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James Ellis
Head of Legal and Democratic Services

MEETING : EXECUTIVE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 3 SEPTEMBER 2024
TIME : 7.00 PM

MEMBERS OF THE EXECUTIVE

Councillor Ben Crystall	- Leader of the Council
Councillor Mione H Goldspink	- Executive Member for Neighbourhoods
Councillor Carl Brittain	- Executive Member for Financial Sustainability
Councillor Alex Daar	- Executive Member for Communities
Councillor Joseph Dumont	- Executive Member for Corporate Services
Councillor Vicky Glover-Ward	- Executive Member for Planning and Growth
Councillor Sarah Hopewell	- Executive Member for Wellbeing
Councillor Tim Hoskin	- Executive Member for Environmental Sustainability
Councillor Chris Wilson	- Executive Member for Resident Engagement

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AGENDA

1. Apologies

To receive any apologies for absence.

2. Leader's Announcements

To receive any announcements from the Leader of the Council.

3. Minutes - 9 July 2024 (Pages 5 - 16)

To approve as a correct record the Minutes of the meeting held on 9 July 2024.

4. Declarations of Interest

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

5. Financial Management 2024/25 - Q1 Forecast to year end (To Follow)

6. Advertising and Sponsorship Policy (Pages 17 - 36)

7. East Herts Complaints Process and Changes to the LGSCO Code of Practice (Pages 37 - 67)

8. East Herts Local Development Scheme (Pages 68 - 87)

9. Ward Freman Pool Update (Pages 88 - 93)

10. Urgent Business

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

MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 9 JULY 2024, AT 7.00 PM

PRESENT: Councillor (Chairman/Leader)
Councillors B Crystall, M Goldspink,
C Brittain, A Daar, J Dumont, V Glover-Ward,
S Hopewell, T Hoskin and C Wilson.

ALSO PRESENT:

Councillors D Andrews, E Buckmaster,
S Bull, B Deering and D Jacobs.

OFFICERS IN ATTENDANCE:

Richard Cassidy	- Chief Executive
James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Laura Guy	- Principal Planning Officer
Chloe Hipwood	- Service Manager - Waste, Recycling and Street Cleaning
Steven Linnett	- Head of Strategic Finance and Property
Jess Khanom-Metaman	- Head of Operations
Katie Mogan	- Democratic and Electoral Services Manager
Helen Standen	- Deputy Chief Executive

There were no apologies for absence.

74 LEADER'S ANNOUNCEMENTS

The Leader said that this was the first meeting since the parliamentary election, and he thanked the team involved for their work over the election period and overnight at the count.

He reminded Members to use their microphones as the meeting was being webcast.

75 MINUTES - 4 JUNE 2024

Councillor Goldspink proposed, and Councillor Glover-Ward seconded a motion that the Minutes of the meeting held on 4 June 2024 be approved as a correct record and be signed by the Leader. On being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 4 June 2024 be approved as a correct record and signed by the Leader.

76 DECLARATIONS OF INTEREST

There were no declarations of interest from the Executive.

Councillor E Buckmaster referred to Item 5 and declared that he was the Chairman of the Hertfordshire Waste Partnership and cabinet member for the waste disposal authority.

77 AWARD OF THE WASTE, RECYCLING AND STREET CLEANSING CONTRACT

The Executive Member for Environmental Sustainability presented the report for the Award of the Waste, Recycling and Street Cleansing Contract. He said that the report sought the Executive's approval to allow North

Hertfordshire District Council, as the lead authority, to award the contract.

The Executive Member for Environmental Sustainability said that the waste service was the largest spend each year for East Herts, and it was a high-profile service that had a significant impact and influence on the council's ability to achieve its carbon reduction aims. He said that the Executive agreed the service design in December 2023 and officers have been involved in a competitive dialogue to award the contract to the preferred bidder.

The Executive Member for Environmental Sustainability said that the government had undertaken a consultation on proposed statutory guidance relating to recycling proposals. He said that some of the elements of the guidance were not aligned with the service changes in the proposed contract, especially the frequency of waste collections. He said that the council had received independent legal advice contained in the part 2 appendix but said it was not prudent for the council to delay this decision.

Councillor Hoskin proposed that the recommendations in the report be supported. Councillor Goldspink seconded the proposal.

Councillor Brittain referred to the Letchworth depot and asked for the latest update.

Councillor Hoskin said the depot was not available as of the 9th July. He said the recommendation remained the same and North Herts would award the contract, if agreed, on the immediate arrival of the documentation.

Councillor Daar referred to page 19 and the data from Wales about three weekly waste collections which showed that two councils were able to increase their recycling rates. She referred to page 17 and asked for more details about the soft plastic collections and the survival bags.

The Waste Shared Service Manager said that the new contract would allow residents to put soft plastics in loose in the mixed recycling bin. She said the team were still consulting with various material recovery facilities to understand the sorting technology available to sort the materials. She said that the survival bags were a backup plan if the technology was not sufficient so residents would put their soft recycling into these bags in their recycling bin.

Councillor Hoskin said the council were part of a trial that was running nationally.

The Waste Shared Service Manager said that this was part of the Flex Collect trial funded by the Flexible Plastics Fund. She said that the government have indicated that all councils would be expected to collect soft plastics by 2027 and the trial was looking at the types of soft plastics being recycled and how it could be recycled and processed. The trial would be expanded into East Herts when the survival bags had been delivered.

Councillor E Buckmaster spoke on behalf of the Herts Waste Partnership and said that they felt three weekly collections were the way to go and there was enough flexibility in the guidelines to move to three weekly collections if there was a good reason. He said there would be challenges around the additional containers for residents but said it was important to start getting food waste collected separately. He said that the Overview and Scrutiny Committee discussed communicating to residents the collection cycle as no two weeks would be the same in a six-week period. He felt this was positive and could see recycling rates increasing.

Councillor Hoskin said a large part of the work after this decision would be communication and engagement with residents and said that councillors would play a vital role in this.

Councillor Crystall said that the project had been running for several years and started under the previous administration. He said it was satisfying to see change happening for the better and it was something to be celebrated.

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

RESOLVED – That (A) the Executive agrees to North Herts District Council awarding the waste, recycling and street cleansing contract to the preferred bidder, on behalf of East Herts Council, as identified in Appendix 1 Part 2 of this report;

(B) the Executive agrees to approve the formation of a joint mobilisation project board to include the Executive Members responsible for digital transformation as well as the Executive Member covering waste, recycling and street cleansing services for both EHC and North Herts to monitor the progress of the mobilisation of the waste, recycling and street cleansing contract;

(C) The Executive has regard for the draft statutory guidance in Appendix 6 and taking into account the matters set out in this Part 2 report and any Part 2 clarifications, reconfirms the decision on the 3-weekly collection frequency of residual waste collections made by Executive as per 2.5 and provides clear reasons for the decision;

(D) The Executive agrees to the commencement of a procurement exercise for the provision of a Material Recovery Facility (MRF) and haulage.

78 REQUEST FOR AREA DESIGNATION FOR
NEIGHBOURHOOD PLANNING: HERTFORD CASTLE
PLUS, HERTFORD TOWN COUNCIL

The Executive Member for Planning and Growth presented the report. She said that Hertford Town Council had applied for the designation of the Castle ward. Prior to the 2023 boundary changes, the whole area was in the Castle ward, and so the proposal was to call the area Hertford Castle Plus.

The Executive Member for Planning and Growth said that the council had undertaken a public consultation and six responses were received, five positive and one response concerned that the area was too large. She said that other Neighbourhood Plans in Ware and Bishop's Stortford covered a larger area than the proposed Hertford Castle Plus. She said it would be sensible to ensure that the whole of Hertford was covered by Neighbourhood Plans.

Councillor Glover-Ward proposed that the recommendations in the report be supported. Councillor Brittain seconded the proposal.

Councillor Deering referred to the low responses in the consultation and asked how much the exercise had cost.

The Principal Planning Officer said that the consultation was procedural and said that six responses was higher than received in other areas. She said there would be further opportunity for consultation and engagement when the plan started to be developed.

Councillor Deering asked for a figure of the cost.

The Principal Planning Officer said the process was covered by government grants and there was not a cost to the council. She said there was some officer cost in the support and guidance provided to develop the plan.

Councillor Deering asked for a written response after the meeting with figures provided.

Councillor Daar said that she had been involved in the Bengeo Neighbourhood Plan and said the public meetings had been very busy and local people got involved in developing the plan.

Councillor Hopewell said she had received informal interest from residents at this early stage. She said the procedural consultation had not sparked interest yet.

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

RESOLVED – that (A) the consultation responses, as detailed in Appendix C to this report, be received and considered; and

(B) the application, submitted by Hertford Town Council, for the designation of Hertford Castle Plus as a Neighbourhood Area for the purposes of producing a neighbourhood plan, be supported

79 A LISTENING COUNCIL REPORT - FEEDBACK ON CONSULTATION

The Executive Member for Resident Engagement presented the Listening Council report. He said that he felt that there was a disconnect between politicians and residents which could be seen in a declining turnout in elections. He said there had been huge cuts to funding which produced a misunderstanding of what the council could and could not provide.

