data in arriving at that understanding.

The Impact Assessment will be used to refine and adjust delivery accordingly.

RISKS**Have you identified any key risks that could affect delivery, for example lack of staff or expertise?**

Yes

(If Yes) Describe these risks or issues, including the contingency measures you have in place to mitigate them.

- Capacity of staff to administer grant schemes and undertake financial monitoring
- Capacity of local groups to deliver projects (weighted towards years 2 & 3)
- Changes in market/ inflation which may effect costs of delivery for different projects

The Council has a corporate risk relating to resources, that includes staff resources. This was created to reflect the cumulative impact of continuing Covid impacts and more recent challenges around the cost-of-living crisis. This is somewhat mitigated by us using partners and other organisations to deliver a number of the projects and outcomes. We will also add delivery of the UKSPF as a corporate project, which will ensure that progress is monitored.

The above does add a different risk in relation to partners and other organisation's ability to deliver (both in terms of capacity and maintaining the targeted focus), including Hertfordshire LEP. We will mitigate this through agreements on what is to be delivered, regular progress reporting and monitoring meetings.

Have you identified any key fraud risks that could affect UKSPF delivery?

Yes

(If Yes) Describe these risks or issues, including the contingency measures you have in place to mitigate them.

No key fraud risks, as a lot of the activity is similar (in terms of principle) to activity that we already carry out. Therefore, we expect that our extensive current fraud controls will be sufficient.

The exception to this could be the projects delivered through Hertfordshire LEP. Hertfordshire LEP have experience of similar activity which would help to mitigate the risk.

East Herts is part of a Shared Anti-Fraud Service with 6 other local authorities (SIAS). If any risks from the above are identified cases will be referred to SIAS for investigation

Capacity and capability

In this section, we will ask you about:

- The capacity and capability of your team to manage funding
- The resources you have in place for work related to UKSPF

Your answers here will help us know how to support you with delivery. They will not affect the amount of funding you will get.

Answer as honestly as possible.

TEAM RESOURCE	
How many people (FTE) will be put in place to work with UKSPF funding?	
<p>Given we have many of the structures in place there is little need to bring in new staff. However, we are likely to appoint a part time member of staff to oversee the additional work around grant administration, focusing on years 2 and 3. In total the following will be working on the programme:</p> <ul style="list-style-type: none">• Economic Development Officer – 0.4 FTE (please note this individual is a shared appointment with North Herts and therefore will be undertaking parallel work in that district, creating some efficiencies in the process)• Economic Contracts Officer – 0.1 FTE in 2022/23 rising to 0.8 FTE from 2023/24 onwards• Projects Officer (Community Wellbeing) – 0.2 FTE• Policy and Projects Officer (Environmental Sustainability) – 0.2 FTE• Overall lead – Head of Service, 0.1 FTE <p>In total this means we will have 1.0 FTE in year one, rising to 1.7 FTE in years 2 and 3.</p>	
Describe what role these people will have, including any seniority and experience.	
<ul style="list-style-type: none">• Economic Development Officer – overall project management• Economic Contracts Officer – day to day monitoring of schemes, returns and monitoring• Policy and Projects Officer – commissioning of climate change work• Overall lead – sponsor for the work	

- Strong capability: Has extensive experience and/or a proven track record of delivery in this area.
- Strong capacity: High degree of confidence that there is enough staffing/resource to manage funding in this area.
- Some capability: Has previous experience of delivery in this area.
- Some capacity: Confident that there is enough staffing/resource to manage funding in this area.
- Limited capability: Does not have previous experience and/or no track record of delivery in this area.
- Limited capacity: Limited confidence that there is enough staffing/resource to manage funding in this area. Additional resource may be needed to support delivery.

CAPACITY AND CAPABILITY	
How would you describe your team's current experience of delivering funding and managing growth funds?	
Very experienced	
How would you describe your team's current capability to manage funding for procurement?	

Strong capability		
How would you describe your team's current capability to manage funding for procurement?		
Strong capability		
How would you describe your team's current capacity to manage funding for subsidies?		
Strong capacity		

COMMUNITIES AND PLACE CAPACITY AND CAPABILITY

Does your local authority have any previous experience of delivering the Communities and Place interventions you have select?

Yes

How would you describe your team's current capability to manage funding for Communities and Place interventions?

Strong capability

Describe the key capability challenges (if you have any) for delivering Communities and Place interventions. This may include challenges within your local authority and/or your local/regional delivery system.

No challenges aside from the 4% administrative charge not fully covering costs of administering the scheme

Describe what further support would help address these challenges.

An upwards review of the 4%

How would you describe your team's current capacity to manage funding for Communities and Place interventions?

Strong capability

Describe the key capacity challenges (if you have any) for delivering Communities and Place interventions. This may include challenges within your local authority and/or your local/regional delivery system.

No challenges aside from the 4% administrative charge not fully covering costs of administering the scheme

Describe what further support would help address these challenges.

An upwards review of the 4%

SUPPORTING LOCAL BUSINESS CAPACITY AND CAPABILITY

Does your local authority have any previous experience of delivering the Supporting Local Business interventions you have select?

Yes

How would you describe your team's current capability to manage funding for Supporting Local Business interventions?

Strong capability

Describe the key capability challenges (if you have any) for delivering Supporting Local Business interventions. This may include challenges within your local authority and/or your local/regional delivery system.

An upwards review of the 4%

Describe what further support would help address these challenges.

An upwards review of the 4%		
How would you describe your team's current capacity to manage funding for Supporting Local Business interventions?		
Strong capability		
Describe the key capacity challenges (if you have any) for delivering Supporting Local Business interventions. This may include challenges within your local authority and/or your local/regional delivery system.		
An upwards review of the 4%		
Describe what further support would help address these challenges.		
An upwards review of the 4%		

PEOPLE AND SKILLS CAPACITY AND CAPABILITY		
Does your local authority have any previous experience of delivering the People and Skills interventions you have select?		
Yes	No	
How would you describe your team's current capacity to manage funding for People and Skills interventions?		
Strong capability	Some capability	Limited capability
Describe the key capability challenges (if you have any) for delivering People and Skills interventions. This may include challenges within your local authority and/or your local/regional delivery system.		
N/A		
Describe what further support would help address these challenges.		
N/A		
How would you describe your team's current capacity to manage funding for People and Skills interventions?		
Strong capability	Some capability	Limited capability
Describe the key capacity challenges (if you have any) for delivering People and Skills interventions. This may include challenges within your local authority and/or your local/regional delivery system.		
N/A		
Describe what further support would help address these challenges.		
N/A		

SUPPORT TO DELIVERY UKSPF
All lead authorities can use up to 4% of their UKSPF allocation to support the delivery of their chosen interventions but by exception, lead authorities will be able to use more than 4%. Are you planning to use more than 4%?

	No
(If Yes) Explain why you wish to use more than 4%.	
N/A	

Appendix B

Outcomes and Outputs for Each Theme within the East Herts UKSPF Investment Plan

Cultural Strategy objectives					
	Project	Brief description of project	Interventions	Outputs	Outcomes
1	Arts trial in at least three localities (to be identified with at least one being a rural area/group of villages)	Creation of physical and virtual trails in localities linking existing facilities/groups/activities to promote visitors/foot fall in key areas	E4: Enhanced support for existing cultural, historic and heritage institutions that make up the local cultural heritage offer. E6: Support for local arts, cultural, heritage and creative activities.	Number of facilities support/created Number of events/participatory programmes Number of Tourism, Culture or heritage assets created or improved	Increased visitor numbers Increased footfall Improved perception of facilities/amenities Increased users of facilities/ amenities
2	East Herts Pride event	Develop the fledging Pride event in Bishop's Stortford (and potentially roll out to Hertford) to become a larger, annual event with a park-based festival which can provide commercial opportunities for local businesses	E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places. E11: Investment in capacity building and infrastructure support for local civil society and community groups	Number of volunteering opportunities supported Number of local events or activities supported	Increased visitor numbers Improved perceived/experienced accessibility Improved engagement numbers (% increase) Volunteering numbers as a result of support
3	Young Curators group	Project with the aim of encouraging young people to participate in shaping the future arts and heritage landscape of the town	E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places.	Number of events/participatory programmes Number of local events or activities supported	Improved engagement numbers Volunteering numbers as a result of support

			<i>E11: Investment in capacity building and infrastructure support for local civil society and community groups</i>	<i>Number of volunteering opportunities supported</i>	<i>Improved perception of facilities/amenities Increased users of facilities/ amenities</i>
4	<i>Inclusive Theatre project</i>	<i>Arts and wellbeing project to build confidence, develop skills and give participants and their families memorable, enjoyable life experiences especially for people with special needs</i>	<i>E6: Support for local arts, cultural, heritage and creative activities. E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places. E11: Investment in capacity building and infrastructure support for local civil society and community groups</i>	<i>Number of events/participatory programmes Number of local events or activities supported</i>	<i>Improved perception of facilities/amenities Increased users of facilities/ amenities Increased affordability of events/entry Number of new or improved community facilities as a result of support Improved engagement numbers (% increase)</i>
5	<i>Intergenerational arts and cultural activities</i>	<i>Facilitated events specifically bringing residents of different ages together to share experience and perspectives through sporting, arts, cultural activities such as cycling, cooking and the like</i>	<i>E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places. E11: Investment in capacity building and infrastructure support for local civil society and community groups</i>	<i>Number of facilities support/created Number of Tourism, Number of events/participatory programmes Improved engagement numbers</i>	<i>Increased visitor numbers Improved perception of facilities/amenities Increased users of facilities/ amenities Improved perceived/experienced accessibility Improved engagement numbers (% increase) Volunteering numbers as a result of support</i>

6.	<i>Digital Inclusion Project</i>	<i>Focused support for older people with accessing the internet safely (building on previous projects delivered by the CDA). Support will be available to all older people in East Herts, although those in the most rural areas would be a priority to help reduce social isolation and loneliness.</i>	<i>E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places E11: Investment in capacity building and infrastructure support for local civil society and community groups E15: Investment and support for digital connectivity for local community facilities</i>	<i>Number of people attending training sessions (numerical value) Number of volunteering opportunities supported Number of local events or activities supported</i>	<i>Improved engagement numbers (% increase) Volunteering numbers as a result of support</i>
7.	<i>Asset mapping</i>	<i>Maintenance of a digital asset register of cultural opportunities to enable delivery of the above projects</i>	<i>E6: Support for local arts, cultural, heritage and creative activities.</i>	<i>Number of people reached (numerical value)</i>	<i>Increased number of web searches for a place (% increase) Improved engagement numbers (% increase)</i>

Climate Change Strategy objectives

	Climate Change Strategy objectives				
	Potential project	Brief description of project	Interventions	Outputs	Outcomes
1	<i>Solar canopies</i>	<i>Installation of solar canopies to increase renewable energy generation at (surface level) key sites</i>	<i>E13: Community measures to reduce the cost of living, including through measures to improve energy efficiency, and combat fuel poverty and climate change. E29: Supporting decarbonisation and improving the natural environment whilst growing the local economy. E3: Creation of and improvements to local green spaces</i>	<i>Amount of low or zero carbon energy infrastructure installed</i>	<i>Greenhouse gas reductions Increased take up of energy efficiency measures</i>
2	<i>Pilot Community heat pump</i>	<i>Installation of community heat pump scheme serving off grid households</i>		<i>Amount of low or zero carbon energy infrastructure installed</i>	<i>Greenhouse gas reductions</i>
3	<i>Training of surveyors and installers for green energy infrastructure</i>	<i>Skills upgrade and training to address limited capacity currently among surveyors and installers for green measures</i>		<i>Number of decarbonisation plans developed Number of households receiving support</i>	<i>Number of businesses adopting new to the firm technologies or processes Increased take up of energy efficiency measures</i>
4	<i>Sustainable development - potentially a community build scheme</i>	<i>Development of sustainable development good practice (eg. Passivhaus properties) on land currently owned by the council, potentially including an element of community build</i>		<i>Amount of low or zero carbon energy infrastructure installed</i>	<i>Greenhouse gas reductions</i>
5	<i>Community chest for hyper-local sustainability projects</i>	<i>Grant scheme linked to community grants</i>		<i>Number of businesses receiving non-financial support Number of households supported to take up</i>	<i>Greenhouse gas reductions Increased take up of energy efficiency measures</i>

				<i>energy efficiency measures</i>	
6	<i>Tree planting/ greening of the district</i>	<i>Projects to encourage more tree planting (carrying on legacy of HCC led Queen's Canopy project) and mor greening (eg. Wildflower planting) in the district</i>		<i>Amount of green or blue space created or improved (m2)</i>	<i>Number of trees planted (numerical value)</i>

Town and Village Centres objectives

	Project	Brief description of project	Interventions	Outputs	Outcomes
1.	<i>Town and village centre improvement grant scheme</i>	<p><i>Match-funded pot available to towns/ villages that identify projects which meet UKSPF outputs and outcomes.</i></p> <p><i>Projects need to be identified through a jointly agreed local improvement plan or strategy</i></p> <p><i>Please note that for the RPF element of this scheme, Herford and Bishop's Stortford based projects are ineligible</i></p>	<p><i>E1: Improvements to town centres & high streets</i></p> <p><i>E3: Creation of and improvements to local green spaces</i></p> <p><i>E4: Enhancing existing cultural, historic & heritage institutions offer</i></p> <p><i>E7: Support for active travel enhancements</i></p> <p><i>E15: Investment support for digital infrastructure for local community facilities</i></p> <p><i>E17: Development & promotion of visitor economy</i></p>	<p><i>Number of commercial buildings developed or improved (numerical value)</i></p> <p><i>Amount of commercial buildings developed or improved (m2)</i></p> <p><i>Amount of public realm created or improved (m2)</i></p> <p><i>Number of low or zero carbon energy infrastructure installed (numerical value)</i></p> <p><i>Number of Tourism, Culture or heritage assets created or improved (numerical value)</i></p> <p><i>Amount of green or blue space created or improved (m2)</i></p> <p><i>Amount of new or improved cycleways or paths (m2)</i></p>	<p><i>Increased footfall (% increase)</i></p> <p><i>Increased visitor numbers (% increase)</i></p> <p><i>Reduced vacancy rates (% decreased)</i></p> <p><i>Increased number of web searches for a place (% increase)</i></p> <p><i>Number of premises with improved digital connectivity (numerical value)</i></p> <p><i>Improved perception of facility/ infrastructure project</i></p> <p><i>Increased use of cycleways or paths</i></p> <p><i>Improved perception of safety</i></p> <p><i>Reduction in neighborhood crime</i></p>

2.	<i>Monitoring of footfall and perception surveys</i>	<i>Software and manual surveys to support measurement and collection of data to track improvements against UKSPF measures. The data will also be used to measure improvement in other themes as well as town centres</i>	<i>N/A – part of monitoring outcomes and outputs</i>	<i>N/A</i>	<i>N/A</i>
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Business support objectives

	<i>Project</i>	<i>Brief description of project</i>	<i>Interventions</i>	<i>Outputs</i>	<i>Outcomes</i>
1.	<i>Herts Growth Hub</i>	<i>The Growth Hub, commissioned by Herts LEP offers non-financial support for existing businesses to grow. Traditionally East Herts businesses have a high rate of engagement with the growth hub.</i>	<i>E30: Business support measures to drive employment growth</i>	<i>Number of businesses receiving non-financial support (numerical value)</i>	<i>Jobs created (numerical value) Jobs safeguarded (numerical value)</i>
2.	<i>Start up and Enterprise</i>	<i>The Start Up and Enterprise programme, commissioned by Herts LEP offers advice and support for individuals seeking to start their own businesses. Traditionally we have had high rates of business start ups and entrepreneurial activity and wish to sustain this.</i>	<i>E30: Business support measures to drive employment growth</i>	<i>Number of businesses receiving non-financial support (numerical value) Number of potential entrepreneurs provided assistance to be business ready (numerical value)</i>	<i>Jobs created (numerical value) Number of new businesses created (numerical value)</i>
3.	<i>Film and creative industry inward investment</i>	<i>LEP led initiative to support inward investment around the film industry and related supply chain</i>	<i>E17: Development & promotion of visitor economy</i>	<i>Number of businesses receiving non-financial support (numerical value)</i>	<i>Jobs created (numerical value) Increase in visitor spending (% increase)</i>
4.	<i>Business grants – new premises</i>	<i>Match funded grants for new businesses to open up premises or for existing</i>	<i>E1: Improvements to town centres & high streets</i>	<i>Number of businesses receiving grants (numerical value)</i>	<i>Jobs created (numerical value)</i>

		<i>businesses to expand their premises. Maximum amount available will be £5k</i>	<i>E17: Development & promotion of visitor economy</i>	<i>Number of commercial buildings developed or improved (numerical value) M2 of commercial buildings developed or improved (m2)</i>	<i>Jobs safeguarded (numerical value) Number of new businesses created (numerical value)</i>
5.	<i>Business grants – larger projects</i>	<i>Match funded grants for businesses to develop new products/ services, enter new export markets or diversify business model (eg. By developing/ re-purposing infrastructure) Please note that for the RPF element of this scheme, Herford and Bishop’s Stortford based businesses are ineligible</i>	<i>E19: Investment in research and development at the local level E20: R&D grants supporting innovative product & service development E28: Export Grants to grow overseas trading etc. E29: Supporting decarbonisation whilst growing the local economy</i>	<i>Number of Tourism, Culture or heritage assets created or improved (numerical value) Number of commercial buildings developed or improved (numerical value) M2 of commercial buildings developed or improved (m2) Number of businesses engaged in new markets (numerical value)</i>	<i>Number of businesses introducing new products to the firm (numerical value) Number of premises with improved digital connectivity (numerical value). Number of businesses adopting new to the firm technologies or processes (numerical value) Number of new to market products (numerical value) Increased amount of low or zero carbon energy infrastructure installed (% increase) Number of businesses increasing their export capability (numerical value)</i>

Projects to be delivered/ started in in 2022/23					
	<i>Project</i>	<i>Brief description of project</i>	<i>Interventions</i>	<i>Outputs</i>	<i>Outcomes</i>
1.	<i>Asset mapping</i>	<i>As per (7) in the Cultural Strategy. We will begin procuring this work now so that it can underpin delivery of other objectives</i>	<i>E6: Support for local arts, cultural, heritage and creative activities.</i>	<i>Number of people reached (numerical value)</i>	<i>Increased number of web searches for a place (% increase) Improved engagement numbers (% increase)</i>
2.	<i>Theatre Listening Project</i>	<i>Delivery of the 'Building a Common Framework for Schools' programme (focusing on using drama as a tool for change and mitigating mental health challenges for young people). First phase of work to be in partnership with Sele Secondary School, Millmead Primary School and Herford Regional College SEN learners with the additional asset support of Haileybury ready to begin</i>	<i>E6: Support for local arts, cultural, heritage and creative activities. E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places. E11: Investment in capacity building and infrastructure support for local civil society and community groups</i>	<i>Number of events/participatory programmes Number of local events or activities supported</i>	<i>Improved perception of facilities/amenities Increased users of facilities/ amenities Increased affordability of events/entry Number of new or improved community facilities as a result of support Improved engagement numbers (% increase)</i>

3.	<i>Digital Inclusion Project</i>	<i>As per (6) in the Cultural Strategy. This project is ready to begin this financial year</i>	<i>E9: Funding for impactful volunteering and/or social action projects to develop social and human capital in local places E11: Investment in capacity building and infrastructure support for local civil society and community groups E15: Investment and support for digital connectivity for local community facilities</i>	<i>Number of people attending training sessions (numerical value) Number of volunteering opportunities supported Number of local events or activities supported</i>	<i>Improved engagement numbers (% increase) Volunteering numbers as a result of support</i>
2.	<i>LCWIP</i>	<i>Creation of a local cycling and walking infrastructure plan (LCWIP) to underpin delivery of the Climate Change Strategy and any transport interventions outlined by the County Council in LTP4. The plan will be delivered in partnership with the County Council</i>	<i>E14: Relevant feasibility studies</i>	<i>Number of feasibility studies supported (numerical value)</i>	<i>Increased number of projects arising from funded feasibility studies (% increase)</i>
3.	<i>Creation of community influencer roles</i>	<i>Creation of ‘community influencer’ roles to enable delivery of the Climate Change Strategy. These individuals will be employed through the District Council initially and</i>	<i>E29: Supporting decarbonisation whilst growing the local economy</i>	<i>Number of decarbonisation plans developed (numerical value) Number of households receiving support</i>	<i>Increased take up of energy efficiency measures</i>

		<i>can begin working this financial year</i>			
4.	<i>Support for developing town/ village centre improvement plans</i>	<i>In order to access the town/ village centre grant funding an area needs an agreed plan in place which sets out joint priorities agreed by local stakeholders. We will make consultancy support available for any town or village that needs this support. This support could be as simple as providing funding for local stakeholders to have some facilitated workshops to agree priorities or more detailed approaches such as public consultation, putting in place different governance arrangements and agreeing formal strategies.</i>	<i>E14: Relevant feasibility studies</i>	<i>Number of feasibility studies supported (numerical value)</i>	<i>Increased number of projects arising from funded feasibility studies (% increase)</i>
5.	<i>Sawbridgeworth Jubilee Gardens</i>	<i>This is the land adjacent to Bell Street car park owned by East Herts and the project will involve landscaping and change of use to create more</i>	<i>E1: Improvements to town centres & high streets E3: Creation of and improvements to local green spaces</i>	<i>Amount of public realm created or improved (m2) Amount of green or blue space created or improved (m2)</i>	<i>Increased footfall (% increase) Increased visitor numbers (% increase)</i>

		<i>community space. A public consultation has been undertaken and design work commissioned by the Town Council who would lead on this project</i>	<i>E17: Development & promotion of visitor economy</i>	<i>Amount of new or improved cycleways or paths (m2)</i>	<i>Improved perception of facility/ infrastructure project</i>
6.	<i>Bishop's Stortford VMS</i>	<i>Bishop's Stortford town centre parking virtual signage (VMS). This has been a project the BID and HCC have wanted to support for some time in order to help manage traffic flows in Bishop's Stortford. Full installation quotes have been obtained and the project is ready to commission through the parking team with HCC and BID funding alongside UKSPF</i>	<i>N/A – part of monitoring outcomes and outputs</i>		
7.	<i>Film and creative industry inward investment</i>	<i>As per (3) in the business support theme. This project is ready to begin this financial year and has LEP match funding</i>	<i>E17: Development & promotion of visitor economy</i>	<i>Number of businesses receiving non-financial support (numerical value)</i>	<i>Jobs created (numerical value) Increase in visitor spending (% increase)</i>
8.	<i>Monitoring of footfall and perception surveys</i>	<i>As per (2) in the town and village centre theme. Project is ready to deliver this financial year</i>	<i>N/A – part of monitoring outcomes and outputs</i>		

9.	<i>Business grants – new premises</i>	<i>As per (4) in the business support theme. There is a pipeline of businesses who would be eligible to apply for this grant. Should there be a risk that we underspend this financial year on the allocated £216,186 these grants can be awarded quickly to avoid this happening and reduce risk of having to return money to DLUHC</i>	<i>E1: Improvements to town centres & high streets E17: Development & promotion of visitor economy</i>	<i>Number of businesses receiving grants (numerical value) Number of commercial buildings developed or improved (numerical value) M2 of commercial buildings developed or improved (m2)</i>	<i>Jobs created (numerical value) Jobs safeguarded (numerical value) Number of new businesses created (numerical value)</i>
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East Herts Rural Prosperity Funding Addendum – submitted to DLUHC on 30th November

Local context

You have already submitted your UKSPF investment plan. Here, we would like you to provide any additional information about specific rural challenges, market failures, and opportunities for rural businesses or rural communities in your area that you would like us to consider.

East Herts is a district of fairly small towns and an extensive rural area. At the most recent count there are 8110 VAT registered businesses in the district across a variety of sectors, over 90% of which are micro-businesses. While a large proportion of those are located in designated Employment Areas (some of which are at the periphery of towns and villages), there are also many small, independent traders and businesses located either in clusters or isolated units.

Whilst the designated employment areas generally have low vacancy rates the quality of building stock can be poor in terms of facilities, infrastructure (transport and broadband) and energy efficiency. This makes them vulnerable to residential development (through change of use or permitted development) with the resulting loss of employment and re-location of businesses elsewhere. Whilst it is clear that some residential development has been a viable replacement for outdated and redundant commercial stock, there is a risk that our smaller towns and villages find themselves with no local employment space at all. Ensuring these areas remain vibrant, attractive and sustainable is a key challenge for rural prosperity.

East Herts has around 400 agricultural holdings occupying more than 34,000 hectares. Many of these businesses have diversified to generate second income streams however this remains an on-going challenge particularly in terms of generating growth and further diversification. Some diversification schemes, such as those that create visitor attractions, result in the intensification of the rural area but can also act as a means of connecting visitors to the countryside, thereby supporting rural jobs and skills.

In summary there are two main challenges facing rural prosperity in East Herts:

- Ensuring our smaller town centres and villages remain vibrant places where businesses want to locate and trade, continuing to create wealth and retain employment in local areas
- Supporting rural business growth and diversification

Fortunately we have a strong track record of intervention in this area, East Herts having been the accountable body for previous Rural Development Programmes (2008 – 2020) across an area known as the Eastern Plateau (encompassing the rural parts of East Herts, North Herts, Uttlesford and Epping). In the last funding round we delivered the following outcomes:

- £1.6m project spend
- £2.42m private sector match
- 36 projects supported
- 23 micro-enterprises supported
- 5 farm diversifications supported
- 1 reservoir project supported
- 3 tourism projects delivered
- 4 basic services (nursery, village shop, woodland and community radio project) supported
- 67 jobs created

The Rural Prosperity Fund will enable to us to build upon and progress this work. Moreover the above challenges align with two of the four themes identified as priority areas for investment in our UKSPF submission and therefore allows us to amplify our approach to Levelling Up.

Interventions – rural business

Please choose the interventions you wish to use under the rural business investment priority. Select as many options as you wish from the menu. The list of interventions can be viewed [here](#).

- Funding (capital grants) for small scale investment in micro and small enterprises in rural areas. Including capital funding for net zero infrastructure for rural businesses, and diversification of farm businesses outside of agriculture to encourage start up, expansion or scale up of these businesses where this involves converting farm buildings into other commercial or business uses
- Funding (capital grants) for the development and promotion (both trade and consumer) of the
 - visitor economy, such as:
 - local attractions
 - trails
- tourism products more generally

Please explain how the interventions selected will address local rural business challenges, market failures, and opportunities (max 300 words)

Using relationships built up from the delivery of previous rural business grant schemes, we know there are many rural businesses in the district that have an appetite to diversify their operations and invest in new technology/ products or infrastructure. By offering an incentive of match funding this could accelerate their business plans and generate wider returns for the area in terms of investment and creation of jobs.

Interventions – rural communities

Please choose the interventions you wish to use under the rural communities investment priority. Select as many options as you wish from the menu.

- Funding (capital grants) for active travel enhancements in the local area.
- Funding (capital grants) for creation of and improvements to local rural green spaces.
- Funding (capital grants) for investment and support for digital infrastructure for local community facilities.

Please explain how the interventions selected will address local rural business challenges, market failures, and opportunities (max 300 words)

Targeting investment at infrastructure and improvements in rural towns and villages will increase the vibrancy of our local places and make them more attractive as places to locate or retain businesses.

As outlined in our UKSPF submission the process for targeting investment will be done in conjunction with local stakeholders including businesses, community groups and town and parish councils. This will ensure local ownership of any projects.

Interventions outcomes

Please select what outcomes the interventions selected in the rural business investment priority are expected to achieve:

- Jobs created
- Jobs safeguarded
- Number of new businesses created
- Number of businesses adopting new to the firm technologies or processes
- Number of businesses experiencing growth
- Number of businesses increasing their turnover
- Improved perception of facility or infrastructure project
- Improved perception of facilities or amenities

Please select what outcomes the interventions selected in the rural communities investment priority are expected to achieve:

- Increased footfall
- Increased visitor numbers
- Increased use of cycleways or paths
- Improved perception of facilities or amenities
- Increased users of facilities or amenities

Delivery

Please set out the indicative spend profile of your REPF allocation, additional to that of your UKSPF investment plan. Please detail the indicative budgets at investment priority level and at intervention level, for the 2 years of the fund, including if REPF money will be used to complement UKSPF funded projects. (300 words max)

The fund will be divided equally between “rural businesses” and “rural communities” as follows:

	Spending 2023/2024 (£)	Spending 2024/2025 (£)
Rural businesses	59,105.13	177,315.38
<ul style="list-style-type: none"> • Funding (capital grants) for small scale investment in micro and small enterprises in rural areas. Including capital funding for net zero infrastructure for rural businesses, and diversification of farm businesses outside of agriculture to encourage start up, expansion or scale up of these businesses where this involves converting farm buildings into other commercial or business uses • Funding (capital grants) for the development and promotion (both trade and consumer) of the <ul style="list-style-type: none"> ○ visitor economy, such as: ○ local attractions ○ trails • tourism products more generally 	49,105.13	147,315.38
	5,000	15,000
	5,000	15,000

Rural communities	59,105.12	177,315.37
<ul style="list-style-type: none"> • Funding (capital grants) for active travel enhancements in the local area. 	20,000	60,000
<ul style="list-style-type: none"> • Funding (capital grants) for creation of and improvements to local rural green spaces. 	29,105.12	87,315.37
<ul style="list-style-type: none"> • Funding (capital grants) for investment and support for digital infrastructure for local community facilities 	10,000	30,000
Total	118,210.25	354,630.75

Please set out how you intend to select projects to support, detailing including how you will ensure they deliver value for money, including additionality. Please also set out how you will determine that projects cannot be funded by private finance. (500 words max)

Rural businesses: we will align this with the “business support” theme of our UKSPF submission and utilise our significant experience of awarding business grants through previous Rural Development Programmes and more recently through our ERDF funded Launchpad 2 programme.

The grant programme will be marketed through business infrastructure organisations and directly to businesses using existing networks. All applicants will be required to provide match funding (50%) and the programme will be “facilitated”, meaning we provide ‘hands on’ support for the grant application process.

To ensure a robust and effective grant approval process we aim to hold grant panels quarterly. The grant panel will be composed of representatives from East Herts Council and business groups. The panel will make recommendations to the Council’s Executive for final approval. This will ensure adequate transparency of the process for all grants awarded under UKSPF and RPF.

Rural communities: we will align this with “town centre support” theme of our UKSPF submission. Smaller towns and villages will be provided with support to jointly produce an improvement plan with local stakeholders outlining interventions and projects that will meet prosperity fund objectives as well as local needs. All plans will need evidence of stakeholder endorsement and in most cases we expect the relevant town or parish council to lead the process.

Improvement plans will be considered by East Hert Council’s Executive and priority projects identified in consultation with local stakeholders.

Have you identified opportunities to work with other places on specific interventions and/or projects for the rural business interventions?

Not at this stage.

Intervention(s) you intend to collaborate on:

N/A

Place(s) you intend to collaborate with:

N/A

Have you identified opportunities to work with other places on specific interventions and/or

projects for the rural communities interventions?

Not at this stage

Intervention(s) you intend to collaborate on:

N/A

Place(s) you intend to collaborate with:

N/A

Engagement

Further to your UKSPF Investment Plan engagement, have you engaged or consulted with rural stakeholders, or expanded your UKSPF local partnership group, to inform the information you have submitted above? If yes, please give details. You should also use this section to tell us about planned future engagement with rural stakeholders.

Throughout November, ahead of the 30th November submission date intent to consult with the following groups:

- Digital Innovation Zone partners
- Local Chambers of Commerce (representing rural towns) and the County Chamber of Commerce
- The Federation of Small Business
- NFU
- CLA

Are there aspects of your plans to use your REPF allocation that are not supported by rural stakeholders and the rural community? If yes, please provide more detail.

No

Are there MPs who are not supportive of your investment plan? If yes, please list which MPs are not supportive and outline their reasons why.

Equality Impact Analysis Form

1. Equality Impact Analysis (EqIA) Form

Title of EqIA (policy/change it relates to)	UKSPF and RPF	Date	01/12/2022
Team/Department	Communications, Strategy and Policy		
Focus of EqIA What are the aims of the new initiative? Who implements it? Define the user group impacted? How will they be impacted?	<p>Details regarding the UKSPF and RPF can be found in the papers to Executive on 10th January 2023 and Council on the 18th. East Herts Council are the accountable body for administering and monitoring usage of the funds. There will be 4 areas in which it is spent:</p> <ol style="list-style-type: none"> 1. Delivery of Cultural Strategy Objectives 2. Delivery of Climate Change Strategy Objectives 3. Delivery of improvements to town and village centres 4. Delivery of business support programmes <p>Funding will be provided to different organisations – a mixture of voluntary, statutory and private sector – to deliver different projects. These projects will have to meet outcomes and outputs as defined by UKSPF guidance. With regards to each area above:</p> <ol style="list-style-type: none"> 1. The Cultural Strategy was developed in partnership with a range of different organisations in the district and adopted by Council in the summer of 2021. Priorities were based on evidence including census information and consultation. The strategy is designed to better understand our communities, the gaps in the district’s cultural offer, the opportunities for growth and the actions we thus need to take. In that sense the Cultural Strategy is fully designed to address gaps in cultural outcomes for people with different protected characteristics. The funding from the UKSPF will help deliver these different projects. Projects such as the Inclusive Theatre, Young 		

Curators Group and Pride are specifically focused upon those with protected characteristics such as disability, age and sexual orientation.

2. The Climate Change Strategy was developed in partnership with a range of different organisations in the district and was adopted by Council in the summer of 2022. Priorities were based on identifying common challenges across the organisations and consulting with the public. Although there is no specific equalities actions within the strategy, the actions identified are designed to address global challenges. The funding from the UKSPF will help deliver these different projects.
3. Actions on town and village centres have not yet been defined and will be decided upon in the coming months. However funding will be directed towards improvements in smaller towns and villages. It is anticipated that this will impact more upon rural communities and challenges around inward investment and transport. We do not collect any data on visitors to town or villages however it would be reasonable to assume that local communities and residents are the most frequent visitors to do so.
4. Business support programmes will take the form of financial and non financial support for individuals who wish to start up a business or expand their existing businesses. Data on protected characteristics of business owners is not routinely collected either by business rates or through other programmes. We do however keep some details of Launchpad users which indicates that 53% of users identify as male, 44% as female, 2% as non binary and 1% as 'other'. 29% are in the 34-43 age bracket and 40% in the 44-53 age bracket and 51% have no caring responsibilities. Although Launchpad users represent just a small fraction of business owners or those self-employed in the district, users are more likely to be a male and between the ages of 34 – 53 when compared to the average population. It is possible therefore that any funding directed to the business community may have a disproportionate impact on gender and age. There is some limited national data on business ownership which is a useful benchmark for comparison.

2. Review of information, equality analysis and potential actions

Please fill in when appropriate to the change. If it does not, please put N/A

Project / Review	Age	Race	Gender Reassignment	Disability	Carers	Religion and Belief	Pregnancy and Maternity	Sex	Marriage and Civil Partnership	Sexual Orientation	Impact after mitigation
Key: ✓ = Potential impact; x = No impact; NK = Not known											
Cultural Strategy	✓	X	✓	✓	x	x	x	x	x	✓	Low
Climate Change Strategy	x	X	X	x	x	x	x	x	x	X	
Town and village centres	X	X	X	x	x	x	x	x	x	x	
Business support	✓	NK	NK	NK	✓	NK	NK	NK	NK	NK	Unknown

Assessment of overall impacts, suggested mitigations

Overall the projects on climate change and town/ village centre improvements will have no little or disproportionate impact on individuals or communities with protected characteristics. Those living in more rural areas are generally likely to see positive benefits in terms of greener technology, greener spaces and digital access.

In terms of the cultural strategy this will be a strong tool to reduce differences in outcomes for individuals or communities with some protected characteristics. The impact of the projects should be monitored so it can be properly quantified. It is recommended that this is reported on during the lifetime of the project.

With regards to business support this will be going directly to individuals in the form of financial or non financial support. We do not know enough about the protected characteristics of business owners in the district to establish if there will be a disproportionate impact. For any grant funding, data should be collected on the recipients so that this analysed. It is recommended that this is reported on (albeit anonymised so as not to identify an individual) during the lifetime of the project so the impact against the general population can be assessed.

3. List detailed data and/or community feedback which informed your EqIA (If applicable)

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with?
Cultural Strategy: East Herts Cultural Strategy (2021 to 2025) East Herts District Council	Summer 2021	None	
Climate Change Strategy: Climate Change Strategy 2022-2026 East Herts District Council	Summer 2022	None	
Analysis of diversity in UK business owners: UK diversity in business statistics 2022 money.co.uk	June 2022	Good research on national picture, especially on gender and ethnicity. Little data available on other characteristics (eg. Disability)	Collect meta information on recipients of support from the UKSPF and RPF in order to analyse if there are any disproportionate impacts

East Herts Council Report

Council

Date of meeting: 18 January 2023

Report by: Councillor George Cutting – Executive Member for Corporate Services and Local Ward Member for Bishop’s Stortford Central

Report title: Local Act – Bishop’s Stortford Cemeteries Bill

Ward(s) affected: Bishop’s Stortford Central, Bishop’s Stortford All Saints, Bishop’s Stortford Meads, Bishop’s Stortford South, Bishop’s Stortford Silverleys

Summary – The Council has resolved to promote a Private Bill to enable the reuse of burial space in two cemeteries in Bishop’s Stortford and is required to confirm that resolution or withdraw the Bill. This report seeks that confirmation.

RECOMMENDATION for Council:

- a) To confirm that the resolution for the promotion of the Bill intituled the Bishop’s Stortford Cemetery Bill which has been deposited in Parliament pursuant to the resolution of this Council passed at a meeting held on Wednesday 16 November 2022 be and is by this resolution confirmed.