The Executive Member for Resident Engagement said he wanted the public to be involved with knowing what challenges the council faced and the document provided a set of principles with how to interact with the public. He said that the consultation provided largely positive comments and said that good communication would result in money being saved not spent. He referred to examples of successful projects in the report and

upcoming projects such as the parking strategy which would involve visits to various towns and villages across the district.

Councillor Wilson proposed that the recommendations in the report be supported. Councillor Daar seconded the proposal.

Councillor E Buckmaster highlighted that the engagement with officers and Members was excellent in terms of the Member Enquiry system. He said he understood the intentions of the report but thought that it was difficult for the council to brand itself as listening as decisions had to be made and the council could not please all residents. He added that residents and parish councils had told him that they felt engagement was worse now than under the previous administration.

Councillor Wilson said he understood the point about branding the council as a listening one. He said the council would be listening if the strategy was done well and let residents know that their concerns were being heard and the council would convey why it could not agree with what they want. He said that listening did not mean agreeing and thought it was possible to achieve.

Councillor Glover-Ward said that planning matters were likely to have decisions made which most people did not agree with. She said however, that she had introduced Community Forums for residents to engage with the council and developers. She felt that this had been extremely valuable and said that people might be unhappy but did not think they were getting communicated with any less.

Councillor E Buckmaster responded and said that he had heard the complaint many times and residents and parishes were not getting responses in a timely fashion.

Councillor Glover-Ward said that she was not getting that feedback but encouraged those who were unhappy to

write to her and explain what they'd like.

Councillor Crystall said that the planning process had changed and evolved, and the council had to listen more which was why they had created new forums.

Councillor Goldspink thanked Councillor Buckmaster for his comments and said it was important to listen to everyone's views. She said the aim of the paper was to indicate to residents that the council wanted everyone to be involved and have their point of view heard and respected. She felt this was a positive first step.

Councillor Daar referred to paragraph 1.5 which showed a good example of communication and engagement.

Councillor Hoskin said that this report represented a way forward and there were many opportunities for the council to show willing.

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

RESOLVED – That the 'A Listening Council' document as amended following public consultation, presented in Appendix A, be approved.

80 WARD FREMAN COMMUNITY POOL GROUP CIO MATCH FUNDING SUPPORT FOR COMMUNITY OWNERSHIP FUND BID

The Executive Member for Financial Sustainability presented the report. He said that the Ward Freman pool had to be closed in December 2023 due to health and safety concerns but since then, a community pool group had been formed and registered as a charity. He said that this group intended to make a bid to the Community Ownership Fund, but this required 20% of match funding.

The Executive Member for Financial Sustainability said that East Herts Council had agreed to provide the match funding of £200,000 and write a letter of support for the application. He said the funding was to cover repairs to the pool and to cover the refurbishment of the changing rooms. He said this report was seeking approval to write the letter of support and the decision to provide the match funding would come later.

The Executive Member for Financial Sustainability said that the match funding would be sourced from the existing management charge payment to SLM, and the future costs were already provided in the Medium Term Financial Plan to fund this. He said this was the best way to bring the community asset back into use and the pool would close permanently if the match funding was not agreed.

Councillor Brittain proposed that the recommendations in the report be supported. Councillor Hopewell seconded the proposal.

Councillor E Buckmaster said he could not see any risk to this and wanted to acknowledge the efforts by Councillor Hopewell to move this project forward.

Councillor Bull also congratulated the Executive in pushing this forward and wished the community group every success.

Councillor Dumont commended Councillor Hopewell for trying to find solutions to this issue.

Councillor Hopewell thanked officers for identifying the pot of funding and all the volunteers on the community group.

Councillor Wilson said this was an example of talking with the community and getting difficult points across and listening to concerns of residents.

Councillor Andrews said he was pleased to see this come forward. He said £200,000 was a lot of money to invest in an old facility. He asked if the Executive had investigated building a new facility.

Councillor Hopewell said that the condition survey had said that the structure of the building was in good condition. She said that all information would be made available to the community ownership fund for them to decide whether it was worth investing in.

Councillor Glover-Ward said that a new facility would cost about the same as the Arts Centre in Bishop's Stortford which had to be cancelled. She said it would not be fair to give money to the Ward Freman pool if not going to the Arts Centre.

The Head of Legal and Democratic Services clarified that the Arts Centre in Bishop's Stortford had been postponed, not cancelled.

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

RESOLVED – That (A) The Executive agree in principle to provide match funding of up to £200,000 to support the Ward Freeman Community Pool Group CIO application to the Government's Community Ownership Fund; and

(B) The Head of Strategic Finance and Property be authorised to issue a letter of support for the Community Ownership Fund bid setting out the in-principle match funding agreement.

(C) Authorise the Head of Strategic Finance and Property to include in the letter the additional information concerning a publicly owned asset that the application will require.

81 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.50 pm

Chairman

Date

East Herts Council Report Executive

Date of meeting: Tuesday 3 September 2024

Report by: Councillor Carl Brittain Executive Member for Financial Sustainability

Report title: Advertising, Sponsorship and Donations Policy

Ward(s) affected: All

Summary – this report, which flows from the council’s Commercial Strategy, sets out the council’s policy for accepting advertisements on any of its assets in order to maximise income. As BEAM Hertford is due to open in August 2024 there is also a need to set out a policy on sponsorship and donations for staff to work to in developing their proposals in this area.

RECOMMENDATIONS FOR EXECUTIVE:

a) Approve the Advertising, Sponsorship and Donations Policy as shown at Appendix A.

1.0 Proposal(s)

1.1 The Commercial Strategy requires the council to be a more commercially minded organisation and therefore maximising income is expected. Selling of advertising space on council assets is not currently undertaken and this will be an easy to pursue income stream although it will have modest returns of about £35k per year.

1.2 The advertising policy sets out what the council will not permit to be advertised on council assets. There is a requirement to make exemptions for council services where the application of the restriction would lead to the council restricting its own income and in the case of the East Herts Community Lottery, depriving good causes of funding.

1.3 The exemptions are set out in the policy and where the council is operating and uses the commercial exemption there is a requirement for the reasons for using that exemption to be kept in a register that must be reported to the Executive at least once a year.

1.4 Exemptions apply for commercial reasons for the prohibition of alcohol advertising so that BEAM Hertford can promote its licensed bars and restaurants offer and also to cover any sponsorships, for example Budweiser sponsored comedy tours. Parks successfully let out space on Hartham Common for Oktoberfest which could not return without the exemption in place.

1.5 An exemption on gambling and betting is required to display the National Lottery funded logo in relation to projects funded from that source. A further exemption applies to Housing and Health to allow them to operate and promote the East Herts Community Lottery which benefits community groups.

1.6 An exemption is granted to Strategy, Policy and Communications to allow them to offer vouchers for completing questionnaires, consultation exercises and also other suitable incentives such as credits on customer accounts for participating in take up campaigns such as paying by Direct Debit.

1.7 An exemption is granted to the recognised trade union so that it can use internal noticeboards and the intranet to communicate with and seek the views of its members.

1.8 The Sponsorship and Donation policies set out the definitions and different VAT treatment between the two. The list of exclusions for advertising, including exemptions, applies to potential sponsors and donors. For example, the council would not accept a sponsorship or donations from Stanstead Airport Limited but it would accept them from the Greater Anglia Train Operating Company.

2.0 Background

2.1 The Commercial Strategy requires the council to be more commercial in its approach and to seek to maximise income.

2.2 The opening of BEAM Hertford requires this policy to be in place to guide the advertising shown on screens and in programmes/brochures and to set out the basic framework for the

development of sponsorship packages and donation schemes such as "name a seat."

3.0 Reason(s)

- 3.1 To maximise income from assets.
- 3.2 To ensure consistency across the council.
- 3.3 To prevent VAT penalties by ensuring that sponsorship and donations are correctly identified, and the correct VAT rate applied.
- 3.4 To ensure democratic oversight of the commercial exemptions for alcohol put in place a requirement to maintain a register of all commercial exemptions that must be reported to Executive at least annually.

4.0 Options

- 4.1 Recommended – adopt the policy to ensure consistency and that the council does not allow adverts for anything that would hamper delivery of the corporate plan or cause reputational damage.
- 4.2 Not recommended -not having a policy would preclude an income stream built into the budget and MTFP as no advertising on assets could be undertaken without a policy in place. There would be inconsistencies with Service Teams making different decisions about adverts. The council might be in danger of accepting unsuitable advertising causing offence to certain groups. The council may accept advertising which is directly in conflict with its stated aims and objectives and particularly with the declared Climate Emergency.