1.0 Proposal

- 1.1 To confirm the resolution in paragraph (a) above.

2.0 Background

2.1 At its meeting on 16th November 2022 the Council approved the following resolution: -

- (a) The Council authorises the promotion and deposit of the private Bill on behalf of the Bishop's Stortford Town Council to authorise the reuse of certain graves within two cemeteries in its area subject to appropriate protections substantially in accordance with the attached draft Bill.
- (b) The Council authorises the Head of Legal and Democratic Services, in consultation with the Executive Member for Corporate Services, to address procedural matters which may arise in relation to the promotion of the Bill and to enter into undertakings or commitments in relation to it.
- (c) The Council authorises the Head of Legal and Democratic Services to agree to the making of any necessary amendments to the Bill that may arise during the course of the promotion of the Bill.

2.2 A copy of the report to Council of the 16th November 2022 is appended to this report.

3.0 Reason(s)

3.1 The Bill substantially in the form appended to the previous report dated 16 November 2022, was deposited with

Parliament on 28th November 2022. Section 239 Local Government Act 1972 (“the Act”) requires that a further meeting, previously advertised, must confirm the earlier resolution to promote the Bill as soon as may be after the Bill has been deposited. If the previous resolution is not confirmed the Bill must be withdrawn.

- 3.2 The Act also requires 30 days’ notice be given of the meeting that considers the second resolution. The requisite notice has been given by way of publication of a notice in local papers, the Hertfordshire Mercury and the Bishop’s Stortford Independent.
- 3.3 The vote must be supported by a full majority of the whole of the Council. A majority of those present and voting is not sufficient.

4.0 Options

- 4.1 Members may either confirm or reject the resolution. The previous resolutions were supported by a full majority of the whole of the Council as it was persuaded it was expedient to promote the Bill. If Members reject the resolution the Bill must be withdrawn from the parliamentary process.

5.0 Risks

- 5.1 There is no direct implication on the council as it is promoting of the Bill for the benefit of Bishop’s Stortford Town Council in its capacity as the burial authority responsible for the cemetery.

6.0 Implications/Consultations

- 6.1 If the resolution is not passed the Bill must be withdrawn.
- 6.2 Prior to the previous report to Council extensive consultation was carried out which included a public consultation and liaising with the House of Lords and House of Commons as well as the Ministry of Justice. Members of the public are able to Petition against the Bill should they wish during the course of its Parliamentary proceedings.

Community Safety

NA

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

Yes/No

Human Resources

Yes/No

Human Rights

No

Legal

Yes – if the resolution is not passed the Bill must be withdrawn

Specific Wards

Yes

7.0 Background papers, appendices and other relevant material

7.1 Report of 16th November

7.2 The Bishop's Stortford Cemetery Bill (as deposited in Parliament on 28 November 2022)

Contact Member

George Cutting – Executive Member for Corporate Services and Local Ward Member for Bishop's Stortford Central

George.Cutting@eastherts.gov.uk

Contact Officer

James Ellis, Head of Legal and Democratic Services.

Contact Tel. No. 91279 502170

james.ellis@eastherts.gov.uk

Report Author

Victoria Wilders – Legal Services Manager/Deputy Monitoring Officer

victoria.wilders@eastherts.gov.uk

Bishop's Stortford Cemetery Bill

EXPLANATORY MEMORANDUM

This Bill is promoted by East Hertfordshire District Council.

The purpose of this Bill is to authorise Bishop's Stortford Town Council ("the parish council"), which is the burial authority for Bishops' Stortford New Cemetery and Old Cemetery (together "the cemetery"), to extinguish rights of burial in grave spaces, and to disturb and reinter human remains in graves in order to increase the space for further interments in such graves, as well as powers to use appropriately or remove altogether from the cemetery any memorials on such graves.

Clause 1 gives the short title of the Bill and provides for it to come into force 28 days after it is passed.

Clause 2 defines certain expressions used in the Bill.

Clause 3 provides the burial authority with the power to extinguish rights of burial in grave spaces in the cemetery where a right of burial has not been exercised for 75 years or more from the date of the latest burial in the grave space or, if there has been no burial in the grave space, from the date of the grant of the right of burial in the grave space. *Clause 3* is substantially based on section 6 of the City of London (Various Powers) Act 1969 and section 9 of the Greater London Council (General Powers) Act 1976, which provide the equivalent powers in respect of publicly run burial grounds in London, as well as section 3 of the New Southgate Cemetery Act 2017 and section 4 of the Highgate Cemetery Act 2022 which provide the equivalent powers in respect of private burial grounds in New Southgate and Highgate respectively.

Subsections (4) and (5) provide that if the registered owner objects to the proposal before the date specified in a notice (which must be at least 6 months), the right of burial may not be extinguished. If any other person objects, the right may only be extinguished by consent of the Secretary of State.

Subsection (7) provides that extinguishment takes effect on the date specified under a notice or, where an objection is made, the day after consent is given by the Secretary of State under *subsection (5)*.

Subsections (8) and (9) provide a right of compensation to persons whose rights of burial are extinguished and for the amount of compensation to be determined by arbitration if it cannot be agreed. As an alternative to compensation, *subsection (8)(b)* allows the burial authority to provide confirmation that the burial right is to be revived, in which case the burial right is deemed not to have been extinguished under *subsection (1)*. This enables the burial authority to deal with circumstances where the burial right owner does not respond to a notice of extinguishment within the specified period but makes a later compensation claim, and the burial authority is content for the right of burial to endure.

Clause 4 provides the burial authority with the power to disturb, or to authorise the disturbance of, human remains interred in the cemetery 75 or more years ago, for the purpose of increasing the space for new interments. The power may only be exercised in respect of graves where burial rights have been extinguished under *Clause 3*, or where

the grave is a public or common grave where no right of burial was granted or where any right of burial has expired. Any human remains disturbed must be reinterred in their original grave or in another grave in the cemetery. *Clause 4* is substantially based on section 74 of the London Local Authorities Act 2007, which provides the equivalent power in respect of publicly run burial grounds in London, as well as section 4 of the New Southgate Cemetery Act 2017 and section 5 of the Highgate Cemetery Act 2022, which provide the equivalent powers in respect of private burial grounds in New Southgate and Highgate respectively.

Subsections (5) to (7) provide that if a proposal to disturb human remains is objected to by the registered owner of the extinguished burial right or a memorial, or a relative of the person whose remains are to be disturbed, the burial authority may not exercise the powers under *Clause 4* for a period of at least 25 years.

Subsection (8) enables the Secretary of State to give the burial authority directions about the way in which it removes or reinters human remains. This power does not apply in relation to consecrated land, which is covered by *clause 5*.

Subsection (9) provides that section 25 of the Burial Act 1857, which requires the Secretary of State to license the removal of human remains, does not apply to removals that are carried out in accordance with this clause.

Clause 5 contains protection for graves and memorials that are the responsibility of the Commonwealth War Graves Commission. The powers in *clauses 3 and 4* only apply to these graves with the agreement of the Commission.

Subsections (2) and (3) make it clear that the powers in *clause 4* cannot be exercised in relation to human remains in consecrated land unless a faculty is first obtained from the consistory court of the diocese.

Clause 6 sets out the processes for giving notice in connection with the extinguishment of rights or the disturbance of remains. At least 6 months' notice must be given, the notices must be publicised in newspapers, on the burial authority's website and in the cemetery, and they must be sent to the registered owners of the burial rights or any memorials affected.

Clause 7 deals with memorials. Where a memorial is removed in connection with the extinguishment of burial rights or the disturbance of human remains it remains the property of the owner of the memorial, but where it is not claimed within six months, the burial authority may put the memorial to another use or dispose of it.

Subsection (2) requires the burial authority to publish a policy setting out how it will exercise its powers of disposal in relation to memorials.

Clause 8(1) to (3) requires the parish council to maintain a record of disturbance and reinterment under *clause 4*. *Subsection (4)* requires the burial authority to make a record of any memorial removed under this Act. The clause is based on section 5 of the New Southgate Cemetery Act 2017 and section 7 of the Highgate Cemetery Act 2022.

Clause 9 confirms for the avoidance of doubt that the parish council is entitled to contribute to the costs, charges and expenses in relation to obtaining this Act, which

also extends to any contributions made prior to the date of the Act. This clause is based on section 20 of the Swavesey Bye-ways Act 1984.

EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of East Hertfordshire District Council the provisions of the Bishop's Stortford Cemetery Bill are compatible with the Convention Rights.

Bishop's Stortford Cemetery Bill

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B I L L

To confer powers upon Bishop's Stortford Town Council to extinguish rights of burial and disturb human remains in Bishop's Stortford New Cemetery and Old Cemetery for the purpose of increasing the space for interments; and for connected purposes.

WHEREAS—

- (1) Bishop's Stortford Town Council ("the parish council") is the burial authority for the cemeteries in the town of Bishop's Stortford, known as the Old Cemetery and the New Cemetery ("the cemetery"):
- (2) The town of Bishop's Stortford is within the district of East Hertfordshire, which is under the local government of East Hertfordshire District Council ("the district council"): 5
- (3) In order that better use may be made of the land in the cemetery for burials, it is expedient that the parish council be authorised to extinguish certain rights of burial granted in graves in the cemetery and to disturb, or authorise the disturbance of, human remains interred in such graves and also in graves where no rights of burial exist, for the purpose of increasing the space for further interments in such graves and to use appropriately or remove altogether from the cemetery memorials on such graves: 10
- (4) It is expedient that the other provisions contained in this Act should be enacted:
- (5) The objects of this Act cannot be attained without the authority of Parliament: 15

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- (6) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (c.70) have been observed by the district council:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:— 5

1 Citation and commencement

This Act may be cited as the Bishop's Stortford Cemetery Act 202[X] and comes into force at the end of 28 days beginning with the day on which this Act is passed. 10

2 Interpretation

In this Act—

- “burial” includes the interment of cremated remains and “right of burial” includes “right of interment” accordingly; 15
- “the burial authority” means the parish council or another person to whom any or all of the benefit of the provisions of this Act and any statutory functions related to the operation and maintenance of the cemetery have been transferred;
- “the cemetery” means the cemeteries sited on either side of Cemetery Road, Bishop's Stortford and known as ‘the Old Cemetery’ and ‘the New Cemetery’; 20
- “civil partner” includes former civil partner;
- “Commonwealth war burial” means a burial of any member of the armed forces of His Majesty who died in the war of 1914 to 1921 or in the war of 1939 to 1947 or of any other person for whose burial the Commonwealth War Graves Commission is responsible; 25
- “Commonwealth war memorial” means any memorial erected, owned or maintained by the Commonwealth War Graves Commission;
- “expired” in relation to a right of burial, means that the right has ceased to exist, whether by reason of any fixed period for which the right was granted having ended or the right having been surrendered, forfeited or otherwise determined, or for any other reason other than the right having been extinguished in accordance with the provisions of **section 3**; 30
- “grave” includes any grave space and any crypt, vault, catacomb, arch, brick grave, mausoleum, columbarium or other place of interment; 35
- “memorial” means any monument, headpiece, headstone, flatstone, slab, footstone, borderstone, kerbstone, tombstone or tablet, and includes any wall, kerb or railing protecting, enclosing or marking a grave or grave space or memorial (including any permanent covering thereon), or any other commemorative object placed in the cemetery including vases, flower containers or other similar objects; 40
- “parish council” means Bishop's Stortford Town Council;
- “public or common grave” means a grave in respect of which no right of burial has been acquired by or granted to, or is otherwise vested in, any individual or body other than a local authority or the burial authority; 45

- “register of grants” means the register of grants of exclusive rights of burial, and of rights to erect or place memorials, maintained by the burial authority;
- “registered address” means an address registered in the register of grants;
- “registered number” means a number registered in the register of grants; 5
- “registered owner”—
 - (a) in relation to any right of burial means the person at the time in question named as the owner in the register of grants;
 - (b) in relation to any memorial means the person at the time in question named in the said register as the person to whom the right to erect or place that memorial has been granted or, if no such person is named, the registered owner of the right of burial in the grave in or on which the memorial is erected or placed; and 10
 - (c) in relation to any right that has expired or been extinguished, means the last person so registered; 15
- “relative”, in relation to any person, means any of the following—
 - (a) that person’s spouse;
 - (b) that person’s civil partner;
 - (c) any lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece or first cousin of that person or of that person’s spouse or civil partner; 20
- “specified date” means the date specified in a notice given for the purposes of **section 3** or **section 4**, on which it is intended that any burial rights should be extinguished, any human remains should be disturbed, or any memorial should be removed, as the case may be; and 25
- “spouse” includes former spouse.

3 Power to extinguish rights of burial

- (1) Subject to subsection (2) and **section 5**, where in respect of any grave space in the cemetery a right of burial has not been exercised for 75 years or more from the date of the latest burial in the grave space or, if there has been no burial in the grave space, from the date of the grant of the right of burial in the grave space, the burial authority may, by notice given in accordance with **section 6**, extinguish the right of burial in that grave space. 30
- (2) No right of burial granted after the passing of this Act for any period longer than 75 years is to be extinguished under this section. 35
- (3) Subject to **section 7**, the power of the burial authority under subsection (1) to extinguish a right of burial in any grave space includes the power to remove any memorial in or on the grave space.
- (4) If notice of objection to the extinguishment of a right of burial in any grave space is given to the burial authority before the specified date by the registered owner of the right of burial and that objection is not withdrawn, the right of burial to which the objection relates must not be extinguished under this section. 40
- (5) If notice of any other objection to the extinguishment of any rights of burial or to the removal of any memorial, and of the grounds of any such objection, is given to the burial authority before the specified date and is not withdrawn, 45

any specific rights or memorial to which the objection relates must not be extinguished or removed without the consent of the Secretary of State.

- (6) An extinguishment under subsection (1) takes effect—
- (a) where no notice of objection is given, on the specified date,
 - (b) where notice of objection is given and the objection is withdrawn, on the specified date or the day after the objection is withdrawn, whichever is later, or
 - (c) where the Secretary of State consents to the extinguishment under subsection (5), on the day after that consent is given.
- (7) As compensation for any right of burial extinguished under this section, the burial authority must on a claim being made by the registered owner of the right of burial within six months from the extinguishment of that right either—
- (a) pay to the owner such sum representing the value of that right as may be agreed between the burial authority and the owner or, in default of agreement, determined by arbitration; or
 - (b) confirm in writing to the owner that the right of burial extinguished is to be revived and, if confirmation is given under this paragraph, the right of burial is deemed not to have been extinguished under subsection (1).
- (8) In any arbitration under subsection (7)(a), the reference must be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed by the President of the Royal Institution of Chartered Surveyors on the application of either party after giving notice in writing to the other party.

4 Power to disturb human remains

- (1) Subject to **section 5**, the burial authority may disturb or authorise the disturbance of human remains interred in a grave in the cemetery for the purpose of increasing the space for interments in the grave in the cemetery where—
- (a) the burial authority has extinguished rights of burial in the grave under **section 3**;
 - (b) the grave is a public or common grave; or
 - (c) any right of burial granted in relation to the grave has expired.
- (2) A person authorised by or under subsection (1)(b) or (c) to disturb human remains may, subject to **section 7**, remove any memorial in or on the grave space relating to the person whose remains are proposed to be disturbed.
- (3) No human remains may be disturbed under this section if they have been interred for a period of less than 75 years.
- (4) Any human remains disturbed under subsection (1) must be reinterred either in their original grave or in another grave within the cemetery.
- (5) Before disturbing any human remains, or removing any memorial, under this section the burial authority must give notice in accordance with **section 6**.
- (6) If notice of objection to the proposed disturbance of human remains is given to the burial authority before the specified date by—
- (a) the registered owner of the extinguished or expired right of burial;

- (b) the registered owner of a memorial erected or placed in or on any grave spaces specified in the notice, whether or not the memorial itself is proposed to be removed;
 - (c) a relative of the person whose remains are proposed to be disturbed, and that objection is not withdrawn, the burial authority may not, subject to subsection (7), disturb or authorise the disturbance of those remains. 5
- (7) A burial authority may disturb or authorise the disturbance of human remains that are otherwise protected from disturbance under subsection (6) if—
- (a) after the expiry of a period of 25 years from the date on which notice of objection in accordance with that subsection was last given, the burial authority has given further notice in accordance with **section 6** in relation to the disturbance of those remains; and 10
 - (b) no notice of objection in accordance with subsection (6) is given in relation to that further notice or, if such notice of objection is given, it is withdrawn. 15
- (8) A person authorised by or under subsection (1) to disturb human remains must comply with any directions given by the Secretary of State with respect to the removal and reinterment of any human remains in any case other than a case where the human remains are interred in consecrated land.
- (9) The provisions of section 25 of the Burial Act 1857 (offence of removal of body from burial ground) do not apply to a removal carried out in accordance with the provisions of this section. 20

5 Protection for certain graves

- (1) The burial authority must obtain the written agreement of the Commonwealth War Graves Commission before exercising the powers conferred by sections 3 and 4 in respect of— 25
- (a) any grave in which there is a Commonwealth war burial, or
 - (b) any grave space in or on which there is a Commonwealth war memorial.
- (2) Subject to subsection (3), nothing in **section 4** affects the jurisdiction of the consistory court of the diocese over consecrated land which is used, or is available for use, for the interment of human remains. 30
- (3) Where the burial authority proposes to disturb any human remains in consecrated land, the burial authority may not exercise its powers under **section 4** without first obtaining a faculty, with or without conditions attached to it, from the consistory court of the diocese in which the land is situated, and any objection to the proposed disturbance of human remains in consecrated land by any person under **section 4** must be heard and determined by that consistory court. 35

6 Notices given under this Act

- (1) A single notice may be given for the purposes of **section 3** and **section 4**. 40
- (2) The burial authority must—
- (a) publish notice in a newspaper of their intention to exercise the powers under **section 3** or **section 4** once in each of two successive weeks, with

- an interval between the dates of publication of not less than six clear days;
- (b) publish such a notice and maintain that notice on the burial authority's website until the specified date;
 - (c) display such a notice in a conspicuous position— 5
 - (i) at each of the principal entrances to the cemetery; and
 - (ii) so far as is reasonably practicable at or near the grave;
 - (d) serve such a notice on—
 - (i) where the burial authority intends to extinguish burial rights, the registered owner of the right of burial and, if different, the registered owner of any memorial proposed to be removed, at their registered address; 10
 - (ii) where the burial authority intends to disturb human remains, the registered owner of any extinguished or expired right of burial or any memorial erected or placed in or on the grave space, at their registered address; 15
 - (iii) the Commonwealth War Graves Commission; and
 - (iv) the Historic Buildings and Monuments Commission for England.
- (3) Each notice must—
- (a) contain full particulars of the burial authority's proposals including a specification of the registered number or other description of all grave spaces in respect of which it is proposed that rights of burial should be extinguished, and graves in which it is proposed that the human remains are to be disturbed, and stating whether it is proposed that any memorials should be removed; 20 25
 - (b) contain the specified date, which must not be earlier than six months after the date of the last of the publications, the date on which the notice is first displayed, or the date on which the notice is served, whichever is the last;
 - (c) in the case of a notice under **section 3**, state the effect of subsections (4) to (8) of that section; and 30
 - (d) in the case of a notice under **section 4**, state the effect of subsections (6) and (7) of that section.
- (4) A notice under subsection (2)(b) must contain, where known, the name of the registered owner of the right of burial or memorial and the name of any person whose remains are proposed to be disturbed. 35
- (5) A notice under subsection (2)(a), (c) or (d) must include details of where the notice under subsection (2)(b) may be found and a statement that the notice under subsection (2)(b) contains the information described in subsection (4).
- 7 Memorials** 40
- (1) Any memorial removed by the burial authority under this Act remains the property of the owner of it, but if such owner does not claim it within a period of six months after the specified date, the burial authority may put the memorial to such use as the burial authority considers appropriate or the burial authority may dispose of it. 45

- (2) The burial authority must publish on its website, and make available on request, a policy setting out how it will exercise its powers under this section in relation to memorials.

8 Records

- (1) The burial authority must maintain a record of any remains in the cemetery that are disturbed under the powers in **section 4**. 5
- (2) The record maintained under subsection (1) must include such information as the burial authority sees fit and must include—
- (a) the date of the disturbance;
 - (b) where known, the registered number of the grave; 10
 - (c) where known, the names, in full, of the person whose remains are disturbed;
 - (d) particulars of the authority for disturbance; and
 - (e) the registered number of the grave in which the remains are reinterred, its approximate location and the date of reinterment. 15
- (3) As soon as reasonably practicable after any disturbance under **section 4**, the burial authority must complete the record in accordance with paragraphs (a) to (e) of subsection (2).
- (4) The burial authority must cause a record to be made of each memorial removed under this Act containing— 20
- (a) a copy of any legible inscription on it;
 - (b) if it is intended to preserve the memorial within the cemetery, a statement showing where it has been taken; and
 - (c) if the memorial is disposed of, a statement of the details of its disposal, and the burial authority must deposit a copy of the record with the Registrar General for England and Wales. 25
- (5) The records maintained under subsections (2) and (4) must at all reasonable times be available for consultation by any person free of charge.

9 Costs of Act

- (1) Without limiting the scope of any provision of the Localism Act 2011, the parish council is empowered to contribute to the costs, charges, and expenses of applying for and obtaining this Act, or otherwise in relation to it. 30
- (2) Subsection (1) applies to any contribution for such purposes whether made before or after the date of this Act.

Bishop's Stortford Cemetery Bill

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B I L L

To confer powers upon Bishop's Stortford Town Council to extinguish rights of burial and disturb human remains in Bishop's Stortford New Cemetery and Old Cemetery for the purpose of increasing the space for interments; and for connected purposes.

SESSION 2022-23

Victoria Wilders
EAST HERTFORDSHIRE DISTRICT COUNCIL
Wallfields
Pegs Lane
Hertford SG13 8EG
Solicitor for the District Council

BDB PITMANS LLP
One Bartholomew Close
London EC1A 7BL
Solicitors and Parliamentary Agents

28.11.22

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East Herts Council Report

Council

Date of meeting: 16 November 2022

Report by: Councillor George Cutting – Executive Member for Corporate Services and Local Ward Member for Bishop’s Stortford Central

Report title: Local Act – Bishop’s Stortford Cemeteries Bill

Ward(s) affected: Bishop’s Stortford Central, Bishop’s Stortford All Saints, Bishop’s Stortford Meads, Bishop’s Stortford South, Bishop’s Stortford Silverleys

Summary – This report sets out the case for the promotion of a Private Bill to enable the reuse of burial space in two cemeteries in Bishop’s Stortford.

RECOMMENDATIONS FOR Council that

- a) The Council authorises the promotion and deposit of the private Bill on behalf of the Bishop’s Stortford Town Council to authorise the reuse of certain graves with two cemeteries in its area subject to appropriate protections substantially in accordance with the attached draft Bill.**

- b) The Council authorises the Head of Legal and Democratic Services, in consultation with the Executive Member for Corporate Services, to address procedural matters which may arise in relation to the promotion of the Bill and to enter into undertakings or commitments in relation to it**

- c) The Council authorises the Head of Legal and Democratic Services to agree to the making of any necessary amendments to the Bill that may arise during the course of the promotion of the Bill.**

1.0 Proposal(s)

- 1.1 The council is seeking to promote a private Bill (“the Bill”) on the request of and on behalf of Bishop’s Stortford Town Council (BSTC) to ensure the continued provision of burial space within two cemeteries in its area, on either side of Cemetery Road, Bishop’s Stortford. These cemeteries are the only municipal cemeteries in the civil parish.
- 1.2 The council sought advice from Parliamentary Agents who have produced a draft Bill (copy of which is annexed to this report)

2.0 Background

- 2.1 BSTC has advised that grave space available with existing powers is sufficient to last less only until 2036 (or thereabouts) at the current rate of purchase, approximately 25 graves per year (a value which has been stable for several years but which may change in light of population growth). The population of the Town is approximately 40,000 and is expected to grow to around 50,000 by 2030.
- 2.2 There is an acute concern by BSTC that grave space will not be sufficient or sustainable for the town, meaning it will be impossible to provide burial space for residents within the town. BSTC previously consulted on the proposals for the Bill and has carried out considerable investigation, including searching for further land, using its existing powers and has concluded that the only practical way to ensure the continued provision of space for burial within its area is to seek additional powers through a private Act of parliament, similar to those acquired by burial authorities in the London Local Authorities Act 2007, the New Southgate Cemetery Act 2017 and Highgate Cemetery Act 2022. The possibility of using land, situated in Essex but owned by the BSTC was also considered, however this was not deemed suitable by the BSTC as a) the land is currently used for amenity purposes and is being further developed for that use, b) it is not conveniently accessible by foot or public transport from the town, c) it does not provide residents with the opportunity to bury their loved ones within the local area, d) the road access is poor and cannot practically be upgraded.

Procedure

2.3 In order to promote the Bill, the council must comply with the provisions of section 239 of the Local Government Act 1972 (LGA 1972). The relevant legal notices are annexed to this report. Primarily, the Council must pass the necessary resolutions. The first resolution (to be given at the 16 November 2022 Council meeting) confirms that the Council considers it expedient to promote the Bill. The second resolution (to be given at a later meeting) confirms the first resolution and follows the deposit of the Bill in Parliament.

The procedure to be followed is as follows:

- 2.4 The Council meeting on the 16th November 2022 will consider approval for pursuing the Bill. A full majority of the Whole of the Council will be required to pursue the Bill. A majority of those present and voting is not sufficient.
- 2.5 If the first resolution is made at the 16th November 2022 meeting, the Bill is to be deposited in Parliament by 28th November 2022 (27th November falls on a Sunday this year hence the 28th is the next working day). If it is not deposited by this date, the council will have to wait until 27 November 2023 to deposit the Bill. This is because private Bills can only be deposited once a year, on or before the 27 November.
- 2.6 A second Council resolution must also be confirmed by a majority at a further meeting convened and held no earlier than 14 days after the deposit of the Bill, confirming that the Council wishes to proceed.
- 2.7 There will be various stages of the Bill through Parliament which will be facilitated by our Parliamentary Agents. If successful, the Bill is likely to be enacted by late 2023 and mid 2024.

Proposed powers

2.8 The proposed Private Bill for the cemeteries would in brief comprise of:

- (a) The power to extinguish exclusive rights of burial issued in perpetuity or for more than 75 years;
- (b) The power to disturb human remains and thus to reuse graves (subject to certain conditions);
- (c) The power to remove memorials from any grave where the powers above have been exercised

2.9 These powers can only be exercised in respect of any particular grave provided that no objection is received from the owner of the grave or relatives of any person whose remains are interred, following a period of advertising. The Bill, if enacted, would immediately allow space for an estimated 1000+ graves. These additional powers would provide a supply of grave space for at least the next century and quite possibly and with appropriate management, indefinitely. By providing for a sustainable re-use, it would also make it less likely the cemeteries would fall into disrepair.

3.0 Reason(s)

3.1 Whilst BSTC owns, maintains and is the burial authority for the 2 cemeteries the Houses of Parliament have been unable to agree whether or not a Town or Parish Council can promote a private bill in Parliament independently.

3.2 Whereas, the council can promote a private Bill if it considers it is expedient to do so under s.239(1) LGA1972. In this context "expedient" includes, being of benefit to the inhabitants of the council's area. It will, ultimately, be for the Council to resolve whether the promotion of a Bill is expedient, at a full council meeting held in accordance with section 239 LGA 1971.

4.0 Options

4.1 To approve the recommendation to promote and deposit the Bill.

4.2 To refuse the recommendation to promote and deposit the Bill

5.0 Risks

5.1 There is no direct implication on the council as it is promoting this on behalf BSTC at its request.

6.0 Implications/Consultations

6.1 The council carried out a public consultation on the Bill proposals which was published in the local newspapers circulating the area (Bishop's Stortford Independent and the Hertfordshire Mercury). The consultation was open for approximately six weeks and closed on 10th October 2022. A total of seven responses was received (six citing concerns/objections towards the Bill and one in support of it).

6.2 A summary of the responses are: -

- That the proposed time period of 75 years for extinguishment of exclusive rights was too short considering a family's life span.
- General objections to family members graves being disturbed.
- Those buried for religious reasons that may not have descendants in the local area.
- Concerns over the scope of the consultation given that some relatives may have moved out of the local area.
- Instead of reusing burial space a suggestion of exploring land elsewhere, even if outside the Bishop's Stortford area.
- Disagreement that that the present land bank is insufficient to accommodate the burials of an expanding population.
- That central government has not taken any action in the form of creating primary legislation to deal with any alleged national shortage of burial spaces.
- The council should be looking at other statutory powers such as the Town and Country Planning Act 1990 to identify suitable areas to identify suitable areas or acquire land for the purpose of burial spaces.
- In terms of the response in favour of the Bill it was considered that the Bill is the best option for providing burial space for the future and believes that there are no other alternative suitable sites available.

- 6.3 The consultations responses have been thoroughly considered by the council, BTSC and the Parliamentary Agents. Many of the objections relate to specific graves, however the Bill (annexed) is proposed to include specific protections for grave owners, including a notice period (including notices in local newspapers and on BSTC’ s website), and a veto over proposed extinguishment, as well as facility for relatives to prevent human remains from being disturbed for at least 25 years
- 6.4 In relation to the in principle objections, it should be noted that the Bill provides that the proposed powers must not be used unless 75 years have passed since the last interment. That period is considered proportionate in balancing the need for local burial space provision (likely to come under acute pressure given population trends), whilst allowing relatives to continue to pay their respects in light of the aforementioned protections. The 75 year period also reflects the position adopted in respect of New Southgate, Highgate and publicly run burial authorities in London. The powers would unlock significant burial space for inhabitants in the district council’s area, and that alternatives would not be as sustainable or cost effective.”

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No – Costs for the Bill will be paid by BSTC in its entirety. This includes the Parliamentary Agents fees and disbursements. It is expected that if the Bill is passed, the BSTC will recoup some of the costs through contributions obtained via Planning obligations pursuant to s.106 Town and County Planning Act 1990

for the area. The costs of obtaining the Bill are estimated to be £50,000-£100,000.

Health and Safety

No

Human Resources

No

Human Rights

Yes – Parliamentary Agents for the council will finalise a statement on the compatibility of the proposals with the European Convention on Human Rights, but have concluded that there is no breach of any Convention Rights. Following the deposit of the Bill, the Attorney General will be required to provide a report confirming his agreement that there is no incompatibility.

Legal

Yes – The Bill would lead to a change in legislation which would be applicable in the Bishop’s Stortford administration area only.

Specific Wards

Yes

7.0 Background papers, appendices and other relevant material

7.1 Draft Bill /consultation documents/notice requirements

Contact Member

George Cutting - Executive Member for Corporate Services. Local Ward Member for Bishop’s Stortford Central

George.Cutting@eastherts.gov.uk

Contact Officer

James Ellis, Head of Legal and Democratic Services

Contact Tel. No. 01279 502170

James.Ellis@eastherts.gov.uk

Report Author

Victoria Wilders, Legal Services Manager

victoria.wilders@eastherts.gov.uk

(if different from contact officer)

Agenda Item 11

East Herts Council

Date of Meeting:	18 January 2023
Report by:	Joint Report by the Directors of Millstream Property Investments Ltd and the Executive Member for Financial Sustainability
Report title:	Millstream 30 Year Business Plan: 2023/24 Onwards
Ward(s) affected:	All

Summary

- This report presents the Business Plan for the 30 year period commencing 2023/24 prepared by Millstream Property Investments Ltd (herein referred to as 'Millstream' or 'the company'). It updates the company's previous 30 year plan. In line with the Shareholder Agreement between Millstream and the council, the directors of the company are required to review the company's business plan and submit for the approval of its shareholder (the council) a revised plan each year, based on a rolling 30 year planning period.
- This report is presented by the directors of the company jointly with the council's Executive Member for Financial Sustainability because it is recognised that the council's shareholding, any asset value increases which could in time be returned to the council through dividends and any income accruing to the council from Millstream's activities will be of paramount interest to members.

RECOMMENDATIONS FOR COUNCIL, that:

- (a) Millstream Property Investment Ltd's 2023/24 30 Year Business Plan, presented in the EXEMPT Appendix A, be approved**

1.0 Proposal(s)

- 1.1 As required by the Shareholder Agreement, Millstream has revised and updated its business plan and now puts before Council its new 30 Year Business Plan commencing 2023/24.
- 1.2 In overall terms, the company is proposing to its shareholder, full Council, approval of its business plan which would see the company continuing to provide properties for rental in the private market.
- 1.3 The company is not proposing any new acquisitions or developments in 2023/24. The company anticipates, however, disposing of three properties for the reasons outlined in the 2023/24 Business Plan (see EXEMPT Appendix A). The company is also exploring whether it would be feasible at the time of disposal to take on ownership of a residential property it currently manages on behalf of the council.

2.0 Background

- 2.1 At its meeting of 5th September 2017, the Executive approved the establishment of a property investment company wholly owned by East Herts Council, subsequently incorporated in February 2018 as Millstream Property Investments Ltd.
- 2.2 The council established the company as a commercial endeavour with the aim of generating an income stream to the council arising from:
 - interest on loans made by the council to the company
 - council officer time and services sold to the company
 - operating surpluses available as dividends, on the assumption that the company pro-actively manages surpluses so as to legitimately minimise losses to corporation tax.
- 2.3 The Shareholder Agreement between Millstream and the council requires the directors of the company to review the

company's business plan on an annual basis and submit an updated plan for the approval of its shareholder (the council). Full Council has previously approved Millstream's business plans on an annual basis at its meetings held on 18th October 2017, 19th December 2018, 29th January 2020, 2nd March 2021 and 1st March 2022.

- 2.4 Millstream's directors have reviewed the company's business plan and produced a revised 30 year business plan, rebasing the forthcoming financial year as the first year of this 30 year period. Millstream has fully complied with the requirement in the Shareholder Agreement to have submitted its first draft 30 Year Business Plan for 2023/24 to the council's Shareholder Representative (Richard Cassidy, the Chief Exec) and the members of the Shareholder Advisory Committee by 31st October 2022. The views of the council's Lead Member for Financial Sustainability and Head of Strategic Finance and Property have also been sought.

Millstream's property portfolio in 2023/24

- 2.5 As discussed in detail in the report to Council accompanying the 2022/23 Business Plan last year, since the company's inception, a number of changes to the way the council can lend money to Millstream have arisen, some anticipated and some unexpected.
- 2.6 The combined impact of these changes is that *with regard to new acquisitions*, it is no longer possible for Millstream to meet the interest costs that would be charged by the council and make a level of return to the shareholder (the council) as a dividend that would cover the council's minimum revenue provision attached to the money it would need to borrow to then lend to the company. In short, as highlighted in the 2022/23 Business Plan, it is not financially viable for Millstream to buy any new properties. Members are directed to the report to Council of 1st March 2022 concerning the company's previous business plan for a more detailed explanation of this.
- 2.7 Millstream's directors have assumed the disposal of three

properties in 2023/24. Members are directed to section 4 of the 2023/24 Business Plan in the EXEMPT Appendix A for a more detailed discussion of this commercially sensitive matter.

- 2.8 At the time of the company's inception, it was envisaged that any disposals could be replaced by new acquisitions. The company's directors and the council's Head of Strategic Finance and Property have modelled whether this is now possible. Given financial regulation changes since Millstream was formed – outlined in paragraph 2.6 above – it has been demonstrated that it will not be financially viable for Millstream to replace any of the properties by acquisition in the open market. Disposing of properties without replacement will have the unavoidable impact of reducing the annual cashflow to the council from Millstream's operations. Council officers have built this into the council's budget setting process for 2023/24 onwards. It is worth noting that the company is exploring the feasibility of taking on ownership of a property which it currently manages on the council's behalf. As Millstream already remits the income from this property to the council, taking on ownership, while bringing the property in line with the company's other properties, would not add to the cashflow to the council.
- 2.9 Ownership and management of Millstream's existing portfolio of properties does, however, remain viable because the loans made by the council to buy these properties were funded by the council's own resources rather than external borrowing.

2023/24 Business Plan

- 2.10 Given the context described above, the company has submitted a business plan based on disposal of three properties in 2023/24 and no acquisition of replacement or additional properties in 2023/24 – see EXEMPT Appendix A. It should be noted that the feasibility of taking on ownership of a property Millstream already manages on the council's behalf is being explored; this would not add to the cashflow to the council.
- 2.11 The company's 30 year business plan therefore includes:

- assumptions regarding the changes to the company's property portfolio in 2023/24
- confirmation that there is no schedule of properties and/or sites the company proposes to acquire in the next financial year
- a financial business plan covering the coming 30 years based on management and maintenance of existing assets
- a procurement plan which includes details of contracts coming to an end and contracts to be tendered
- an asset management plan
- key performance indicators with previous performance and targets for the coming financial year; and
- as described in the Shareholder Agreement, estimates and assumptions regarding reinvestment of profits, distribution of dividends and capitalisation of profits for the coming financial year including the amounts it will be prudent to retain in order to meet operational costs in the coming financial year and the amounts available for distribution to the Shareholder.

3.0 Reason(s)

- 3.1 Millstream's directors contend that the proposed business plan as presented in the EXEMPT Appendix A meets the requirements of the Shareholder Agreement and adheres to the discussion of the company's operating model and context with the Shareholder Advisory Group held on 18th November 2022.
- 3.2 The business plan as presented will contribute to the council's income targets within its 2023/24 budget to be presented to Council in March 2023. It should be noted that the business plan includes commercially sensitive information provided by a

third party (that is, Millstream) and so is exempt from consideration in public.

- 3.3 The company proposes to retain the current performance indicators agreed by the shareholder – see the table below – albeit with a minor amendment such that the average gross yield across the whole portfolio rather than for individual properties is now used given the varying timescales for rent reviews across the portfolio. Performance (to date) in 2022/23 and targets for 2023/24 are given in the business plan.