5.0 Risks

- 5.1 There is the risk that not all exemptions that should have been identified have been so there may be a loss of an opportunity because of the restrictions.
- 5.2 There is a risk that Development Management Committee refuse planning permission for advertising boards/hoardings/displays leading to a loss of income and additional savings requirements.
- 5.3 There is a risk that work on Sponsorship and Donations at BEAM does not progress sufficiently quickly because it is seen as just part of a Membership Scheme that will generate very low amounts of

income. This needs to be progressed at pace as there is the opportunity to raise an additional £400k.

5.4 There is a risk that donations and sponsorship are not correctly identified and the incorrect VAT treatment applied. Discovery internally will require a voluntary declaration to HMRC, payment of the correct VAT, interest from when the payment was due plus potentially a penalty of up to two times the VAT amount, although HMRC usually forego this for voluntary disclosures.

6.0 Implications/Consultations

6.1

Community Safety

Yes – not allowing adverts that cause damage to community relations should assist with maintaining community safety.

Data Protection

None arising from this report. Incentivisation competitions and take up campaigns are already covered by our Privacy Policy and in order to be entered into the competition then the customer has to opt in

Equalities

Yes – included in the policy is a prohibition on any advertising that could cause a negative impact on people with protected characteristics. Initial scoping of the policy indicates that there are no areas where reasonable adjustments are required and given the protection against any advertising that harms people with protected characteristics it is considered a full Equalities Impact Assessment is not required.

Environmental Sustainability

Yes - the policy excludes advertising on or by anything that principally consumes fossil fuels and harms the environment.

Financial

Yes – any lender with interest rates higher than the norm - so called pay day lenders - may not advertise protecting people against unscrupulous lenders.

By permitting advertising on assets and the websites the council will gain additional income of c.£35k per annum.

BEAM opens late August and the team have been concentrating on opening the building and getting the theatre and cinema programme together. They have not had the capacity to look at sponsorship and donations and insist that they must undertake research and design packages suitable to the facility and its audiences. Once the facility is open then the section 151 officer would urge work on sponsorship and donations to be prioritised. Using the Cambridge Arts Theatre as an example, their tiered sponsorship packages for individuals brings in more than £106k per year (we cannot find complete information so we cannot include the lowest tier of sponsorship income). Corporate sponsorship, based on the minimum package amount, brings in, more than £75k per year and this is very likely to be a much higher figure. Of note is that one corporate sponsor is GSK who have a substantial campus in Ware and may very likely be open to sponsorship opportunities. There is further potential income from selling the naming rights to parts of the building e.g. The [Sponsor) Stage One, to bring in around another £200k per annum. Finally, the introduction of a name a seat donation package, used by most commercial theatres, and basing sales on 50 seats a year, has the potential to bring in another £20k per year. The potential sponsorship and donation income totals at least £400k per year.

Health and Safety

None arising directly from this report.

Human Resources

Administration and sales of advertising on the council's assets will be outsourced to an agency with the Communications Team being the client. As such it is felt that there should be minimal impact on workload over the year. BEAM has marketing and communication staff in place, but they have argued that a dedicated fundraiser should be appointed as they don't have the skills to sell sponsorship and donations.

Human Rights

Yes – the policy will protect the human rights of residents by preventing adverts that could lead to them being targeted because of a protected characteristic.

Legal

Yes - English district councils have several powers to sell advertising space on their assets. There are also some restrictions about advertising and its placement. In summary:

1. **Local Government Act 1972:** This act provides councils with the general power to dispose of land and property, which can include selling advertising space on these assets.

2. **Localism Act 2011:** This act gives councils the power to do anything that individuals generally may do, which includes generating income through advertising.
3. **General Power of Competence:** Under the Localism Act 2011, councils have the power to engage in commercial activities, provided they are not explicitly prohibited by other legislation.
4. **Planning and Highways Regulations:** Councils must comply with planning and highways regulations when placing advertisements, especially on public highways or in conservation areas.
5. **Advertising Consent:** Councils may need to obtain advertising consent under the Town and Country Planning (Control of Advertisements) Regulations 2007, depending on the nature and location of the advertising.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 Appendix A - Advertising, Sponsorship and Donations Policy

Contact Member

Carl Brittain Executive Member for Financial Sustainability

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Contact Officer

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Advertising, Sponsorship and Donations Policy

DRAFT for approval by Executive 3rd September 2024

Version 0.2

Review by 2nd September 2027

Table of Contents

1	Advertising Policy.....	2
1.1	Introduction.....	2
1.2	Policy Statement.....	3
2	Sponsorship Policy.....	7
2.1	Introduction.....	7
2.2	Definition of Sponsorship.....	7
2.3	Policy Objectives and Operation.....	7
3	Donations Policy.....	10
3.1	Introduction.....	10
3.2	Definition of Donation.....	10
3.3	Policy Objectives and Operation.....	10
4	Standard Advertising Disclaimer.....	12
5.1	Disclaimer Notice.....	12

1 Advertising Policy

1.1 Introduction

1.1.1 The objective of this policy is to produce guidance on the type of advertisements which appear in our publications, on our web site, our intranet and other physical sites (including but not limited to: billboards/hoardings/lamp column banners/panels on litter bins/furniture/printed materials/vehicles etc.).



1.1.2 The policy is aimed at providing positive advice to East Hertfordshire District Council employees and prospective advertisers on what is and what is not acceptable forms of advertising for the council without being too prescriptive or detailed. It is not an exhaustive list and takes as its start point that all advertising falls within the rules and guidelines laid out by the Advertising Standards Authority (ASA) and upholds the rules laid out in the British Codes of Advertising and Sales Promotion and the Code of recommended practice on Local Authority publicity. The basic principles of the codes are that advertisements should be:

- i. Legal, decent, honest and truthful.
- ii. Created with a sense of responsibility to consumers and to society.
- iii. In line with the principles of fair competition generally accepted in business; and

iv. The spirit as well as the letter of the codes are applied.

1.1.3 A full copy of the codes is available on the ASA website.

1.2 Policy Statement

1.2.1 The values expressed in any advertisement must not directly conflict with the Council's vision and values, and acceptance of any advertisement does not imply endorsement by the council. The council retains the right to decline advertising from any organisation or individual or in respect of particular products which the council, in its sole discretion, considers inappropriate.

1.2.2 There are prohibitions on advertising for certain items which are listed in the table following paragraph 1.2.3. There are exceptions to the prohibited advertising items in consideration of commercial or other policy considerations affecting the council. For example, the council owns and operates BEAM Hertford, which comprises theatres, cinemas and social spaces, which is licensed to sell alcohol for consumption on the premises and therefore a total ban on advertising alcohol would not be commercially desirable. The council promotes the East Herts Community Lottery which supports good causes in East Hertfordshire District. The council could not promote the lottery without an exemption from the prohibition on advertising gambling. Any permission to allow for exemption and any restrictions relating to how the exemption may be used are noted in the list of items shown below. The reason for the exemption being granted is also set out below.

1.2.3 The council will not produce, endorse, or knowingly be associated with any form of advertising that positively promotes:

Item	Exemption
Alcohol	Yes, commercial exemption for BEAM Hertford and Parks and Leisure for on-premises sale and consumption of alcohol and/or to acknowledge sponsorship of events
Violence	None

Item	Exemption
Tobacco, rolling papers and filters	None
The sex industry	None
Gambling or betting	<p>Yes, for any part of the council to acknowledge any grants funded by the National Lottery.</p> <p>Yes, for Housing and Health to operate and promote the East Herts Community Lottery which benefits community groups</p>
<p>The direct consumption of fossil fuels or any product or service that principally consumes fossil fuels, except local public transport services e.g.: the advertising of battery electric vehicles would be allowed but not the advertising of any other vehicles; air or ground source heat pumps would be allowed but not gas boilers; Hertfordshire bus or train services would be allowed but not air travel.</p>	None
<p>Material which, in the council's opinion, may have a negative impact on groups in the community because of: their age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; disability; race (including colour, nationality, ethnic or national origin); religion or belief; sex; and/or sexual orientation.</p>	None

Item	Exemption
Any product or service that may inhibit the council's ability to achieve its policy objectives.	None
Any product or service offering unsecured credit at interest rates significantly above market norms.	None
Any material which may, in whole or in part, appear to be designed to affect public support for a political party, pressure group or trade union	Yes, for the council's recognised trade union, Unison, on internal notice boards and the staff intranet only, to advertise to East Hertfordshire District Council Unison Branch members union information. The council also permits the display of information to inform staff who are not members of the union about joining the union.
Organisations offering entry into a competition following completion of a form containing any personal information.	Yes, for Policy, Strategy and Communications so that they may offer entry into competitions to win shopping or other vouchers to incentivise the public to participate in surveys, consultation exercises or as an incentive to take part in campaigns, such as encouraging customers to pay by direct debit, which may use other suitable incentive rewards, such as placing a credit on the winner's account.

1.2.4 When officers use the commercial exemption in relation to alcohol, they are required to record this on a Commercial Exemptions Register, which will be reported to the Executive at least annually. This allows the Executive to balance the commercial interests of the council with the potential harm that

may arise from promoting alcohol so that the commercial exemption is kept under annual review. The Head of Operations will be the responsible officer for the maintenance of the register and for ensuring compliance with recording all commercial exemptions as the services able to use the exemption come under the Operations Service. The Chief Executive may designate an alternative officer to be responsible in the event of any changes to the council's staffing structures.

- 1.2.5 Several items that appear in the list may be part of a stage production or a cinema film. For the avoidance of doubt, the prohibition list does not apply to the content of any stage or screen production and/or its associated advertising.
- 1.2.6 This advertising policy applies to advertisements on East Hertfordshire District Council's websites. Advertisers may not copy or duplicate content from any of East Hertfordshire District Council's websites except where copyright licence has been obtained. Advertisers may not use any of the District Council's trademarks, including logos, without prior written consent. Advertisers should also ensure that they do not infringe any third-party intellectual property rights. Advertisers must not create a link to any of East Hertfordshire District Council's websites content in a way which would make it seem it is their own website. Advertisers must not imply East Hertfordshire District Council is endorsing their website, their products or services without express written permission from East Hertfordshire District Council.

2 Sponsorship Policy

2.1 Introduction

2.1.1 This policy sets out our definition of 'sponsorship' and the terms upon which sponsorship may be both sought and accepted by East Hertfordshire District Council.

2.2 Definition of Sponsorship

2.2.1 For the purposes of this policy, sponsorship is defined as:

“An agreement between East Hertfordshire District Council and the sponsor, where the council receives either money or a benefit in kind from an organisation or individual which/whom in turn gains benefits and publicity.”

2.3 Policy Objectives and Operation

2.3.1 This policy aims to:

- i. Ensure that our position and reputation are adequately protected in sponsorship agreements.
- ii. Ensure that we adopt a consistent and professional approach towards sponsorship.
- iii. Ensure best value is obtained and provided in sponsorship arrangements – including any arrangements made where we receive either money or a benefit in kind.
- iv. Protect Members and individual officers from allegations of inappropriate dealings or relationships with sponsors.

2.3.2 We will actively seek opportunities to work with both local and national organisations by identifying sponsorship opportunities of mutual benefit and which are in keeping with our strategic priorities and core values. We welcome all opportunities to work in such partnerships.

2.3.3 We will not, however, put ourselves in a position where it might be said that such a partnership has or might have or may be thought to have:

- i. Influenced the Council or its officers in carrying out its statutory functions to gain favourable terms from the council in any business or other agreement.
- ii. Aligned the Council with any organisation which conducts itself in a manner which conflicts with our values.

- 2.3.4 Sponsorship agreement partners should not be in direct conflict with the list in the Advertising Policy, unless an exemption has been granted and again, where sponsorship is a commercial fact, that this is noted in the commercial exemptions register. The council retains the right to decline sponsorship from any organisation or individual or in respect of any particular products which it, in its sole discretion considers inappropriate.
- 2.3.5 East Hertfordshire District Council will agree with the sponsor the nature and content of any publicity and will retain the right to approve all publicity and advertising materials.
- 2.3.6 East Hertfordshire District Council has two strong brands it operates under- East Herts Council and BEAM. No publicity or advertising materials must detract from these brands.
- 2.3.7 East Hertfordshire District Council will always comply with our procurement policy and procedures and may, in accordance with those procedures, advertise a sponsorship opportunity to potential sponsors. Certain types of sponsorship relating to BEAM, for example tiered standard sponsorship packages which are the industry norm, will be advertised for general sale to the public.
- 2.3.8 Wherever possible standard sponsorship and donation packages will be created for general sale to simplify the process involved – e.g., placing a plaque bearing a name on a seat will be a standard package. The council may offer naming rights to buildings/parts of buildings and/or events and shows. These will be standard packages but may be offered for bidding to interested parties if there is sufficient demand.
- 2.3.9 Before seeking sponsorship, Council officers must consider this policy document and seek the involvement of both Strategic Finance and Legal. All financial costs must be identified, including the equivalent monetary value of any sponsorship in kind. The sponsorship package being proposed must provide value for money for the Council Taxpayer.
- 2.3.10 Normally the council will be offering sponsorship or donation packages that have been developed within the council. Where a third-party approaches officers offering a sponsorship package it is essential that officers thoroughly understand why the sponsorship is being offered and what are the “red lines” in terms of benefits back. As the VAT treatment of sponsorship and donations is unlikely to be commonly known outside of the charity

and local government sectors then you should refer potential sponsors to HMRC VAT Notice 701/41 – Sponsorship.

- 2.3.11 Sponsorship is subject to VAT at the Standard Rate and therefore the Net Cost, the VAT amount and the Gross Cost must be clearly stated for all sponsorship packages. It is essential that all corporate sponsorship agreements provide a VAT invoice or a VAT receipt so that the corporate sponsor and the council are able to evidence compliance with the VAT rules. Where the sponsorship involves a benefit in kind supplied to the council then VAT only invoices will need to be exchanged and paid by the council and the sponsor for every fiscal year for which the agreement is in place.
- 2.3.12 Donations are not subject to VAT but the scope of acceptable benefits is very much lower. If you are not clear about the HMRC sponsorship and donations definitions and the VAT treatment of an agreement do not attempt to negotiate without Legal and Finance being present. It is possible to have package that include both sponsorship and donation but these will be subject to HMRC scrutiny and must be carefully constructed based on value and benefit to avoid HMRC penalties and the potential for the sponsor/doner withdrawing as they could be faced with a substantially increased VAT amount to pay.
- 2.3.13 The early involvement of Legal will ensure the correct procurement route is followed and that legal terms and conditions can be discussed and agreed as part of the sponsorship negotiations.
- 2.3.14 Sponsorship agreements must be referred to Legal and Finance for final review prior to signing. . All sponsorship deals should be approved by a Head of Service.

3 Donations Policy

3.1 Introduction

3.1.1 This policy sets out our definition of 'donations' and the terms upon which donations may be both sought and accepted by us.

3.2 Definition of Donation

3.2.1 For the purposes of this policy, donations are defined as:

“An agreement between East Hertfordshire District Council and the doner, where the doner freely gives the council either money or a benefit in kind and receives nothing but an insignificant benefit in return.”

3.3 Policy Objectives and Operation

3.3.1 We will actively seek opportunities to work with both local and national organisations by identifying sponsorship opportunities of mutual benefit and which are in keeping with our strategic priorities and core values. We welcome all opportunities to work in such partnerships.

3.3.2 We will not, however, put ourselves in a position where it might be said that such a partnership has or might have or may be thought to have:

- i. Influenced the Council or its officers in carrying out its statutory functions to gain favourable terms from the council in any business or other agreement.
- ii. Aligned the Council with any organisation which conducts itself in a manner which conflicts with our values.

3.3.3 Donation agreement partners should not be in direct conflict with the list in the Advertising Policy, unless an exemption has been granted. The council retains the right to decline donations from any organisation or individual or in respect of any particular products which it, in its sole discretion it considers inappropriate.

3.3.4 Before seeking donations, council officers must consider this policy document and seek the involvement of both Strategic Finance and Legal. All financial costs must be identified, including the equivalent monetary value of any donation in kind. The donation package being proposed must provide value for money for the Council Taxpayer.

- 3.3.5 Normally the council will be offering donation packages that have been developed within the council. Where a third-party approaches officers offering a donation package it is essential that officers thoroughly understand why the donation is being offered and what are the “red lines” in terms of benefits back. As the VAT treatment of sponsorship and donations is unlikely to be commonly known outside of the charity and local government sectors then you should refer potential sponsors to HMRC VAT Notice 701/41 – Sponsorship
- 3.3.6 Any donations with negotiations must have representatives from Finance and Legal present as there is a fine line between donations and sponsorship and the very different VAT treatments. It may be to the advantage of both parties to construct a deal that contains sponsorship and donation elements. These deals will be subject to HMRC scrutiny to test the value given and received.
- 3.3.7 Donations are treated as Exempt from VAT. If sponsorship is misclassified as donations then there will be severe VAT penalties to pay and the doner will have to be sent VAT invoices to pay which would undoubtedly sour relations between the council and the donor. The reputational damage might also affect the willingness of others to donate in the future. treatment wrong could lead to very severe and costly VAT penalties if sponsorship is incorrectly classified as a donation.

4 Standard Advertising Disclaimer

4.1 Disclaimer Notice

4.1.1 To make it clear that acceptance of advertising or sponsorship does not imply endorsement of products and services by East Hertfordshire District Council, all council publications which include advertising or corporate sponsorship, must carry the following disclaimer:

Whilst every effort has been made to ensure the accuracy of advertisements contained in this publication, East Hertfordshire District Council cannot accept any liability for claims made by advertisers or any errors and omissions. The inclusion of advertisements and sponsorship in (name of publication) should not be taken as an endorsement of the advertisers, sponsors and/or their products by East Hertfordshire District Council.'