Performance Indicator	Reason
Average gross yield across the property portfolio – annual rent across all properties as a % of properties' total value	'Industry standard' means of gauging the value and performance of private rental stock
Company's projected end-of-year financial position as a % of modelled position at year start	A means by which the shareholder can monitor the overall financial performance of the company

- 3.4 The revenue cashflow for Millstream and an illustration of the cashflow for the council are presented in the business plan attached in the EXEMPT Appendix A. The council's target for income accruing from Millstream's activity is projected to be met in 2023/24.

4.0 Options

- 4.1 The specific proposals within the business plan have been subject to discussion with the Shareholder Representative and members of the Shareholder Advisory Group. Members of the group, while wishing to support the company's growth, appreciate the financial rules and regulations relating to council borrowing and on-lending have changed in recent years and so are supportive of the proposed business plan which seeks to create a cashflow to the company's shareholder (the council) from the management of the company's existing property portfolio, net of the anticipated disposal of three properties.
- 4.2 When preparing the previous business plan, the alternative

options of Millstream borrowing from a 'high street lender', the council earmarking any receipts it generates for making loans to Millstream and the company prioritising new build in place of the acquisition of existing properties were all considered. All these options were NOT RECOMMENDED because none of them were financially viable. Members are directed to the report to Council of 1st March 2022 for more details on these rejected options

- 4.3 Decision not to adopt the revised business plan – NOT RECOMMENDED because it is considered important for the council, as the company's sole shareholder, to agree the direction for the company over the coming year.

5.0 Risks

- 5.1 Millstream's directors have identified a series of risks and mitigations.
- 5.2 Risk 1: there are adverse inflationary movements and other costs increases. The business plan includes a 'downside sensitivity analysis' which has sought to assess the combined impact of a number of adverse changes. Of note, the business plan already includes markedly increased inflation for 2023/24 and 2024/25 with the sensitivity analysis modelling the impact of heightened inflation persisting throughout the lifetime of the business plan. The sensitivity analysis indicates that the company's profits over the lifetime of the business plan, and thus the availability of dividend payments to the council, would be eroded by the adverse factors applied over the 30 years of the business plan. Of note, however, the impact is not 'fatal' to the company's viability. Furthermore, the company believes it could, if / as necessary, mitigate the impact of inflation through, for example, revenue efficiencies. In addition, the downside sensitivity testing has a less marked impact on the income to the council as although dividend income would drop, this loss would in large part be offset by increased income from Millstream accruing from the imposition of higher charges for staff rates to reflect higher inflation.

5.3 Risk 2: local rental market values drop as a result of adverse economic movement. The company has not experienced any difficulties to date. In addition, as the company operates at the lower value (though good quality) end of the rental market which is typically more resilient in times of economic turbulence, the company's directors consider that it has protected its position in the market as best it can.

6.0 Implications/Consultations

6.1 Paragraph 2.4 above explains how the company has consulted the shareholder during the preparation of this revised business plan.

6.2 The 30 Year Business Plan includes full 30 year forecasts for the company's cashflows and has been subjected to sensitivity testing with the results included in the business plan.

6.3 Annex B to the business plan provides illustrations of the revenue cashflows to the council. These cashflows enable the council to realise its targeted income accruing from the company's activity in 2023/24.

6.4 The company will carefully manage its finances to ensure resources are available to manage and maintain its properties. Realistic assumptions have been made for void periods and bad debt based on benchmarking with other organisations and the company's experience since first letting properties in September 2018. In addition, resources for day-to-day repairs and replacement of capital items such as kitchens and bathrooms over the lifetime of ownership have been included in the financial modelling. Again, the financial provisions for repairs and investment have been based on benchmarked data.

6.5 Detailed tax advice was sought during the inception of the company and during the audit of the 2021/22 accounts so as to ensure that the company's finances are managed in the most tax efficient way.

Community Safety

Yes/No

Data Protection

Yes/No

Equalities

Yes/No

National evidence has found that those with a number of protected characteristics under the Equality Act 2010 are likely to experience lower incomes than others. Millstream provides good quality homes at the lower rental end of the private market and thus provides opportunities for those struggling to afford average private rents.

Environmental Sustainability

Yes/No

Millstream pays close attention the Energy Performance Certificate ratings of the properties it acquires. In addition, it prioritises works to its properties to increase energy efficiency, for example, high efficiency condensing boilers and internal insulation.

Financial

Yes/No

See the discussion above.

Health and Safety

Yes/No

Human Resources

Yes/No

Human Rights

Yes/No

Legal

Yes/No

Specific Wards

Yes/No

7.0 Background papers, appendices and other relevant material

- 7.1 EXEMPT Appendix 1 – DRAFT Millstream 30 Year Business Plan 2023/24.

Contact Member

Cllr Geoff Williamson – Executive Member
for Financial Sustainability

geoffrey.williamson@eastherts.gov.uk

Contact Officer and Report Author

Jonathan Geall – Director, Millstream Property
Investments Ltd

Contact Tel No 01992 531594

jonathan.geall@eastherts.gov.uk

Document is Restricted

Agenda Item 12

East Herts Council Report

Council

Date of meeting: 18 January 2023

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

Report title: Protocol for the submission of Planning Application representations

Ward(s) affected: All

Summary – this report recommends that the Council adopts a Protocol relating to the submission of planning application representations. In particular, this would relate to representations that are submitted regarding planning applications that are to be considered by the Development Management Committee (DMC). In order to ensure that both members of the committee and officers have sufficient time to receive, review and act on representations and so that decision making is not delayed, it is recommended that a timescale should be identified and agreed, after which the Council would not normally seek to receive further representations.

RECOMMENDATIONS FOR Council:

- a) That the Council adopt a Protocol in relation to the submission of representations regarding planning and other related applications that are due to be reported to the Development Management Committee as set out in Appendix 1 to this report.

- b) That delegation be given to the Head of Planning and Building Control in consultation with the Executive Member for Planning and Growth to revise and amend the detailed wording of the Protocol, as set out in Appendix 1 to this report, prior to its publication.

1.0 Background

- 1.1 Through the Councils scheme of delegation of decision making in relation to planning applications, the majority of application determinations are undertaken by the appropriate officers in the planning service team, utilising delegated powers.
- 1.2 Some application decision making is reserved for the Development Management Committee, of course. This generally comprising decisions on 'major' applications, as defined by the government.
- 1.3 Whatever the decision making route, it is a requirement that the decision maker (committee members or officers) take into consideration all representations received in relation to the application on which a decision is to be made, where material, before the determination of that application.
- 1.4 Determination cannot take place earlier than the date set out in notifications and publicity, in relation to any application, by which date representations should be made. In practice then, no determination is made during the notification period and, when one is subsequently made, all representations made during that notification period and up to the time of determination are taken into account. This ensures that any 'late' representations, ie those received after the conclusion of

the publicised period during which they should be made, are taken into account in decision making.

- 1.5 In practice this late submission of representations does not cause too many difficulties in relation to delegated decisions. Officers are able to check for the latest received representations, and ensure they are taken into account, immediately prior to determination.
- 1.6 Matters are more complex in relation to non-delegated, committee decision making however. In this case, for each application under consideration, officers will prepare a report for the members of the Development Management Committee. The report will set out a summary of all representations received, the relevant policy background, the impacts as a result of the development proposals and the mitigations proposed by the applicants, before recommending a decision for committee members to consider.
- 1.7 It is legally required that reports being considered by committees are published no later than 5 clear working days prior to the date of the committee meeting. Reports will be signed off internally a few days prior to that deadline and will contain information in relation to all relevant application representations received by that date.
- 1.8 Clearly, given the intervening time period, there is the opportunity for further representations to be submitted between report publication and committee date. Indeed, the publication of the report triggers this in some instances, as

those submitting them want to comment on the content of the officers report.

- 1.9 In order to address this, the Councils practice has been to provide a summary of any such 'late representations' immediately prior to the commencement of the committee meeting.
- 1.10 Whilst this has been an acceptable approach to ensuring that all information is in front of decision makers, in some recent instances, significant, complex and lengthy representations have been submitted with very little time allowed for their consideration and assessment, and for officers to provide advice to members, in advance of the commencement of the meeting. In some cases, such late representations have been submitted less than 24 hours in advance of the meeting.
- 1.11 Whilst not unlawful, this practice makes it difficult for fully considered advice to be provided to members and can sometimes result in the adjournment of items during or from meetings, delaying decision making.

2.0 Proposal

- 2.1 Given the above, and following consideration of the matter by the Head of Planning and Building Control and the Head of Legal and Democratic services, it is proposed that the Council adopt and publicise a deadline date/time beyond which it would not wish to receive any further representations relating to applications that are included on the published agenda of a forthcoming DMC committee as being for determination.

- 2.2 Generally, DMC committees are held on a Wednesday. It is considered that such a deadline should be identified as no later than 5pm, three working days prior to the date of the committee (not including the day of the committee). On most occasions, this would require submissions by 5pm on the previous Friday. If other days are identified as suitable for a committee meeting, or there are intervening public holidays etc, then the representation submission deadline would be adjusted accordingly.
- 2.3 Such an arrangement will permit two full working days during which the content of any late representations can be fully assessed and further advice sought in relation to them as may be necessary.
- 2.4 The suggested Protocol as set out in Appendix 1 to this report, if adopted, will be publicised on the Councils website and in material that is distributed to those who are contacted as part of the planning application consultation process. Delegated authority is sought for the Head of Planning and Building Control, in consultation with the relevant Executive member, to revise and amend the detailed wording of the Protocol prior to publication, if appropriate. This delegation does not extend to any amendment of the substantive element of the Protocol, ie the date by which representations are encouraged to be received.

3.0 Reason(s)

- 3.1 As indicated above, the adoption of a protocol in this respect is to enable members of the DM committee to be fully advised in

relation to any additional representations received after the publication of committee reports and before decisions are made.

4.0 Options

- 4.1 Potential options are either to make no changes in this respect, not identifying a deadline for the late submission of application representations, or to apply an earlier deadline.
- 4.2 The first of these, 'no change' does not address the situation where lengthy and complex representations are received with only a short period remaining for the assessment of them and for advice to be provided to committee members on them. As indicated, members may not be adequately advised as a result and this can lead to meeting adjournments and delays in decision making.
- 4.3 Seeking to apply an earlier deadline, would represent an unnecessary further restriction on the ability for third parties to make submissions on applications and be assured that they will be taken into account. The three working day deadline set out in this report is considered to represent an acceptable balance between the ability of third parties to make submissions and for the Councils officers to assess and provide advice in relation to them.

5.0 Risks

- 5.1 There are not considered to be any substantive risks associated with adopting a Protocol of the type set out in this report. There would remain a risk that such a Protocol, if adopted,

would not be adhered to by third parties, who would continue to submit representations after any deadline. Whilst that may still occur, the adoption of a protocol is likely to encourage submissions to be made in a more timely way.

6.0 Implications/Consultations

6.1 In relation to all impacts, more time to fully assess representations submitted late, will ensure that members can be appropriately advised and lessen any risk of any decision making which may not be fully informed.

Community Safety

No specific implications but, as above

Data Protection

No specific implications but, as above

Equalities

No specific implications but, as above

Environmental Sustainability

No specific implications but, as above

Financial

Deferred and adjournments to decision making meetings can result in additional delays and costs. The adoption of a protocol as recommended seeks to avoid such costs being incurred.

Health and Safety

No specific implications but, as above

Human Resources

No specific implications but, as above

Human Rights

No specific implications but, as above

Legal

The adoption of the protocol will not have effect in barring late representations that are legally permitted to be made, but instead seeks to discourage the making of such late representations.

Specific Wards

No – applicable to all wards

7.0 Background papers, appendices and other relevant material

7.1 None

Contact Member

Councillor Jan Goodeve

jan.goodeve@eastherts.gov.uk

Contact Officer

Sara Saunders, Head of Planning and Building Control

Contact Tel. No. 01992 531656

sara.saunders@eastherts.gov.uk

Report Author

Kevin Steptoe, Garden Town Lead Officer

kevin.steptoe@eastherts.gov.uk

East Herts District Council

Protocol for representations relating planning applications and associated application types.

1. The Council has adopted this Protocol [on INSERT DATE if approved] in relation to the submission of representations for planning and associated applications.
2. Where a Planning or related application type is scheduled to be determined at a meeting of the Councils Development Management Committee, representations in relation to those applications should be received by the Council not later than 5pm on the third working day prior to, but not including, the date of the committee meeting at which the application is scheduled to be determined.
3. This is to ensure that all representations that are submitted to it in relation to planning and associated applications can be fully considered and acted on, where necessary, before the relevant applications are determined.
4. This Protocol is intended to be applied to all planning and associated applications. These include, for example, applications for Listed Building and Conservation Area Consent.
5. All applications received by the Council will, once validated, be subject to appropriate notifications and publicity. The relevant notifications and publicity will set out the period during which

representations relating to the subject application should be received by the Council.

6. Representations should be received by the publicised date as the Council is permitted to proceed to determine the relevant application subsequently and, therefore, any representations received after the publicised date may be received after the determination of the application. In such circumstances, it will not have been possible to take them into account prior to determination.
7. The Councils Scheme of Delegation, as set out in its Constitution, allows the decision maker, in this case the Councils Development Management Committee, to delegate decision making in relation to a range of planning and associated applications to the Councils Planning Officer team.
8. In relation to these delegated application types, the Planning Officer team will proceed to determine applications after the date for the receipt of notifications, as advised in publicity and notifications. The team will always check to ensure that all representations received before determination have been taken into account, where relevant and material. However, representations should be submitted by the publicised date to ensure their receipt after the determination of the application they relate to, is avoided.
9. Decision making in relation to more substantial proposals, generally 'major' applications, as determined by the government, is not delegated to the Councils Planning Officer team and is undertaken instead by the Development Management Committee at its regular scheduled meetings.

10. In these cases, Planning Officers will provide a report to the committee on each application to be determined. The report will summarise details of representations received as at the date of the publication of the report and provide advice on them to the committee. Reports are published no later than five clear working days in advance of the committee date. As a result, there is the potential for representations to be received after the publication of the relevant report. The Council will ensure that these are still taken into account when decisions are made, and Planning Officers will provide advice on them to committee members before determination.

11. However, the very late submission of representations, particularly if they are lengthy and complex, can lead to a situation where decision making needs to be delayed, or meetings adjourned, so that the points raised in such representations can be properly considered.

12. In order to avoid these delays to decision making, the Council has adopted the Protocol as set out above, regarding the submission of representations relating to applications to be determined by the Councils Development Management Committee.

East Herts Council

Date of Meeting: 18 January 2023

Report by: Head of Legal and Democratic Services

Report title: Review of Councillor Complaints Handling Procedure

Ward(s) affected: All

Summary

- The report covers the review of the Councillor Complaints Handling Procedure (herein 'the Procedure') under the Localism Act 2011.
- The current Procedure was last reviewed by the Standards Committee in August 2011 and approved by Council in September the same year.
- East Herts adopted the LGA Model Councillor Code of Conduct on 12th May 2021, and so it is appropriate that the Procedure be reviewed also.

RECOMMENDATIONS that:

- (a) Consider comments from the Standards Committee and the Independent Person, as shown at Appendix A, and endorse the recommended actions shown.**
- (b) Adopt the revised Councillor Complaints Handling Procedure, as amended by recommendation (a), contained at Appendix B**

1.0 Proposal(s)

- 1.1 It is contained within the terms of reference of the Standards Committee that the Committee will advise Council upon the contents of, and requirements for, codes/protocols/other

procedures relating to standards or conduct throughout the council¹.

- 1.2 It is further the role of the Standards Committee to maintain an oversight of the council's arrangements for dealing with complaints².
- 1.3 Pursuant to this, and it considering it prudent to do so, the Standards Committee considered the matter at its meeting on 5th January 2023 and recommend to Council that the revised Councillor Complaints Handling Procedure contained at Appendix B be adopted.

2.0 Background

- 2.1 The existing Councillor Complaints Procedure, contained at Appendix C, has remained unchanged since it was adopted by Council in September 2011.
- 2.2 Since then, East Herts has adopted the new LGA Model Code of Conduct, and it is therefore timely that the Procedure setting out how complaints made under it is also reviewed.
- 2.3 Some notable changes in the revised Procedure are as follows:
 - 2.3.1 A requirement that complainants complaining against Parish or Town Councillors first seek a local resolution before it progresses further with the Monitoring Officer. A majority of the standards complaints received relate to local councils which may be possible of resolution at that level, however there is currently no mechanism by which to formally encourage this in the first instance; providing there is still the ability to make a complaint to the principal Council (i.e. East Herts Council) should this fail. This will likely lead to

¹ [Para 7.4.1 \(j\) of the Constitution](#)

² [Para 7.4.1 \(k\) of the Constitution](#)

much quicker resolutions to some complaints due to them not needing to be considered by the Monitoring Officer.

2.3.2 Clearer definition of the different stages to a complaint, including the Initial Assessment Stage, Investigation Stage and Sub-Committee Stage, detailing what happens in each.

2.3.3 More detail around the hearing process, including the introduction of a Case Management Hearing stage to allow for a smoother eventual Final Determination Hearing.

2.3.4 A clearer explanation of the role of the Independent Person.

2.4 The revised Procedure is much cleaner, easier to follow and comprehensive than the current version.

3.0 Reason(s)

3.1 To ensure an updated Procedure is in place that complements the new LGA Model Code of Conduct and to maintain effective arrangements within the Council.

4.0 Options

4.1 The current Procedure could be retained; however, as it is over a decade old this would not be the most effective option.

5.0 Risks

5.1 Up to date and appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

6.0 Implications/Consultations

6.1 None

Community Safety

No

Data Protection

Yes – The Procedure makes several references to the importance of confidentiality and how to treat information received by the Monitoring Officer during the course of a complaint.

Equalities

Yes – Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest.

Environmental Sustainability

No - There are no environmental implications to this report.

Financial

No - There are no capital or revenue implications arising from the content of this report. Complaints are dealt with by the Monitoring Officer and Deputy Monitoring Officer, with some referrals externally should the Procedure indicate that this is appropriate or because of resource implication within the Directorate in dealing with this in-house.

Health and Safety

No

Human Resources

No

Human Rights

No - The work outlined within the report is within the caseload of the Monitoring Officer. Implications are otherwise touched on under financial implications above

Legal

Yes – Council is to receive advice from the Standards Committee under paragraph 7.4.1(j) of the Constitution on the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the council.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – Comments from the Standards Committee.
- 7.2 Appendix B – Revised Councillor Complaints Handling Procedure.
- 7.3 Appendix C – Existing Councillor Complaint Procedure.

Contact Member

Cllr Tony Stowe – Chairman of the Standards Committee

tony.stowe@eastherts.gov.uk

Contact Officer and Report Author

James Ellis – Head of Legal and Democratic Services

Contact Tel No 01279 502170

james.ellis@eastherts.gov.uk

Report Author

As above

Appendix A: Comments from the Standards Committee

Comment from Committee/Independent Person.	Reasons from the Committee	Officer Comment	Recommended Action
That the introduction of the Local Resolution stage places Town and Parish Councils on the front line of dealing with complaints for the first time, and could all Towns and Parishes be advised of this change in advance.	To put Towns and Parishes on notice that there is an expectation that they will at least try to resolve matters at their level before it goes on to the Monitoring Officer.	The Monitoring Officer explained that the introduction of the Local Resolution stage into the procedure does not change the fact that the ultimate responsibility for dealing with member complaints remains with the Monitoring Officer of the principal council. If resolution cannot be achieved at local level it will always revert to the Monitoring Officer to deal with as has always been the case.	That Towns and Parishes be notified of the new stage so that they are prepared and able to respond to such referrals when made.
Paragraph 4.3 – The inclusion of the words <i>“An Independent Person or Reserved Independent Person cannot give advice on the Councillor’s proposed response to the complaint, or act as the Councillor’s advocate at any stage in the process”</i> at the end of the paragraph.	To avoid misunderstanding on what can be expected of the Independent and/or Reserved Independent Person.	Happy to strengthen the paragraph in the way suggested.	Proposed change be accepted.

Appendix 1: STANDARDS COMPLAINTS ASSESSMENT CRITERIA – That point 3 be amended to include the words <i>“the Councillor was not acting in their capacity as a Councillor at the time of the alleged incident”</i> in the middle of the paragraph.	To strengthen the criteria by making specific mention of the need for members to be acting <i>“in their capacity as a councillor”</i> for a complaint to be relevant.	Happy to strengthen the paragraph in the way suggested.	Proposed change be accepted.
Appendix 3: THE FINAL DETERMINATION HEARING (FDH) PROCEDURE FOR THE STANDARDS SUB-COMMITTEE – Paragraph 6.1 to include the word <i>“and shall, where possible, receive representations on this from the parties involved”</i> at the end.	To allow for a sub-committee to hear the merits or otherwise of holding a final determination hearing in private.	Happy to strengthen the paragraph in the way suggested.	Proposed change be accepted.



East Herts District Council

Complaints Handling Procedure for matters relating to the Councillors' Code of Conduct

Document Control

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Author – name and title	James Ellis, Head of Legal & Democratic Services
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1. Introduction

- 1.1 These Procedures set out the arrangements for how a formal complaint against a Councillor can be made and thereafter handled. This covers complaints that an elected or co-opted Councillor of East Herts Council (or of a Parish, Town or Community Council within the East Hertfordshire area) has failed to comply with that authority's Councillors' Code of Conduct. This does not cover complaints against East Herts or local Councils as a whole, nor employees of those Councils. Note that in respect of the latter, East Herts Council has no legal remit to consider such complaints and would instead be an internal HR matter for that local Council.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Councillor or co-opted Councillor of East Herts Council (or of a Parish, Town or Community Council within the authority's area), who is acting or appears to be acting as a Councillor at that time, has failed to comply with the applicable Councillor's Code of Conduct. Those arrangements must allow for such complaints to be considered, and where appropriate, investigated and decided upon.
- 1.3 Any such complaint received by East Herts Council will be assessed against the criteria set out in Appendix 1. Where this is a complaint against a Parish, Town or Community Councillor, *there will be an expectation that this has at least been attempted to be resolved locally in the first instance.*

2. The Code of Conduct

- 2.1 East Herts Council has adopted a Code of Conduct for Councillors, which can be found in [Section 14](#) of the Council's Constitution.
- 2.2 Each Parish/Town or Community Council is also required to adopt a Code of Conduct. These should be available on the Parish, Town or Community Council's website and/or by request to the relevant council's Clerk.

3. Making a complaint

- 3.1 If you wish to make a complaint, the '[Complaints about Councillors](#)' page provides details as to how you can do so and what information you should provide. ***Please note that the complaint must relate to a sitting***

Councillor's conduct and their role as a Councillor. This is not the correct process to use if you are unhappy with a Council decision (which would, at District level, be the [Comments, Compliments and Complaints](#) page. At Parish, Town and Community Council level, this would be their own local policy).

3.2 The information you should provide in the complaint is:

3.2.1 which Councillor you are complaining about and the name of the Council of which they are a member,

3.2.2 their alleged misconduct and the dates on which it is alleged to have taken place, and

3.2.3 how you consider their alleged misconduct breaches the relevant authority's Councillor Code of Conduct.

PLEASE NOTE that, while you may disapprove of the way you believe a Councillor has acted, there are a number of issues that would preclude further action, as set out at Appendix 1, as it will not be in the public interests to pursue some complaints that the Council cannot legally or should not deal with.

Complaints can be made by eform:

[Making a complaint about a Councillor](#)

Or in writing to:

The Monitoring Officer, East Hertfordshire District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

monitoring.ehcofficer@eastherts.gov.uk

3.3 The Monitoring Officer is a senior East Herts Council officer responsible for overseeing the administration of the Council's complaints handling arrangements against District and local Councillors. Under this Procedure, however, reference to the Monitoring Officer during the assessment or investigation is deemed to include a Deputy Monitoring Officer, including an external one who may undertake any of the steps set out in this process. Complaints may be referred to an external Deputy Monitoring Officer to consider if further action is warranted. Circumstances in which a referral to an external Deputy Monitoring Officer or Investigator might arise include when:

- 3.3.1 The complaint comes from a senior officer of the Council, such as the Chief Executive, Chief Finance Officer or the Monitoring Officer and it would be inappropriate for the Monitoring Officer or an internal Deputy to investigate, or
- 3.3.2 The complaint is about a high-profile Councillor such as the Leader, or an Executive Member of East Herts Council and it would be inappropriate for the Monitoring Officer or an internal Deputy to investigate.
- 3.4 A complainant will need to provide their name and a contact address, preferably also with an e-mail address and telephone number, so that East Herts Council can acknowledge receipt of the complaint and keep a complainant informed of its progress. If requested, it may be possible to keep a complainant's name and locality confidential, although it is likely to hamper and, ultimately, prevent any effective assessment or investigation. It is also in the interests of transparency and fairness that a Councillor accused of misconduct generally has a right to know who has made the allegations. A complainant can ask for their name and contact details to remain confidential on the complaint form, along with an explanation for the request, for example where there is a real and credible risk of violence or intimidation against the complainant if their identity was disclosed.
- 3.5 Assessment of an anonymous complaint is only likely where the Monitoring Officer considers that this is likely to result in intimidation or violence. The Monitoring Officer will consider the request and, if granted, they will not provide the complainant's name and locality to the Councillor without the complainant's prior consent. Exceptions to this will be if this is referred to the Police, or if other regulatory bodies such as auditors or external fraud investigators, require the information. In these circumstances a request for confidentiality would be a matter for those bodies to consider.
- 3.6 East Herts Council does not normally consider/investigate complaints that are anonymous from the outset unless there is a clear public interest in doing so. In any event, East Herts Council's ability to do so would be severely limited, as it is impossible in such situations to request further information from a complainant or provide confirmation of any decision.
- 3.7 Appendix 1 includes the complaint and assessment criteria that the Monitoring Officer takes into account before deciding whether to consider the complaint further.

4. Who is the Independent Person?

- 4.1 The Independent Person is a statutory office holder appointed by East Herts Council. A description of their role is set out in Appendix 4.
- 4.2 The Procedural arrangements must include at least one appointed Independent Person. East Herts Council has an Independent Person whose views will be sought on all formal allegations (as part of the assessment of the complaint – before any investigation), as well as seeking their views at any other stage during an investigation or determination of a formal complaint.
- 4.3 East Herts Council may or may not, from time to time, have a Reserve Independent Person who can be contacted by a Councillor who is subject to a formal complaint for procedural advice, or who may be involved at other stages if the Independent Person is unable to participate. This will be set out in any formal letter to the complainant and Councillor confirming that a complaint has been received. An Independent Person or Reserved Independent Person cannot give advice on the Councillor's proposed response to the complaint, or act as the Councillor's advocate at any stage in the process.
- 4.4 References to the Independent Person in this document include the Independent Person and the Reserve Independent Person, unless otherwise stated.

5. How will my formal complaint be handled?

- 5.1 The complaint will first be acknowledged through the contact information provided by the complainant as described at 3.4 above.
- 5.2 The Monitoring Officer will review every complaint received and will consult the Independent Person. The following Stages will be applied:
 - 5.2.1 **Local Resolution Referral:** If it is a complaint against a Parish, Town, or Community Councillor, then as per Appendix 1, confirmation will be sought from the complainant that they have first tried to resolve this issue at a local level. As a first step, the complainant will be referred to a local resolution unless this is

impractical or unreasonable for either party to do so. This does not prevent a formal complaint being progressed at a later date if the first step is unsuccessful, but it encourages a quicker localised resolution as, depending on the complexity, this formal process can take in excess of 6 months from receipt of a formal complaint to conclude.

5.2.2 **Initial Assessment Stage:** Where it relates to an East Herts Councillor (or a Parish, Town, or Community Councillor complaint which could not be resolved locally under 5.2.1 above) the tests under Appendix 1 will be considered and an initial assessment decision taken, which can be one of the following:

5.2.2.1 no further action,

5.2.2.2 informal action (including but not limited to mediation, training, apology),

5.2.2.3 further investigation (the **Investigation Stage**),

5.2.2.4 referral to the Standards Sub-Committee (the **Sub-Committee Stage**).

The Monitoring Officer does not have to take the steps in 5.2.2.1 to 5.2.2.4 in the order in which they are listed.

5.3 This initial assessment decision described at 5.2.2 above will be taken as quickly as possible but could take up to 3 months from receipt of the formal complaint and considered in accordance with the Assessment Criteria in Appendix 1.

5.4 Where the Monitoring Officer requires additional information before coming to a decision, they will request this information.

5.5 Once the complaint has moved to the **Initial Assessment Stage**, a copy of the complaint and any relevant documentation will be forwarded to the Councillor for consideration and comment. The Councillor will be given 14 days to respond unless there are reasons to extend this deadline, for example holidays, sick leave, a criminal or a whistleblowing investigation. The Councillor is expected to co-operate with the Monitoring Officer and not to attempt to interfere with, impede or obstruct any part of the process. They should also not seek to intimidate any person involved in this process.

Failure to co-operate can itself be a breach of the Code, in addition to the original complaint.

- 5.6 Where the complaint at the **Initial Assessment Stage** relates to a Parish, Town or Community Council, the Monitoring Officer may also seek the views of the relevant Clerk, in confidence, before coming to an initial assessment decision. Such views would again be expected within 14 days (unless there are reasons to extend the deadline on grounds such as those at 5.5 above).
- 5.7 If witnesses are identified by either the complainant or the Councillor subject to the complaint (or, where appropriate, the Clerk), the Monitoring Officer may, if they consider that useful information might be gleaned from doing so, contact them for comment as well. Such views would again be expected within 14 days (unless there are reasons to extend the deadline on grounds such as those at 5.5 above).
- 5.8 Once the Councillor's response (and Clerk and witness responses if any) has been received and/or the deadline for such comments has expired without a response being forthcoming, the Monitoring Officer will consult the Independent Person. This consultation may result in the request for further information from any relevant party, and further consultation will take place. Following this the Monitoring Officer will make one of the assessment decisions set out under 5.2.2. above.
- 5.9 When the Monitoring Officer has taken a decision, they will inform the complainant and the Councillor, and in cases involving a Parish, Town or Community Councillor, the Clerk or Chairman as may be appropriate, of that decision and the reasons for it. These will remain confidential.
- 5.10 Complainants should note that if the initial assessment decision is to move to the **Investigation Stage**, that it will require their co-operation during the investigation and, if necessary, any hearing which is likely to be held in public. The complainant would be required to attend such a hearing and provide their evidence and/or answer questions relating to the complaint.
- 5.11 Where the Monitoring Officer seeks to resolve the complaint informally, without the need for a formal investigation (as per 5.2.2.2) they will consult the Independent Person on such action. Informal resolution may involve the Councillor agreeing that their conduct was unacceptable and offering an apology, or other remedial action. Where the Councillor makes a reasonable offer of informal resolution, but the complainant is not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits any further action. Equally, if a

Councillor refuses to engage with such an informal approach (for example by not apologising, or attending training), the Monitoring Officer may reconsider the decision and decide whether to move the complaint to the **Investigation Stage**, or directly to the Standards Sub-Committee for the original complaint (and failure to co-operate) to be determined.

- 5.12 If the complaint identifies potential criminal conduct or breach of other regulation, the Monitoring Officer is likely to refer it to the Police or other regulatory agencies. If the complaint relates to an alleged Disclosable Pecuniary Interest offence, it will be dealt with under an agreed Protocol with Hertfordshire Constabulary and the Police (and finally the Director of Public Prosecutions) will be the relevant body that determines whether further action should be taken on such a complaint. The Council cannot influence any decisions taken by the Police or other regulatory body, would have no role in their decision, and would not wish to prejudice such bodies' consideration or enquiries other than to co-operate with them.
- 5.13 Please note that where a complainant wishes to withdraw the complaint the Monitoring Officer is unlikely to take further action on the matter, with the exception of a referral to the Police/other regulatory body - where a withdrawal of a complaint would be for them to consider. If the complainant wishes to withdraw the complaint during the investigation, then this will be considered by the Monitoring Officer in consultation with the Independent Person as to whether the investigation will continue. The decision to terminate an investigation will, for example, depend on the nature of the allegations and the parties involved.
- 5.14 Similarly, if the Councillor subject to a complaint ceases to be a Councillor during this assessment or at a later stage of the Complaints Handling Procedure, the Monitoring Officer in consultation with the Independent Person may decide to terminate or suspend any further steps for up to 14 months from the date on which they cease to be a Councillor. This is because the Complaints Handling Procedure only applies to elected and co-opted Councillors. Further action may be taken on the complaint during that 14-month period if the Councillor is re-elected/co-opted back to the Council during that period. This decision will be taken by the Monitoring Officer in consultation with the Independent Person. If the Councillor is not re-elected/co-opted during that period, further action on the complaint will automatically cease.
- 5.15 If a Councillor has been subject to a finding of the Standards Sub-Committee and sanctions have been imposed under 9.1 below, or by Full Council and the Councillor has failed without reasonable excuse to comply

with a sanction, then the Monitoring Officer will refer this directly back to the Standards Sub-Committee ('direct referral') for determination.

5.16 There is no further right of internal review or appeal by a complainant following a decision at the **Initial Assessment Stage** not to investigate (unless new evidence is then submitted within a reasonable time and this will, in any event, be subject to the Assessment Criteria in Appendix 1). Brief and anonymised versions of the complaints and any outcomes are reported to the Standards Committee and Full Council.

6. How is the investigation conducted?

6.1 The Council has adopted a procedure for the investigation of conduct complaints, which is attached as Appendix 2 to these arrangements.

6.2 If the Monitoring Officer decides that a complaint merits investigation and moves it into the **Investigation Stage**, they may investigate the matter themselves or appoint an Investigating Officer. The Investigating Officer may be;

6.2.1 the Deputy Monitoring Officer,

6.2.2 another senior East Herts Council officer,

6.2.3 an officer of another authority, or

6.2.4 an external investigator

This Officer's role is to conduct an objective investigation on the merits of the complaint and whether there appears to be a case to answer, this will be presented to the Standards Sub-Committee. The Officer is not there to represent the complainant or the Councillor and there is no difference in the status of the report prepared by an Investigating Officer and that of the Monitoring Officer.

6.3 Any investigation should be completed within 4 months, and parties must co-operate to ensure that this deadline can be met (unless there are extenuating circumstances to justify extending this). Any failure to co-operate by the Councillor complained of, or an attempt to interfere with, impede or obstruct any part of the process, or intimidate any person involved in the process, may be considered a separate potential breach of the Code of Conduct, notwithstanding the original complaint. Equally,

should a complainant attempt to interfere with, impede or obstruct any part of the process, or intimidate any person involved in the process, the Monitoring Officer reserves the right to terminate the investigation. Any such decision will be taken in consultation with the Independent Person.

- 6.4 The Monitoring Officer/Investigating Officer will decide whether they need to interview a complainant to understand the nature of the complaint, any events surrounding it and consider what documents need to be seen. They will also consider if any other party needs to be interviewed as part of the investigation. Such interviews may be by remote means or in person and are likely to be recorded. Those recorded interviews will likely be used/produced as part of the evidence, together with any other relevant evidence that has been produced.
- 6.5 If any witness(es) to the alleged breaches of the Code have been identified, the Monitoring Officer/Investigating Officer will decide whether to interview those witnesses. Again, these interview arrangements may be by remote means or in person and will be recorded/used as part of witness evidence. This is to prevent disagreements as to what has or has not been said at interview. Any witness(es) must be identified by the complainant at this stage of the Procedure, late witnesses will generally not be accepted after the investigation has been concluded.
- 6.6 The Monitoring Officer/Investigating Officer will provide the Councillor with a copy of the complaint and ask the Councillor to provide their explanation of events, and to identify what documents they need to see and the name(s) of any witnesses they believe should be interviewed. The Councillor and any of their witnesses are likely to be interviewed on the same basis as under 6.4. Any witnesses must be identified at this stage of the Procedure as late witnesses will generally not be accepted after the investigation has been concluded. The Councillor is expected to co-operate with any investigation.
- 6.7 At the end of their investigation, the Monitoring Officer/Investigating Officer will produce a draft report ("the Investigation Report") and will send copies of that draft report, in confidence, to the complainant, the Councillor concerned and to the Monitoring Officer where they were not the investigating officer, so that there is an opportunity to identify any inaccuracies, areas of dispute or which the parties believe require more consideration. The Independent Person will also see a copy of the report for comment. Relevant parties will be given 21 days to respond. The complainant/Councillor will be expected to raise any issues with the draft report at this stage.

- 6.8 Parties are encouraged to acknowledge or accept any findings at the draft report stage so that the issues can be narrowed to those that remain in dispute. It is possible that parties will disagree with the findings/reasons on whether there is a case to answer in the report. Comments and issues will be considered by the Monitoring Officer or Investigating Officer; errors will be corrected however this does not mean the report findings will be changed. A summary of these comments from the complainant/Councillor are likely to be included in the final report.
- 6.9 Having received and considered any comments made on the draft Investigation Report, it will then be finalised. Where an Investigating Officer has been appointed, the Investigating Officer will send their final report (again in confidence) to the complainant, the Councillor, the Monitoring Officer and the Independent Person. Note that this report will remain confidential until the Monitoring Officer determines otherwise or, in any hearing, the Standards Sub-Committee determines that this matter shall be heard in public.
- 6.10 Where an Investigating Officer has been appointed, and if the Monitoring Officer and Independent Person are not satisfied that the investigation has covered the issues sufficiently, the Monitoring Officer may ask the Investigating Officer to reconsider their draft report. The Monitoring Officer, in consultation with the Independent Person, will review any revised report and may decide that there remains no case to answer or further action is required, as set out below.