East Herts Council Report

Executive

Date of meeting: 3rd September

Report by: Alex Cook, Customer Service Manager

Report title: Update on Complaints and implementation of the Local Government and Social Care Ombudsman Code of Practice

Ward(s) affected: All

- **Summary** – This report updates Members on complaints for the 2023/24 year, explores changes introduced by the arrival of the Local Government and Social Care Ombudsman (LGSCO) Complaint Handling Code and outlines how we may expect to be impacted.

RECOMMENDATIONS FOR EXECUTIVE MEMBERS:

- a) That the self-assessment against the LGSCO Code is agreed (Appendix A) and updated annually
- b) That the updated Persistent and Unreasonable Behaviour Policy is recommended for adoption by The Council.

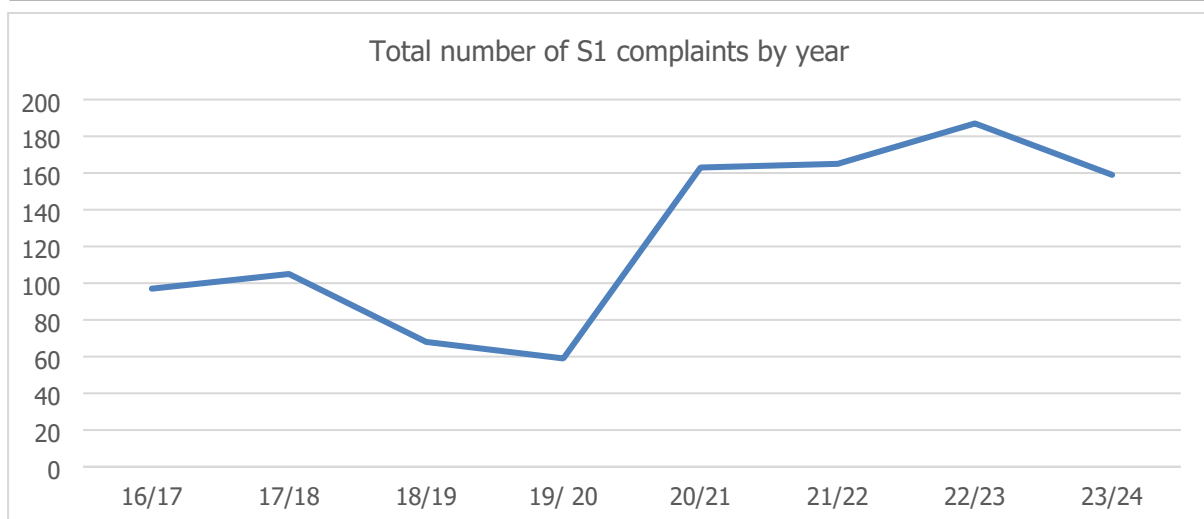
1.0 Complaints data 2023/2024

1.1 Overall number of complaints for 23/24

A total of 159 complaints have been recorded at S1 throughout the 23/24 period. Of these, just 26 were appealed and raised at S2.

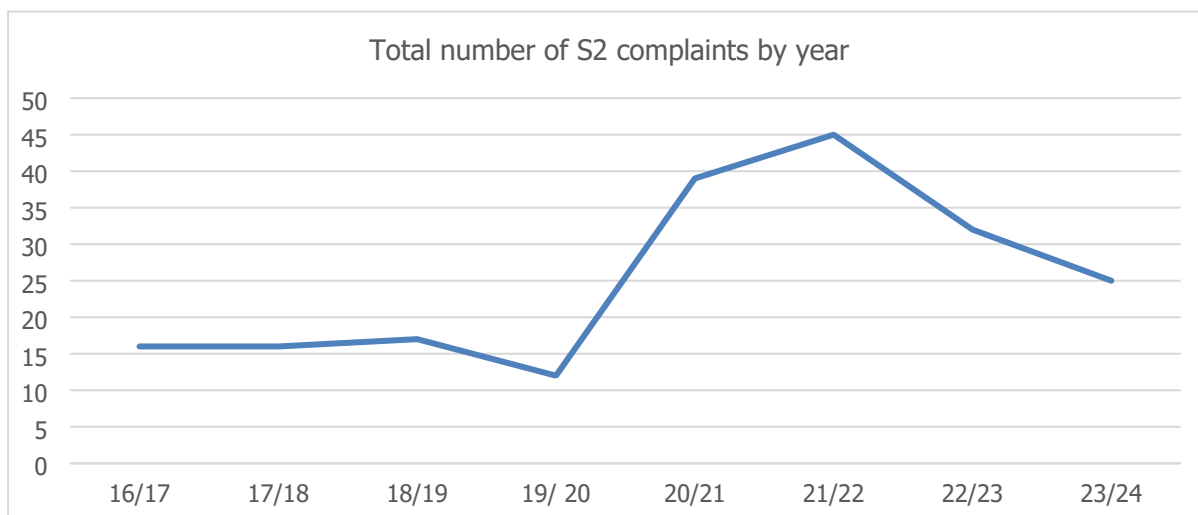
1.2 Breakdown by service area

Stage 1	16/ 17	17/ 18	18/ 19	19/ 20	20/ 21	21/ 22	22/ 23	23/ 24
Comms, Strategy & Policy	0	1	0	3	1	3	1	3
Democratic and Legal Services	1	0	0	0	5	3	1	1
Housing and Health	23	10	8	8	17	8	15	12
HR and OD	0	0	0	0	0	0	0	0
Operations	23	27	30	24	55	89	105	89
Planning and Building Control	34	36	19	13	29	49	46	33
Revenues and Benefits	14	30	9	9	56	13	19	21
Strategic Finance and Property	2	1	2	2	0	0	0	0
Total	97	105	68	59	163	165	187	159



Stage 2	16/ 17	17/ 18	18/ 19	19/ 20	20/ 21	21/ 22	22/ 23	23/ 24
Comms, Strategy & Policy	0	0	0	2	1	0	0	2
Democratic and Legal Services	1	0	0	0	0	2	0	0
Housing and Health	4	1	1	4	5	2	4	3
HR and OD	0	0	0	0	0	0	0	0
Operations	1	5	3	2	6	13	8	3
Planning and Building Control	10	9	10	3	11	20	18	15

Revenues and Benefits	0	1	2	0	16	7	2	2
Strategic Finance and Property	0	0	1	1	0	1	0	0
Total	16	16	17	12	39	45	32	25



Although this data generally shows some fluctuation on the number of cases each year, it suggests a sharp rise in the number of complaints logged during the pandemic. However, this can be explained by changes to our reporting processes in 19/20 – as figures had been questionably low and we suspected a number of cases were not being logged correctly. Last year shows a modest decline for the first time since 2020.

1.3 Response performance

Our target is to investigate and respond to all complaints within 10 working days of acknowledgement. Our performance against this is regularly reported to Leadership Team, with headlines for last year as follows:

Stage	Responded within 10 working days	Responded after 10 working days	Within SLA	Total
S1	117	42	73.58%	159
S2	13	13	50.00%	26

This table does not include acknowledgement data, as our reporting tools do not provide this. However, we know that when complaints come in via the website they are logged and acknowledged immediately on Infreemation, with the customer being provided a reference number. For those that come in via other routes, they are generally logged within 3 working days of being reported to us and this generates an automatic notification to the complainant that their complaint has been raised.

1.4 Outcomes

Stage	Not Upheld		Partially Upheld		Upheld		Total
	Total	%	Total	%	Total	%	
S1	77	48.43%	58	36.48%	24	15.09%	159
S2	18	69.23%	5	19.23%	3	11.54%	26

Using examples of upheld/partially upheld complaints at S2, some common themes around processes (as opposed to the actual outcomes) were identified:

- Partially upheld is often used where overall we feel the council is not at fault but we have been slow in responding or the nature of communication was not felt by the customer to be empathetic (e.g. our tone or use of jargon).
- Some officers may benefit from further training in the use of our complaints platform, as two S1 responses had been logged but not delivered in both cases. This meant both complaints escalated to S2 without the complainant having received their response at S1, despite each response being published. The LGSCO were invited to undertake training with all complaints leads in the council in 2021, however a number of staff

members have left since then. There is a clear need to run this training again, which we plan to do in the Autumn.

- The absence of call recording functionality leaves the Council extremely vulnerable when it comes to providing supporting evidence during complaint investigations. At least three S2 complaints were either upheld or partially upheld for this reason alone, as we were unable to determine *what had or had not been said*, or *how something had been said*, during earlier correspondence. Where there is no evidence arguing either for or against, the council's default position would usually be to give the customer the benefit of the doubt.

A more detailed summary of upheld or partially upheld complaints can be found below:

Summary of Complaint	Outcome	Resolution	Learning
Council tax liability dispute i.e. resident claims to have been charged unfairly and outside of their tenancy period	Upheld	It was decided retrospectively that the resident is not liable for the period relation to their complaint and would not be charged for this	The issue of liability could arguably have been picked up during S1, however it should be acknowledged that this was fairly ambiguous, given the circumstances and complexity behind this case.
Passive handling of planning variation application and inability to speak with officers involved	Upheld	An apology has been given for the residents views on maladministration and injustice, with an offer of payment to the value of £500	Poor interdepartmental collaboration has created unnecessary delays in processing the complainant's query. Incomplete records and lack of correspondence evidence detailing

			previous contact to and from the complainant are also largely to blame for this outcome.
Mishandling of process in relation to an Asset of Community Value case	Partially Upheld	An apology was offered for poorly perceived tone during earlier correspondence with Officers	The response explained that correct procedures had been followed and that the matter had been handled correctly throughout each stage of the process with no evidence suggesting otherwise, yet this has been <i>partially upheld</i> . An apology was offered for Officers' tone during earlier correspondence; however this does not necessarily justify a different outcome.
Multiple missed bin collections reported with no resolution and a lack of response	Partially Upheld	Apology and explanation offered as to why an initial response was not issued. Resolution has been put in place with commitment to monitor upcoming collections	Initial S1 response had been logged but not delivered - a result of human error whilst using the complaints system. The S2 response was very good, but entirely avoidable.

<p>Bulky waste collection did not take place due to a misunderstanding between customer and customer services on location of collection point</p>	<p>Partially Upheld</p>	<p>An apology was made and an offer of a follow-up sofa pickup arranged, with us covering cost</p>	<p>The customer has been given benefit of the doubt due to a lack of supporting evidence detailing what had or had not been said during their initial phone call requesting the service. Call recording functionality would have eliminated any risk of failure here, as we could use this to determine what had been agreed at FPOC.</p>
<p>Report of abuse and maltreatment by the Council during homeless application</p>	<p>Partially Upheld</p>	<p>Apologies were made for any perceived tone or language used by EHC officers, in lieu of supporting evidence for or against</p>	<p>Comments made on officer telephone tone and conduct have been partially upheld in this response, in lieu of call recording functionality. As no other element of the complaint was upheld, it would appear <i>partially upheld</i> has been used a middle outcome when supporting facts or evidence is lacking.</p>

<p>Various issues relating to experiences and service received at launchpad</p>	<p>Partially Upheld</p>	<p>Apologies were made for the delayed response and experience on the whole, with commitments being made to follow up these issues with relevant officers</p>	<p>Initial S1 response had been logged but not delivered - a result of human error whilst using the complaints system. The complaint also indicated conversations containing private details had taken place in open settings, which could be deemed generally inappropriate and also potentially a GDPR risk in certain scenarios.</p>
<p>Incorrect advice given out in relation to pest control, resulting in an expensive fee paid by the complainant privately</p>	<p>Upheld</p>	<p>An apology was issued for the miscommunication and an offer of compensation was made to cover the customer's incurred losses. However, the customer has been uncontactable since the offer was made.</p>	<p>Incorrect advice was given to the complainant by officers outside the CS team, whom it could be argued should have been passed the query in the first place. This advice was given via email, for which we have a record, however subsequent correspondence was made via telephone. Again, call recording would have allowed us to determine what advice was given once the query did</p>

			eventually reach the customer services team.
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1.5 Complaints dealt with by the Ombudsman

Once the EHC complaints process has been exhausted, complainants can go to the Ombudsman to appeal our stage 2 decision if they are still unhappy.

The LGO website can be used to view past complaints to EHC and a link to the specific webpage can be found below. Please note, the search functionality does not seem to work unless *East Hertfordshire District Council* is typed in full:
<https://www.lgo.org.uk/Decisions>

A Council performance report which displays the number and percentage of upheld cases can also be found on the LGO website via <https://www.lgo.org.uk/information-centre/councils-performance>. It is worth noting this data can often be misleading, as LGO only use complaints they have investigated as the source data for this. A significant portion of complaints received by LGO are not investigated and this could be for a number of reasons, however none of these cases are included in the Council performance report. For instance, the Ombudsman may receive 10 complaints from customers but only take one of these forward for investigation (on the basis that the other nine have not resulted in injustice to the customer). If this one complaint is then upheld, then our performance is marked as “100% of East Herts complaints are upheld”, when actually it should be 10%.

A more detailed summary of the cases referred to the Ombudsman over the 2023/24 can also be found below.

Ref	Summary of Complaint	LGO Decision
23000823	Mr X has complained about how the Council dealt with his neighbour's planning application. Mr X says the decision to grant planning permission was not in line with the Council's planning policy and the development will have a significant impact on his property.	We will not investigate Mr X's complaint because we are unlikely to find fault by the Council.
22012606	Mr X complains the Council failed to take planning enforcement action between December 2020 and December 2022 on a development where he lives.	We find no evidence of fault in the Council's decision making or how it progressed the case. We therefore cannot question the merits of its decision.
23003067	Mrs X has complained about how the Council dealt with a breach of planning control and a retrospective planning application. Mrs X says the decision to grant planning permission was based on inaccurate information and the development is causing damage to her property.	We will not investigate this complaint about how the Council dealt with a breach of planning control and a retrospective planning application. This is because we are unlikely to find fault.
23003350	Miss X complains about the Council's handling of her homelessness application. She argues the Council lacked understanding of domestic abuse, disregarded her situation, and wrongly decided she was not legally homeless. Miss X states this was distressing.	We will not investigate this complaint about Miss X's homelessness application. This is mainly because it is not the Ombudsman's role to provide the general review of the Council's approach that Miss X wants.

23005595	Mrs X complains the Council has breached a covenant about the barrier it should provide between land it owns and land Mrs X owns. Mrs X says this affects her use of the land and she has suffered expense and inconvenience.	We will not investigate this complaint about the alleged breach of a covenant. Mrs X can reasonably take court action. It is also unlikely we would achieve what Mrs X wants.
23007010	Mr X has complained about how the Council dealt with an application for a development near his home and a possible breach of planning control. Mr X says the decision to approve the application was based on insufficient and inaccurate information and the development has not been built in line with the approved plans.	We will not investigate this complaint about how the Council dealt with an application for a development near the complainant's home or a possible breach of planning control. This is because we are unlikely to find fault and the complainant has not suffered significant injustice.
23011190	Mr X complains about the Council's decision to allow his neighbour to build an extension on traditional concrete foundations, rather than requiring piled foundations. He is unhappy the Council claimed not to have seen the piled foundations supporting the existing property and is concerned that if the new extension suffers from subsidence, this will result in an increase in his building insurance premiums and those for other properties nearby.	We will not investigate Mr X's complaint about a building control matter. This is because there is not enough evidence of fault by the Council or to show its actions caused Mr X significant injustice. We also cannot achieve the outcome Mr X wants.

1.6 General themes

- Complaints directed at named EHC officers have been rare. When they are received, they tend to be in relation to sensitive enquiries (predominantly Housing matters).
- An overwhelming majority of all complaints in relation to staff conduct fell within Operations, specifically based on behaviour displayed by crews employed by our waste contractor. Predictably, almost all our Operations complaints have been in relation to waste issues.
- Most Revenues and Benefits complaints relate to council tax disputes.
- Housing complaints are often in relation to homelessness or soon-to-be homelessness, meaning many of these are sensitive and emotion plays a large part in the complaint itself and how it is written, as well as how our responses are received and the level of empathy shown.
- Planning complaints are often some of the most complex due to legislation and in-depth knowledge required, however we often find complainants attempt to use our complaints process as a means of objection rather than using the channels designed for this.

2.0 LGSCO Complaint Handling Code

2.1 Background

In February 2024, the LGSCO launched the Complaint Handling Code with the intention for Councils to adopt this into their practices as soon as they are able to do so. The purpose of the Code is to encourage effective procedures, consistency and a positive complaints culture across local authorities. It was also an attempt to consolidate standards across Ombudsmen who support other parts of the public sector (e.g. Housing).

The Code sets out a clear process for organisations which supports prompt, effective and fair responses. It also encourages the use of data and learning to drive service improvements. The principles, process and timescales in the Code are aligned with the Complaint Handling Code issued by the Housing Ombudsman. This means that organisations who fall under the jurisdiction of both Ombudsmen should be able to provide a co-ordinated complaint handling process across services covered by both Codes.

The LGSCO intends to start considering the Code as part of their processes from April 2026, giving organisations the opportunity to adopt it into their working practices.

A link to the Code can be found here:

<https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/complaint-handling-code/complaint-handling-code>

2.2 Summary of Changes

Initial proposals set out in the Code were released last year, all subject to consultation. These were wide ranging and created tighter restrictions and increased burdens on definitions, resources, governance and reporting. Along with many other local authorities, East Herts submitted its response to the consultation through the Head of Communications, Strategy and Policy in December 2023.