7. What happens if the Monitoring Officer or Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

- 7.1 Where an Investigating Officer has been appointed by the Monitoring Officer to conduct an investigation, the Monitoring Officer will review the Investigating Officer's report in consultation with the Independent Person. If the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient and there is no apparent case to answer of a failure to comply with the Code, the Monitoring Officer will write to the parties (and to the Clerk and/or Chairman, if the complaint relates to a Parish, Town or Community Councillor) to notify them that they are satisfied that no further action is required. The report shall remain confidential and other than those parties who have received a copy, it shall not be disclosed further. An anonymised summary of the complaint and outcome will, however, be reported through to Standards Committee and Full Council during the year.

8. What happens if the Monitoring Officer or Investigating Officer concludes in the report that there is evidence of a failure to comply with the Code of Conduct?

8.1 If the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient and there is an apparent case to answer of a failure to comply with the Code, the Monitoring Officer will write to the parties (and to the Clerk and/or Chairman, if the complaint relates to a Parish, Town or Community Councillor), to notify them that the matter will proceed to the **Sub-Committee Stage** and a hearing before the Standards Sub-Committee or, in consultation with the Independent Person, that the scope for an Alternative Remedy will be considered.

Alternative Remedy

8.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult both the Independent Person and the complainant and seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Councillor acknowledging that their conduct was unacceptable and offering an apology, either publicly or privately as may be appropriate in the circumstances, and/or other remedial action (such as training or mediation). If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (and the Parish, Town or Community Council) for information but will take no further action. If the Councillor fails to abide by the Alternative Remedy, the Monitoring Office may re-open the issue and refer the case to the Standards Sub-Committee for a hearing to determine whether there has been a breach of the Code of Conduct.

Hearing

8.3 The Councillor will be expected to attend unless there is a reasonable excuse for not doing so – as notified to the Monitoring Officer in advance of any hearing.

8.4 Normal Committee rules apply as to whether the Sub-Committee meets in public or private with the presumption that any hearings will be in public at the East Herts Council offices.

8.5 In all but straightforward cases there will be a preliminary administrative hearing of the Standards Sub-Committee to manage the preparation and arrangements for the hearing called a Case Management Hearing (“CMH”), followed by a Final Determination Hearing (“FDH”). The Membership of those hearings may or may not be the same.

CMH

8.6 The CMH will deal with administrative issues, such as fixing a date for the final hearing/length of the hearing/final evidence or representations that may be presented at the FDH.

8.7 This CMH should be arranged between 35 – 42 calendar days after the report has been sent to the parties, and both the Councillor in question and the complainant may be invited to attend.

8.8 As part of the investigation, the Councillor will have been asked and should have informed the Investigating Officer of any witnesses they wish to rely on and evidence obtained as part of the Investigation. However, if this has not taken place, the Councillor will be required to confirm 14 days prior to the CMH:

8.8.1 the areas of the Investigation Report the Councillor disputes (and the factual reasons for doing so), including evidence from current witnesses that are relevant to the matter of dispute; and

8.8.2 whether they will be represented at the final hearing (and details of that representative).

8.9 If the Councillor fails to confirm the above information by a date specified prior to the CMH, or fails to attend the hearing without reasonable explanation, then this may be considered a further potential breach of the Code of Conduct for failure to co-operate. In the event that the Councillor fails, with or without excuse, to attend the CMH, then it may take place in their absence. Where the Councillor attends, they may be represented or accompanied during the hearing by a solicitor, counsel or, with the permission of the Sub-Committee, another person as agreed with the Monitoring Officer.

8.10 Members of the Sub-Committee, the Independent Person, Investigating Officer, Monitoring Officer and/or Legal Adviser may ask questions of the Councillor and of the complainant.

- 8.11 The Sub-Committee may take legal advice from its Legal Adviser or seek the opinion of the Independent Person at any time during the CMH and may retire to deliberate in private before it comes to a decision. The Legal Adviser will retire with Members of the Sub-Committee and the substance of any legal advice provided during this time will be shared with the Councillor and the Investigating Officer if they are present when the Members return to the hearing. The Independent Person will not retire with the Sub-Committee. If the Sub-Committee requires the opinion of the Independent Person on CMH matters, this should be requested prior to retiring to consider the decision or in any event before the decision is taken.
- 8.12 Other than in exceptional circumstances, the date of the FDH must be fixed at the CMH, within 35-42 calendar days of the CMH.

FDH

- 8.13 The agreed a procedure for the FDH is attached as Appendix 3.
- 8.14 At the FDH, the Monitoring Officer or Investigating Officer (or nominated representative) will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that there is a case to answer that the Councillor has failed to comply with the Code of Conduct. The Standards Sub-Committee may set out a timetable for the hearing.
- 8.15 At the FDH, the Councillor will not be able to challenge evidence from a witness that is contained/reflected in the Investigation Report, unless the Councillor has indicated, by the specified date prior to the CMH, that a particular witness' evidence is disputed and why. Subject to that indication, the Monitoring Officer/Investigating Officer will be expected to request the attendance of that witness at the hearing. If the Councillor has not indicated by a specified date that a witness' evidence is disputed, the Monitoring Officer is unlikely to request that witness' attendance at the FDH.
- 8.16 The complainant should be prepared to attend and give evidence to the Sub-Committee. The Councillor will have an opportunity to ask any relevant questions of the Investigating Officer or witnesses produced at the hearing through the Chairman, give their evidence, call witnesses and to make representations to the Sub-Committee as to why they consider they have not failed to comply with the Code of Conduct.

- 8.17 Members of the Sub-Committee, Independent Person, Investigating Officer, Monitoring Officer and/or Legal Adviser may ask questions of any of the witnesses' present (including the Councillor and complainant). The Chairman of the Sub-Committee may halt any questions they believe to be irrelevant, repetitive or haranguing in nature.
- 8.18 The Sub-Committee may take legal advice from its Legal Adviser at any time during the FDH and may retire to deliberate in private before it comes to its decision. The Legal Adviser will retire with the Members of the Sub-Committee and the substance of any legal advice given in private session will be confirmed when the meeting reconvenes in public session. The Independent Person will not retire with the Sub-Committee. The Sub-Committee should request the views of the Independent Person prior to retiring to consider the decision or in any event before the decision is taken, on whether there has been a breach of the Code of Conduct. *Please note that in accordance with section 28(7) of the Localism Act 2011 the views of the Independent Person are to be sought and taken into account by the Sub-Committee before it makes its decision on an allegation that it has decided to investigate.*
- 8.19 The Sub-Committee, with the benefit of any views from the Independent Person, may conclude that,
- 8.19.1 the Councillor did not fail to comply with the Code of Conduct and dismiss the complaint. In these circumstances, the case is at an end, or
 - 8.19.2 the Councillor did fail to comply with the Code of Conduct. In these circumstances the Chair will inform the Councillor of this finding and of the reasons for it.
- 8.20 Where the Sub-Committee concludes the Councillor did fail to comply with the Code of Conduct under 8.19.2 above, the Sub-Committee will then consider what action, if any, it should take as a result of the Councillor's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the Councillor an opportunity to make representations to it and will seek the view of the Independent Person on any sanction, but will itself decide what action, if any, to take in respect of the matter. The Sub-Committee may retire in private session to deliberate on what, if any, sanctions will be applied. The Legal Adviser will retire with the Members of the Sub-Committee and the substance of any legal advice given to the Members in private session will be confirmed when the meeting

reconvenes in public session. The Independent Person will not retire with the Sub-Committee.

9. What action can the Standards Sub-Committee take where a Councillor has failed to comply with the Code of Conduct?

9.1 The Council has delegated (via the Constitution) to the Sub-Committee such of its powers to take action in respect of individual Councillors as may be necessary to promote and maintain high standards of conduct. The Sub-Committee will impose sanctions (or a combination of sanctions) commensurate with the nature and gravity of the breach of the Code of Conduct and confirm their reasons for doing so. Accordingly, the sanctions available to the Sub-Committee are to:

9.1.1 Publish its findings in respect of the Councillor's conduct e.g. in a local newspaper, in print or on-line or both. Any decision will be published on the Council's website in any event,

9.1.2 Report its findings to Council (or the Parish, Town or Community Council) for information,

9.1.3 Report its findings and recommend to Council (or the Parish, Town or Community Council) that the Councillor be issued with a formal censure or be reprimanded,

9.1.4 Recommend to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommend to Council or to Committees) that the Councillor be removed from any or all Committees or Sub-Committees of the Council,

9.1.5 Recommend to the Leader of the Council that the Councillor be removed from the Executive, or removed from particular Executive Member responsibilities,

9.1.6 Instruct the Monitoring Officer to arrange (or recommend that the Parish, Town or Community Council should arrange) relevant training for the Councillor,

9.1.7 Recommend to Council (or the Parish, Town or Community Council) that the Councillor be removed from all outside appointments to which they have been appointed or nominated by the authority,

9.1.8 Recommend to Council (or the Parish, Town or Community Council) that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or e-mail,

9.1.9 Recommend to Council (or the Parish, Town or Community Council) that the Councillor be excluded from the Council's Offices or other premises, with the exception of meeting rooms (real or virtual) as necessary for attending Council, Committee and Sub-Committee meetings; or

9.1.10 Take no further action.

9.2 The Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw the Councillors' basic or special responsibility allowances or any other payment made to the Councillor that they are entitled to under legislation.

What happens at the end of the hearing?

9.3 At the end of the hearing, the Chair will state the decision of the Standards Sub-Committee with a summary of the reasons as to whether or not the Councillor failed to comply with the Code of Conduct and, if the Councillor did fail to comply, any actions which the Sub-Committee resolves to take.

9.4 As soon as reasonably practicable thereafter (and in any event within 7 working days), a formal decision notice will be prepared by the Legal Adviser in consultation with the Sub-Committee, and sent to the complainant, the Councillor (and to the Parish/Town Clerk and/or Chairman as may be appropriate) by the Monitoring Officer and make that decision notice available for public inspection and available on the Council's website.

9.5 There is no further right of internal review or appeal by either the Councillor or complainant following the determination hearing. Either party may seek independent advice and apply for Judicial Review of the decision or may consider making a complaint to the Local Government and Social Care Ombudsman (LGO), although there is limited remit for the LGO to consider complaints and cannot revisit any decision taken.

10. Revision of these arrangements

10.1 The full Standards Committee may amend these arrangements and has delegated to a Chairman of the Sub-Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter. Minor amendments may be made by the Monitoring Officer in consultation with the Independent Person, Chair and Vice Chair of the Standards Committee under delegated authority.

APPENDIX 1
STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be initially assessed or referred for investigation:

1. The complaint appears to be minor, trivial or otherwise not sufficiently serious; and/or
2. The complaint appears to be vexatious, malicious, retaliatory or politically motivated; and/or
3. It appears that there can be no breach of the Code of Conduct, for example, the Councillor was not acting in their capacity as a Councillor at the time of the alleged incident, it relates to the Councillor's private life or is about dissatisfaction with a Council decision; and/or
4. It is about someone who is no longer a Councillor; and/or
5. There is insufficient information available nor is it forthcoming upon request; and/or
6. The complaint has not been received within 3 months of the alleged conduct, unless there are exceptional circumstances e.g. allegation of bullying, harassment etc. and/or
7. The matter occurred so long ago that it would be difficult to conduct a fair investigation; or
8. The complaint appears the same or similar to one that has already been considered; and/or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; and/or
10. The Member complained of has already apologised and/or admitted making an error and the matter would not warrant a more serious sanction if considered further; and/or
11. Where it relates to a Parish, Town or Community Council, the complaint hasn't first been attempted to be resolved at a local level.

APPENDIX 2

Investigation Procedure – Information / instructions for an Investigating Officer

On receipt of instructions to carry out an investigation from the MO, ensure sufficient detail is received to commence an investigation.



Identify:

- Whether further information from the complainant is required.
- What paragraphs of the code are alleged to have been breached.
- The facts which need to be determined to establish if the Member may have a case to answer in respect of potential breaches of the code.
- The evidence you need to determine the issues.
- How you plan to gather the evidence.
- How long it is likely to take to undertake and produce the final report of the investigation (the aim being 4 months).



- Contact complainant & request any supporting or further documentary evidence relating to the complaint.
- Contact subject Member with details of the complaint & seek explanation.



- Interview relevant parties, including Member and complainant.
- Identify witnesses and arrange interview(s).
- Request any further documentary evidence.



Produce draft and then final report and submit to complainant, Councillor and MO for consideration. Report to contain:

- Councillor's official detail (election/ co-option/ Committee/ Cabinet & training details).
- The complaint made.
- Relevant Code, protocols, guidance and legislation.
- Evidence gathered.
- Any relevant complaint background.
- The evidence as applied to the alleged breaches and a conclusion on whether there appears to be a case to answer on those allegations. This to include any agreed facts/ disputed facts. Any Code of Conduct Guidance should be taken into account when reaching a conclusion.



MO, in consultation with the IP, either accepts the report or, if it has not sufficiently covered the issues, asks that the report be reconsidered. If it's apparent there may be a case to answer, then consider alternative remedy/refer to Standards Sub-Committee.

APPENDIX 3
THE FINAL DETERMINATION HEARING (FDH) PROCEDURE FOR THE
STANDARDS SUB-COMMITTEE

The Standards Sub-Committee (“the Sub-Committee”) must have an efficient and effective hearing process. This will assist Members of the Sub-Committee to deal with all the issues that need to be resolved in a way that is fair to the Councillor subject to the allegation, any complainant and witnesses involved. This procedure sets out a consistent approach for all concerned.

1. Interpretation

“Complainant”: means the person who referred the allegation to Monitoring Officer.

“CMH”: means the Sub-Committee Case Management Hearing that deals with administrative and procedural matters and clarifies the issues for the Final Determination Hearing (FDH).

“FDH”: means Sub-Committee Final Determining Hearing that hears evidence, decides if a Councillor has breached the Code of Conduct and, if so, the sanction to be imposed.

“Investigating Officer”:
means the Monitoring Officer, Deputy or Investigating Officer or their nominated representative(s).

“Independent Person/ IP”:
means Independent Person and Reserve Independent Persons appointed by the Council under the Localism Act 2011, whose views must be sought by the authority before it takes a decision on an allegation which it has decided to investigate under section 28(7) of the Localism Act 2011, and whose views can be sought by the authority at any other stage, or by a Councillor (or a Councillor or co-opted Councillor of a Town, Parish or Community Council) against whom an allegation has been made.

“Legal Adviser”: means the officer responsible for providing legal advice to the Sub-Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or

	<p>someone appointed for this purpose from outside the authority.</p> <p>“Councillor”: means the Councillor, co-opted Councillor of East Hertfordshire District Council or a Town or Parish Councillor (within the East Herts area) who is the subject of the complaint.</p> <p>“Proper Officer”: means the designated Democratic Services officer or nominated representative.</p>
2.	Representation
2.1.	The Councillor may be represented or accompanied during the hearing by a solicitor, counsel or, with the permission of the Sub-Committee, another person. Such person to have been notified to the Standards Sub-Committee, and agreed where applicable, at the CMH.
2.2.	Where a representative has been appointed, reference below to Councillor will (except in respect of any evidence from the Councillor concerned) mean the representative.
2.3	Where a representative is present the Councillor must indicate if the representative is to ask questions on the Councillor’s behalf and make any submissions. Once such arrangements have been confirmed, they will be applied throughout the hearing.
3.	Legal Advice
3.1.	The Sub-Committee may take legal advice from its Legal Adviser at any time during the hearing or while they are considering the final decision on the potential breach(es) of the Code and any sanctions.
3.2.	The Legal Adviser will provide a summary of any legal advice given to the Members of the Sub-Committee in private session, when the meeting reconvenes in public session.
4.	Voting
4.1	Each Member of the Sub-Committee will have one vote, and all matters/issues will be decided by a simple majority of votes cast.

4.2	Abstentions will not be permitted. The Sub-Committee's decision will record whether it was unanimous or taken by a majority.
5.	Quorum
5.1.	The Proper Officer or their representative will confirm whether the Committee is quorate. A quorum for the Sub-Committee will be three elected Members of the Standards Committee.
5.2.	Where the complaint involves an allegation of misconduct against a Parish Councillor, then a non-voting Parish Member of the Standards Committee should also be present, albeit they shall remain non-voting.
5.3.	The Sub-Committee must nominate a Chairman for the meeting.
5.4.	The Independent Person must be present throughout the Sub-Committee hearing.
6.	Opening/ Setting the Scene and Preliminary Procedural Issues
6.1.	The Members of the Sub-Committee shall determine whether the hearing will be considered in private session, and shall, where possible, receive representations on this from the parties involved.
6.2.	The Chairman must explain the procedure for the hearing and remind all parties to turn off mobile phones, audible alarms, and similar devices etc. If the proceedings are in open session, they will be recorded.
6.3.	The Chairman must ask all present to introduce themselves.
6.4.	The Sub-Committee may, however, resolve any issues (including failure to abide by resolutions from the CMH and absence of parties/ witnesses and whether to proceed).
7.	The presentation of the Complaint and evidence of the case to answer on alleged breach of the Code of Conduct
7.1.	The Investigating Officer will be invited to present the report including any evidence or other material and make any representations to support the relevant conclusions on a case to answer from the report. This will be based on the complaint made to the Council and any alleged failure to co-operate with the investigation or hearing preparation (where relevant). Witnesses will be called to give evidence or have their

<p>witnesses evidence taken as accepted, where the Councillor has indicated that the witness evidence is not disputed.</p> <p>7.2. The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer on the content of the report and question any witnesses called by the Investigating Officer¹. This is the Councillor's opportunity to ask questions arising from the report and not to make a statement.</p> <p>7.3. Members of the Sub-Committee, the Independent Person and the Legal Adviser may question the Investigating Officer about the content of the report and/or any witnesses (including the complainant) called by the Investigating Officer.</p>
<p>8. The Councillor's case</p>
<p>8.1. The Councillor will then be given the opportunity to present their case (and call any relevant witnesses) including any evidence or other material and make any representations to address the specific allegations before the Sub-Committee.</p> <p>8.2. The Investigating Officer may question the Councillor and/or any witnesses.</p> <p>8.3. Members of the Sub-Committee, the Independent Person and the Legal Adviser may question the Councillor and/or any of the Councillor's witnesses.</p>
<p>9. Summing Up</p>
<p>9.1. The Investigating Officer will be given the opportunity to sum up the complaint and any relevant representations on the case to answer.</p> <p>9.2. The Councillor, or their representative, will be given the opportunity to sum up their case.</p>
<p>10. Consultation with the Independent Person</p>

¹ NOTE If the Member disputes any relevant fact in the Investigating Officer's report, without having given prior notice of the dispute they will be required to give good reasons for not mentioning it when the draft report was finalised or in any event at the CMH. Such behaviour is likely to affect the weight of the Member's evidence on that issue and/ or be treated as evidence of failure to co-operate with an investigation.

- 10.1. Prior to the consultation, the Independent Person may seek a short adjournment of the hearing to prepare/ finalise their view on whether, in their view, a breach of the Code of Conduct has occurred.
- 10.2. The hearing will then be reconvened, and Members of the Sub-Committee must consult the Independent Person on whether in his/ her opinion a breach has occurred. This view must be taken into account by the Sub-Committee before it makes its decision on an allegation.

11. The Members of Sub-Committee

- 11.1 Members of the Sub-Committee will deliberate in private session to consider the evidence presented and to reach their decision.
- 11.2 During deliberations, the Legal Adviser will attend to provide any advice needed.
- 11.3 Where the Sub-Committee are minded to decide there has been a breach of the Code of Conduct, they must also consider whether it should make any recommendations to the Council or, in relation to a Parish, Town or Community Councillor, to the Parish, Town or Community Council, with a view to promoting high standards of conduct among its Councillors.

12. Decision

- 12.1. Upon the Sub-Committee’s return the Chairman will announce the Sub-Committee’s decision in the following terms:
 - 12.1.1. The Sub-Committee decides that there is no breach of the Code of Conduct; or
 - 12.1.2. The Sub-Committee decides that there is a breach of the Code of Conduct.
- 12.2 The Sub-Committee will give reasons for its decision.
- 12.3 If the Sub-Committee decides that there is no breach of the Code of Conduct the Chairman closes the hearing. The case is at an end.
- 12.4 If the Sub-Committee decides that the Councillor has breached the Code of Conduct, it will consider any representations from the Investigating

Officer and/or the Councillor and will seek the views of the Independent Person as to:

12.4.1 Whether any action should be taken; and

12.4.2 If so, what form any action (in the form of a sanction) should take.

12.5 As part of their role under 12.4.2, the Sub-Committee will consider whether to impose any of the following sanctions:

12.5.1 Publish its findings in respect of the Councillor's conduct (e.g. in a local newspaper in print or on-line or both). [Note that any decision will normally be made available for inspection and published on the Council's website in the event that the hearing was held in public],

12.5.2 Report its findings to Council (or the Parish/ Town/ Community Council) for information,

12.5.3 Report its findings and recommend to Council (or the Parish, Town or Community Council) that the Councillor be issued with a formal censure or be reprimanded,

12.5.4 Recommend to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that the Councillor be removed from any or all Committees or Sub-Committees of the Council,

12.5.5 Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Executive Member responsibilities,

12.5.6 Instruct the Monitoring Officer to arrange (or recommend that the Parish, Town or Community Council should arrange) training for the Councillor,

12.5.7 Recommend to Council (or the Parish, Town or Community Council) that the Councillor be removed from all outside

- appointments to which they have been appointed or nominated by the authority,
- 12.5.8 Recommend to Council (or the Parish, Town or Community Council) that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or e-mail,
- 12.5.9 Recommend to Council (or the Parish, Town or Community Council) that the Councillor be excluded from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings, or
- 12.5.10 Take no further action.
- 12.6 The Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw Councillor's basic or special responsibility allowances or any other payment made to the Councillor that they are entitled to under legislation.
- 12.7 If the Sub-Committee feels that, as a result of the representations made to it under 12.4 above, it needs to retire to further consider what, if any, sanction to impose, then it will so retire (the Legal Adviser will attend).
- 12.8 The Chairman will confirm that a full written decision will be issued within 7 working days following the hearing and that the Sub-Committee's minutes will be published. The hearing will then be closed.

APPENDIX 4
ROLE OF INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSONS –
EAST HERTFORDSHIRE DISTRICT COUNCIL

ROLE DESCRIPTION

Appointed by: The Council

Liaison with: Monitoring Officer, Deputy Monitoring Officer, Members of the Standards Committee, officers, District Councillors, and Town, Parish and Community Councillors within the district, key stakeholders within the community.

Reference to the IP includes the Independent Person and Reserve Independent Persons (except number 8 which is just the Reserve IP, where the Council has one from time to time). The role is:

1. To assist the Council in promoting high standards of conduct by elected and co-opted Councillors of East Hertfordshire District Council and Parish, Town or Community Councillors and in particular to uphold the Code of Conduct adopted by the Council and underpinned by the seven principles of public life, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To assist the Council by acting as advocate and ambassador in promoting ethical behaviour and by developing a sound understanding of the ethical framework as it operates within East Hertfordshire District Council and its local councils.
3. To be available for ad hoc consultation by the Monitoring Officer where the Monitoring Officer is dealing with a matter that has not reached the stage of a formal complaint.
4. To be available for consultations on assessment of a complaint with the Monitoring Officer.
5. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.

6. To be consulted by the Council through the Monitoring Officer and/or the Standards Committee before it makes a decision on an allegation that has been investigated and to be available to attend meetings of the Standards Committee in a non-voting advisory capacity.
7. To attend a CMH meeting of the Standards Sub- Committee and an FDH meeting to confirm the IP's views as to whether a breach of the Code of Conduct has occurred and any subsequent penalty (which will be taken into account).
8. To be available for consultation by any Councillor, including Parish, Town or Community Councillor. This may be on an ad hoc basis for views on the Complaints Procedure or process as pre-arranged between the parties, either by telephone, online or at the Council's offices. It is not the role of the IP to act as advocate for the Councillor who is subject to the complaint, to negotiate complaint matters, or to provide substantive advice (legal or otherwise) on the allegations themselves. This will generally be confidential between the Councillor and IP, unless the Councillor confirms they have acted illegally or has a complaint about the Procedure. This will then be confirmed to the Monitoring Officer.
9. To participate in training events to develop skills, knowledge, and experience and in any networks developed for Independent Persons operating outside the District Council's area. To share information and promote debate and discussion amongst the Standards Committee following such training. To attend training events organised and promoted by the Council's Standards Committee and Monitoring Officer.

Complaints Procedure

1.0 Context

- 1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of this authority (or of a Town or Parish council within its area) has failed to comply with the Councillors’ Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the authority (or of a Town or Parish council within the authority’s area), or of a Committee or Sub-Committee of the authority, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the authority to appoint at least 1 Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member (or a Member or co-opted Member of a Town or Parish council) against whom an allegation has been made.

2.0 The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for Councillors, which is available for inspection on the authority’s website and on request from Reception at the Council Offices.
- 2.2 Each Town and Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Town or Parish Council’s Code of Conduct, you should inspect any website operated by the Town or Parish Council and request the Town or Parish Clerk to allow you to inspect the Town or Parish Council’s Code of Conduct.

3.0 Making a complaint

- 3.1 If you wish to make a complaint, please write or email to:

The Monitoring Officer, Head of Legal and Democratic Services,
committee.services@eastherts.gov.uk or East Herts District
Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

- 3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members’ interests and who is responsible for administering the system in respect of complaints of Member misconduct.

- 3.3 In order to ensure that the Council has all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the Reception at the Council Offices.
- 3.4 Please provide the Council with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.
- 3.5 The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.7 The Complaints Procedure Flowchart is annexed at Appendix 1 for your assistance. The Council will endeavour to deal with a complaint within 3 months.

4.0 Will your complaint be investigated?

- 4.1 Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Town or Parish Council before submitting it to the Sub-Committee.
- 4.2 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.
- 4.3 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call the Police or other regulatory agencies.

5.0 How is the investigation conducted?

5.1 If the Monitoring Officer decides that a complaint merits further investigation, he may appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who he needs to interview.

5.2 The Investigating Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

5.3 At the end of his/her investigation, the Investigating Officer will produce a draft report (“the Investigation Report”) and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

5.4 Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send his/her final report to the Monitoring Officer.

6.0 What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

6.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer’s report and, if he is satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the Member concerned and to the Town or Parish Council, where your complaint relates to a Parish Councillor, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigation Final Report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7.0 What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Standards Hearing Sub-Committee or, after consulting the Independent Person, seek local resolution.

7.1.1 Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you may consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Governance Committee and the Town or Parish Council for information, but will take no further action.

7.1.2 Hearing

In cases where the Monitoring Officer refers a complaint for a hearing. This will be dealt with by the Standards Hearing Sub-Committee. This is a public hearing before a panel of three Council Members.

The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and give pre hearing directions to help the hearing stage move forward smoothly.

At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as

to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any advice from the Independent Person and/or the Monitoring Officer, may conclude that the Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Committee will then consider what action, if any, the Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Committee will give the member an opportunity to make representations to the Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter

The Council has agreed a procedure for the hearings, which is attached as Appendix one to these arrangements.

8.0 What action can the Standards Sub-Committee take where a Member has failed to comply with the Code of Conduct?

8.1 The Sub-Committee may decide to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may consider:-

- 8.2 i. A formal letter to the Councillor found to have breached the code;
- ii. Formal censure by motion;
- iii. Publish its findings that a member has broken the code of conduct in respect of the member's conduct;
- iv. Report its findings to the Authority [or to the Parish Council] for information;
Advise the member's Group Leader of the finding;
Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
Withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access
- v. Issue a press release or other appropriate publicity;

8.3 The Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9.0 What happens at the end of the hearing?

9.1 At the end of the hearing, the Chairman will state the decision of the Standards Hearing Sub-Committee as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

- 9.2 The Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Sub Committee, and send a copy to you, to the Member and to the Town or Parish Council, making that decision notice available for public inspection.

10.0 Who are the Standards Hearing Sub-Committee?

It is a Sub-Committee comprising three Members of the Council's Audit and Governance Committee.

10.1

The Independent Person is invited to attend all meetings of the Committee and his/her views are sought and taken into consideration before the Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

10.2

- 10.3 The Independent Person is invited to attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11.0 Who is the Independent Person?

- 11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council.

- 11.2 A person cannot be "independent" if he/she:

11.2.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;

11.2.2 *(Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area), or*

11.2.3 Is a relative or close friend, of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose, a "relative" means:

11.2.3.1 Spouse or civil partner;

11.2.3.2 Living with the other person as husband and wife or as if they were civil partners;

11.2.3.3 Grandparent of the other person;

11.2.3.4 A lineal descendent of a grandparent of the other person;

11.2.3.5 A parent, sibling or child of a person

within paragraphs 11.2.3.1 or 11.2.3.2; or

11.2.3.6 A spouse or civil partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or

11.2.3.7 Living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civil partners.

12.0 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

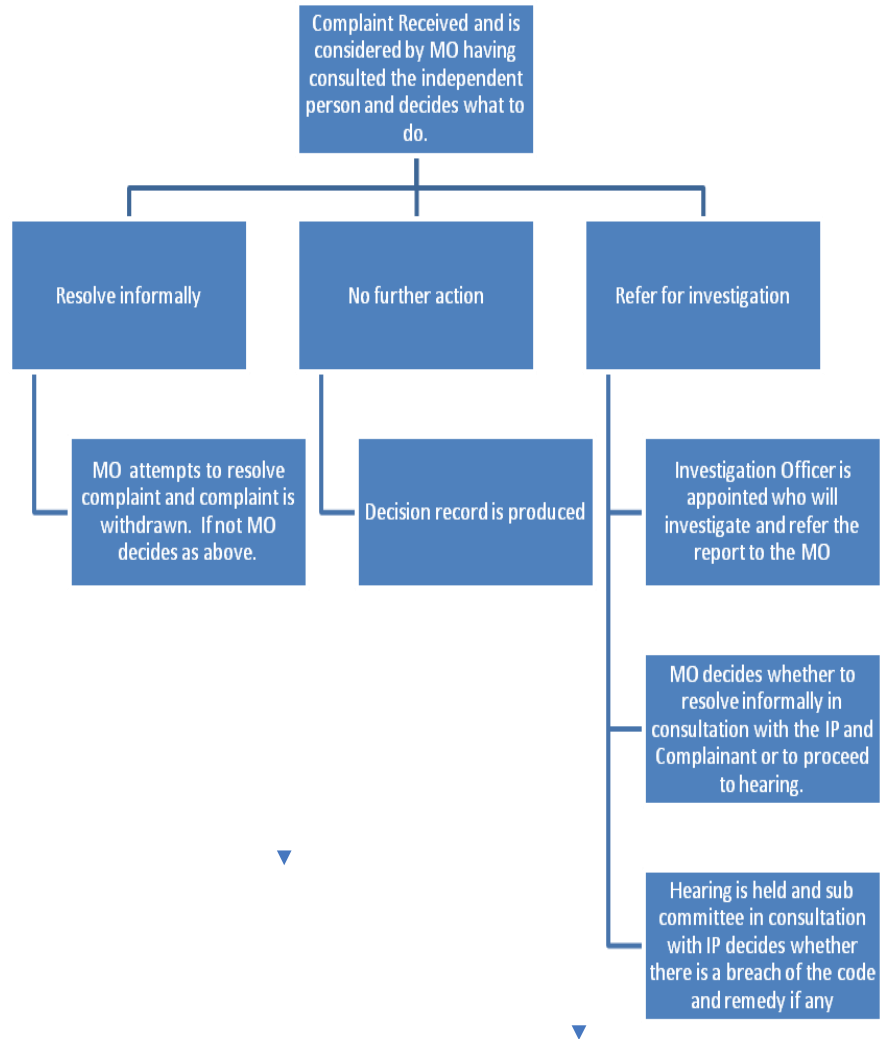
13.0 Appeals

13.1 There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Sub-Committee.

13.2 If you feel that the authority has failed to deal with your complaint properly, you can make a complaint to the Local Government Ombudsman.

APPENDIX 1

Complaints Procedure Flowchart



APPENDIX 2

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

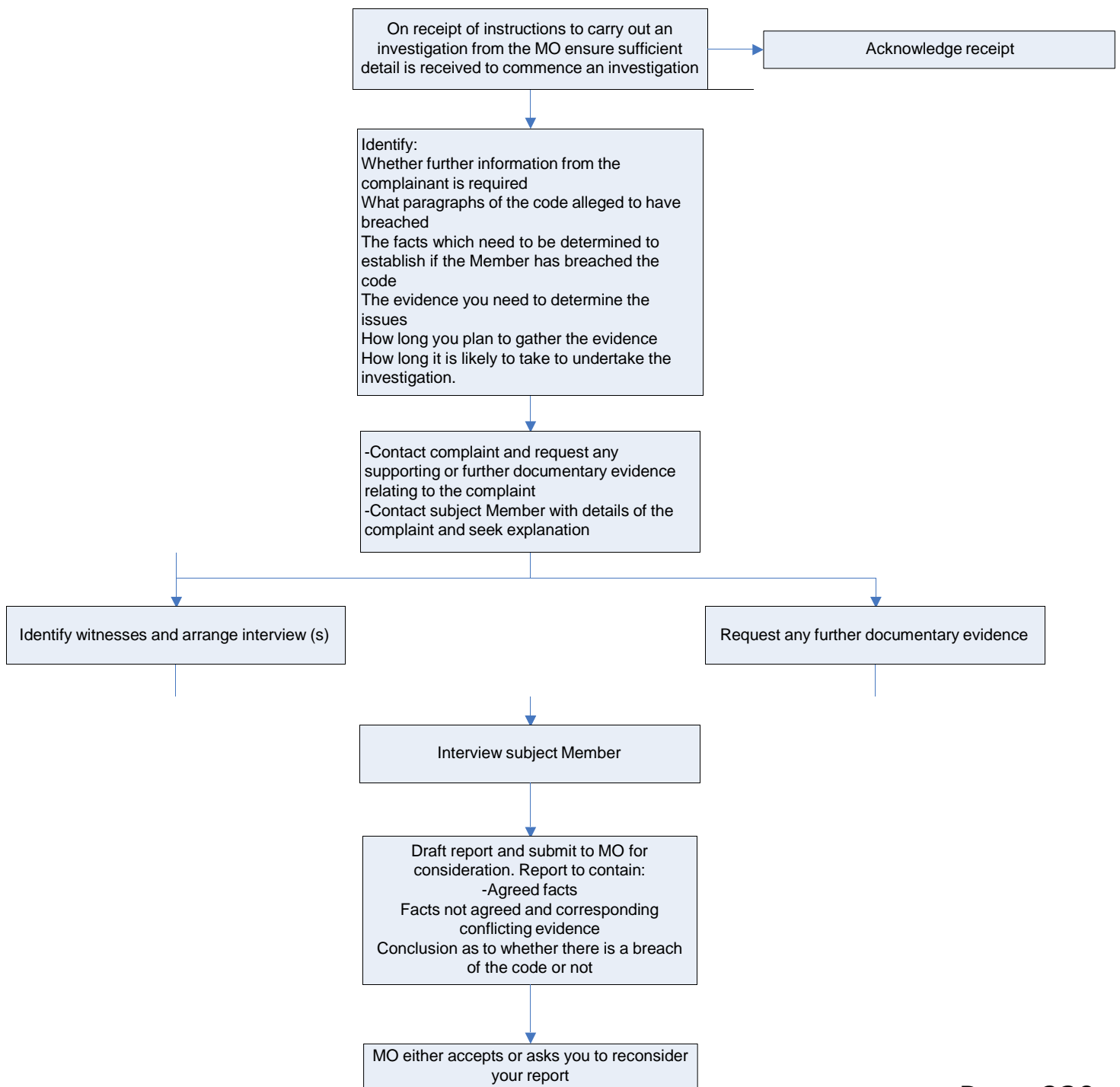
1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. it is about someone who is no longer a Councillor
5. There is insufficient information available for a referral; or
6. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
8. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Council; or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct.
10. Where the Member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

APPENDIX 3

STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

You should maintain a written record to demonstrate what was considered at the start of each investigation and plan how you intend to carry out the investigation, the paragraphs of the code that may have been breached, the facts you need to determine to establish, the evidence you will need, how you plan to gather the evidence and how long it will take to conclude your investigation. Remember there is no provision in the Localism Act 2011 for co-operation with your investigation.

A written Investigation Report will need to be prepared for consideration by the Council's Monitoring Officer.



Appendix 4

Complaints Standards Sub-Committee Procedure

**Item
No**
1

Procedure

Quorum

- 1.1. Three Members must be present throughout the hearing to form a quorum.

The Sub-Committee shall elect a Chairman for the meeting

2

Opening

- 2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones.
- 2.2 The Chairman asks all present to introduce themselves
- 2.3 The Councillor will be asked whether they wish to briefly outline their position

3

The Complaint

- 3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.
- 3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions arising from the Investigator's report and not to make a statement)

4

The Councillor's case

- 4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)

	4.2	The Investigating Officer may question the Councillor and/or any witnesses
	4.3	Members of the Sub-Committee may question the Member and/or any witnesses
5	<u>Summing Up</u>	
	5.1	The Investigating Officer may sum up the Complaint
	5.2	The Member (or their representative) may sum up their case.

6 **Decision**

- 6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision. The sub-committee can request that the Monitoring Officer joins them to advise them on procedure and law. If they do so the sub-committee chairman will explain the nature of the advice sought in public when the sub-committee returns.
 - 6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-
 - 6.2.1 The Sub-Committee decides that the Member has failed to follow the Code of Conduct or
 - 6.2.2 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct
 - 6.2.3 The Sub-Committee will give reasons for their decision
 - 6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct the Panel will consider any representations from the Investigator and/or the Member as to:
 - 6.3.1 Whether any action should be taken and
 - 6.3.2 What form any action should take
- The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person. The sub-committee can request that the Monitoring Officer joins them to advise them on procedure and law. If they do so the sub-committee chairman will explain the nature of the advice sought in public when the sub-committee returns.
- 6.5 On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council)
 - 6.6 The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish Councillor to the Parish Council with a view to promoting high standards of conduct among Members.