The LGSCO has since published the full code with various amendments based on feedback. It is clear from the final proposals that East Herts was not alone in raising concerns, as the code is now much more moderate in its scope. Key points to note include:

- The definition of a complaint is not any expression of dissatisfaction, as had originally been proposed. The Code now accepts that, for example, a customer saying “I’m unhappy my bin has not been collected” does not automatically have to be registered as a complaint and in the first instance we should treat this as a service request and attempt to resolve the issue for the customer. It is accepted that service requests may contain expressions of dissatisfaction, allowing organisations to resolve issues through normal service delivery before a complaint is made.
- Removal of references to having a “person or team” responsible for complaint handling or a dedicated “complaints officer”. The Code now says organisations should have “designated sufficient resource” for complaint handling, providing organisations with more flexibility in how this is delivered. This allows us more flexibility in how we handle complaints, which is important for smaller organisations like District Councils. In our case, we have a complaints lead who works four days a week, but also has other duties within customer services. Dealing with complaints is also part of the day-to-day activities of various staff across the council.
- Removal of references to non-identification of individual members of staff within complaint responses as feedback from the consultation indicated this would be too problematic when responding to complainants, who often like to know that there is a named individual dealing with their case rather than “The Council” at large. Although this has been removed, LGSCO is intent on covering the issue in an accompanying guide at a later date.
- Alterations to best practice timescales, making it clear that the time to acknowledge complaints runs from the date

received and the time to respond runs from the date of acknowledgement. All complaints must be acknowledged and logged within 5 days of receipt, whilst responses must be issued within 10 working days and 20 working days for S1 and S2 respectively.

- The consultation version of the Code featured the definition of an upheld complaint, as well as the suggestion that “partially upheld” should not be used as an outcome option. This section has since been removed from the Code entirely, as feedback suggested it failed to capture nuances around complaint outcomes and was therefore unhelpful.
- We are required to publish an annual self-assessment against LGSCO criteria for effective complaint handling. The self-assessment example provided by LGSCO initially contained some 90+ lines of enquiry, however is now substantially reduced in and more manageable.
- Complaints procedures should have only two stages to ensure they are properly considered without undue delay.
- The Code was launched in February 2024 and local councils are encouraged to adopt the Code as soon as they are able to do so. LGSCO had intended to start applying the Code in their casework from 25/26, giving Councils a year to adopt the Code, but this has since been amended to 26/27 to allow organisations more time to adopt the Code successfully into working practices.

2.3 Impact for East Herts

East Herts Council are already compliant with many of the points included within the Code. For instance, any Council working with a single-stage or a three-stage complaints process will be encouraged to change this to a two-stage process as standard - East Herts already use a two-stage process, so this is a non-issue for us. However, the response time SLAs suggested by the Code do differ from our own in that they are more generous (e.g. Allowing 20 working days for a stage 2 response) This, alongside some minor issues around accessibility, were identified when carrying out the required self-

assessment, which can be found in Appendix A. Completion of our self-assessment document has identified some areas which would require addressing in order for us to become Code compliant. These are listed as follows:

- Reviewing our existing policy for dealing with persistent and unreasonable contact (see Appendix B). This had not been refreshed since it was adopted by Council in 2020, however it has been recognised by East Herts front line staff that customer behaviour has changed significantly since Covid and our interactions with residents can be extremely challenging in some cases. Our refreshed policy supports East Herts staff and Councillors by offering clear guidance and options when dealing with persistent unreasonable behaviour.
- Publishing a list of exclusions within our complaints policy (i.e. what may not be defined as a complaint). Please note our complaints policy is not a separate document but can be found on our relevant webpage: [Make a Formal Complaint | East Herts District Council](#)
- Including a reference and direct link to our complaints process within any feedback surveys we undertake where relevant.
- Updating our web information around S1 process and timescales.
- Updating our web information around S2 process and timescales (including change to 20 working days). Although this is more generous than our current aim to respond within 10 working days we often fail to hit this target as stage investigations can be lengthy and complex.
- Reviewing our existing complaint response templates to make sure they are up to date.
- Annual completion of self-assessment document, to be owned by the Customer Service Manager.
- Inclusion of a complaints tab on our monthly customer services dashboard, shared with Leadership colleagues and Exec Member for Corporate Services.

These actions are already completed or are in progress.

Community Safety

No

Data Protection

All data published herein is anonymised to ensure no information regarding individual complainants is shared.

Equalities

The complaints process does, where relevant, consider protected characteristics as part of the investigative process. The ombudsman will also be concerned with any relevant issues on equalities in regards to complaints handling. The refreshed policy on Unreasonable and Persistent Behaviour will need an update equalities impact assessment before adoption by Council however we anticipate this to be straightforward as changes since the previous version are relatively minor.

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes – new policy drafted in conjunction with data protection colleagues to ensure there is a connection to looking at vexatious FOI requests.

Specific Wards

No

3.0 Background papers, appendices and other relevant material

3.1 Appendix A – self-assessment

3.2 Appendix B – Unreasonable and Persistent Behaviour Policy

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Report Author

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Example: Self-assessment against the requirements of the Code

Code section	Action	Do we follow the Code: Yes/No	Explanations and Commentary
1: Definition of a service request and complaint	We recognise the difference between a service request and a complaint, and these are defined in our policies and procedures.	Yes	<p>The Code gives councils the flexibility to define what constitutes a service request. Most of the “complaints” we receive are actually expressions of dissatisfaction embedded within service requests, which is why our complaints volume data may appear low compared to other local authorities.</p> <p>Each complaint received should be treated on it’s own merits and there may be occasions where the requested outcome constitutes a service request. These may be treated as such, so as to provide a more appropriate response, a faster resolution and/or generally a better experience for the complainant. We may wish to consider applying some wording to this effect on our website and we should consider whether our response to residents should specify whether their case is being treated as a complaint or a service request, with an explanation as to why.</p>

Code section	Action	Do we follow the Code: Yes/No	Explanations and Commentary
2: Exclusions	Our complaints policy sets out circumstances where we would not consider a complaint. These are reasonable and do not deny individuals access to redress.	Yes*	<p>Our complaints policy does not specify any exclusions, which implies none exist. This remains compliant with the Code in principle, however it may be advisable to publish a list of exclusions on our website (such as parking appeals or legal matters).</p> <p>Our policy for dealing with unreasonable contact covers scenarios where complaints cannot be managed normally due to poor complainant behaviour and this is accessible via our website and EH intranet.</p>

Code section	Action	Do we follow the Code: Yes/No	Explanations and Commentary
3: Accessibility and awareness	We provide different channels through which individuals can make complaints. These are accessible and we can make reasonable adjustments where necessary	No	We are almost compliant, however the Code specifies “ <i>where an organisation asks for feedback about its services through a survey, it should provide details of how individuals can complain so they can pursue any dissatisfaction if they so wish.</i> ” Our Govmetric surveys for web, email and f2f do not currently feature a direct link to our complaints process or any information surrounding it.

Code section	Action	Do we follow the Code: Yes/No	Explanations and Commentary
4: Complaint handling resources	We have designated, sufficient resource assigned to take responsibility for complaint handling. Complaints are viewed as a core service and resourced accordingly.	No	We have 0.8 FTE dedicated to complaints management within customer services, in addition to the customer service manager role. All other services have nominated complaints champions who are primarily responsible for handling service specific complaints, however this list is not regularly kept up to date and is currently incorrect. Going forward, service managers will need to be accountable for ensuring the comms and customer service teams are kept informed of any changes to complaints ownership.
5: The complaint handling process	We have a single policy for dealing with complaints covered by the Code and individuals are given the option of raising a complaint where they express dissatisfaction that meets the definition of the complaint in our policy.	Yes*	As mentioned above, we have a policy covering unreasonable contact which is displayed on our website and via the EH intranet. However, this should be reviewed as it has not been amended for the last 3 years - during which time customer behaviour has changed significantly

Code section	Action	Do we follow the Code: Yes/No	Explanations and Commentary
6: Complaints stages (Stage 1)	We process stage 1 complaints in line with timescales and processes set out in the Code.	No	Under the code, S1 complaints should be acknowledged within 5 working days and responded to within 10 working days of acknowledgement , whereas our website currently states “ <i>we will acknowledge your complaint within 3 working days. An officer from within the service to where the complaint has been directed will investigate and we aim to provide a full response within 10 working days.</i> ” Content on the EH intranet support these timescales also.

Code section	Action	Do we follow the Code: Yes/No	Explanations and Commentary
6: Complaints stages (Stage 2)	We process stage 2 complaints in line with timescales and processes set out in the Code.	No	<p>Under the code, S2 complaints should be acknowledged within 5 working days and responded to within 20 working days of acknowledgement, whereas our website currently offers no timescales whatsoever:</p> <p><i>If you are not satisfied with the response to a stage 1 complaint you can request, either in writing, email or via our on-line form that a further review is undertaken. This will usually be undertaken by a senior manager. In some cases this may be the manager of the officer who provided the stage 1 response or the relevant Head of Service or, in some instances, we may decide that the stage 2 investigation has to be undertaken by a senior manager from a different service area.</i></p> <p>Content on the EH intranet states S2 complaints use the same timescales as S1. It also specifies complainants have 14 days to appeal following</p>

Code section	Action	Do we follow the Code: Yes/No	Explanations and Commentary
			<p>their S1 response, of which there is no mention on our website.</p> <p>It is worth noting we will not be impacted by the enforcement of a two-stage process however, as we already use this.</p>
7: Putting things right	When something has gone wrong we take action to put things right.	Yes*	EH intranet content and our complaints management system provide a letter template, which can be used by responding members of staff. This should be reviewed, with any likely remedial actions included within the template. All of which can be taken directly from the LGSCO code.
8: Performance reporting and self-assessment	We produce an annual complaints performance and service improvement report for scrutiny and challenge which includes a self-assessment against the Code.	Yes	The self-assessment form is to be reviewed by the customer service manager once every financial year, 24/25 being the first. Any necessary actions from this are to be communicated with Leadership Team, along with the annual performance report.

Code section	Action	Do we follow the Code: Yes/No	Explanations and Commentary
9: Scrutiny & Oversight	We have appropriate senior leadership and governance oversight of the complaints process and performance.	Yes*	Complaints performance data and insights are shared with HoS. Exec visibility of this could be improved however, with the addition of a complaints section on the monthly customer services dashboard (shared with HoS and Exec Member).

EAST HERTS COUNCIL

POLICY FOR DEALING WITH UNREASONABLE CUSTOMER BEHAVIOUR

This policy supports front line staff in identifying and dealing with unreasonable behaviour during any form of contact with members of the public. This applies predominantly to officers dealing with general enquiries, accommodating service requests and managing our complaints process.

1. Defining unreasonable customer behaviour:

The following types of behaviour could be considered unreasonable:

- Use of hostile, abusive or offensive language
- Using aggressive or intimidating body language
- An unwarranted fixation on an individual member of staff
- Refusing to specify the grounds of a complaint
- Changing the basis of an existing complaint/request/FOI
- Denying or changing statements made during previous correspondence
- Covertly recording meetings and conversations
- Knowingly providing false information to a member of staff
- Submitting falsified documents (this also applies to documents provided on behalf of others)
- Making excessive demands on the time and resources of Council staff (examples of this include overly lengthy phone calls, groundless or unnecessary visits to Council offices and email spamming)
- Repeatedly contacting the Council about the same issue without allowing the Council ample opportunity to provide a response
- Using multiple contact channels to approaching the Council about the same issue
- Persistently seeking an outcome which the council has already explained is unrealistic for policy, legal or other valid reasons
- Refusing to provide available supporting information or evidence
- Refusing to cooperate with our complaints investigation process (this applies if and when a formal complaint has been submitted)
- Raising numerous, detailed but unimportant questions; insisting they are all answered
- Adopting a 'scatter gun' approach; pursuing parallel complaints on the same issue with a variety of organisations
- Making a vexatious complaint (i.e. without sufficient grounds, but with the intention to create disruption)

2. Managing unreasonable customer behaviour

In cases featuring evidence of unreasonable customer contact, the Council may wish to consider taking appropriate action. This must be proportionate to the nature and frequency of the customer or complainants' behaviour and the individual must be informed of any decision in writing. Any decision to designate a contact as

unreasonable should be recorded in writing, setting out what information has been considered and the reasons for making the decision. This record is important so that the Council can evidence that it has acted in a fair and proportionate way if this later scrutinised (e.g. by the Ombudsman).

If the unreasonable contact adversely affects the Council's ability to do its work or is disproportionately resource intensive and/or adversely affects the Council's ability to provide a service to another customer, one or more of the following may be considered:

- Issuing a warning
 - Warnings may be delivered verbally by Council staff during telephone calls or during face to face visits
 - Warnings may be delivered in writing (such as within email responses or by letter)
 - Warnings may be documented by Council staff and colleagues across front line services should be made aware of these promptly
- Terminating contact
 - Council staff may terminate the telephone call if the caller continues to behave unreasonably, after receiving a warning
 - Visitors to Council offices may be asked to leave the premises if they continue to behave unreasonably, after receiving a warning
 - Emails or web forms received which contain evidence of unreasonable behaviour may be ignored by Council staff
- Restricting future contact
 - Before applying any restrictions, Council staff must ensure via the relevant manager that we have made every effort to satisfy the issue and that these have been dealt with correctly, in accordance with the relevant process and/or statutory guidelines
 - Restrictions may include; refusing to accommodate future contact about the same issue, limiting the customer to specific contact windows or methods, limiting any future contact to a single named member of staff or restricting access to Council offices
 - Any restrictions should be subject to a reasonable, specified period of time, after which they will be reviewed
 - Contact in relation to new enquiries or requests may still be permitted and will be treated on their merits (this is particularly relevant in cases where the complaints process has been exhausted and persistent contact is still being made by the complainant about the same issue)
- Contacting the Police
 - This will generally apply only in the most extreme cases, or where staff safety and welfare appears under threat
 - A customer or complainant perceived to be dangerous may be added to the Cautionary Persons Database

3. Considerations

The member of staff has been in contact with the customer or complainant is best placed to judge at what point behaviour becomes unreasonable. They will consult with the relevant Service Manager or Head of Service before a response is agreed. In doing so both the member of staff and responsible Manager will be mindful of:

- The personal circumstances of the individual and whether any reasonable adjustments should be considered or whether any organisations/support agencies (e.g. Citizens Advice Bureau, MIND, advocacy service) can provide advice and assistance to the customer or complainant in accessing services/pursuing their complaint in a reasonable manner
- Whether the individual faces challenges communicating due to a disability or support need. In cases where this applies, the Council should make adjustments where necessary. However, if adjustments are made and the customer or complainant continues to behave unreasonably, they may be managed in accordance with this policy

4. Reviewing unreasonable customer behaviour

The status of any customer or complainant judged to have behaved unreasonably should be reviewed by the relevant Service Manager and/or Head of Service shortly before the expiry of any specified restriction period. Generally, the customer or complainant should be informed of the outcome of this review in writing (provided the Council holds up to date contact details for that individual). The relevant Service Manager and/or Head of Service is responsible for keeping any records of previous cases.

The Policy for Dealing with Persistent and Unreasonable Contact should be reviewed annually. This is owned by the Customer Services team, with input from all front line services.

Agenda Item 8

East Herts Council Report

Executive

Date of meeting: Tuesday 3 September 2024

Report by: Councillor Vicky Glover-Ward – Executive Member for Planning and Growth

Report title: East Herts Local Development Scheme

Ward(s) affected: All Wards

Summary – Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended)¹ requires local planning authorities to prepare, maintain and make available to the public, a Local Development Scheme, or timetable, for the production of its development plan documents. In accordance with this requirement, this report presents a timetable for the production of the Council's District Plan Review.

RECOMMENDATIONS FOR EXECUTIVE: To recommend to Council that:

- a) the East Herts Local Development Scheme, attached at Appendix 'A', be agreed to take effect from October 2024; and**
- b) the Local Development Scheme is published on the Council's website.**

¹ [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

1.0 Proposal(s)

- 1.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare, maintain and make available to the public, a Local Development Scheme, or timetable, for the production of its development plan documents.
- 1.2 This reports presents an updated LDS which includes a timetable for the production of the Council's District Plan Review.

2.0 Background

- 2.1 A Local Development Scheme (LDS) sets out the timetable for the production of the Council's development plan document(s), enabling those with an interest in the plan-making process to understand which documents are to be prepared for the area and at what stages they will be able to participate.
- 2.2 The Planning and Compulsory Purchase Act further requires development plan documents to be prepared in accordance with the Local Development Scheme.
- 2.3 So that it is kept up to date, a local planning authority must revise its LDS at a time it considers appropriate, (or as otherwise directed to do so by the Secretary of State).
- 2.4 The Council's most recent LDS was agreed in July 2020. The LDS attached at **Appendix A** to this report will replace the previous version.

3.0 Reason(s)

- 3.1 Local Planning Authorities are required to complete a review of their local plans at least once every 5-years from the adoption date of a plan. This is to ensure that policies remain relevant, taking into account matters such as changes to local circumstances, conformity with national planning policy, significant economic changes that may impact on viability, whether issues have arisen which impact on the deliverability of key site allocations, and whether any new social, environmental or economic priorities may have arisen.
- 3.2 In October 2023, the Council agreed that the District Plan 2018 needs updating², and that a timetable for its preparation should be prepared once the implications of the plan-making reforms are better understood.
- 3.3 The benefits of having an up-to-date plan cannot be underestimated. Planning in East Herts has over the last five years been 'plan led' with a clear framework for addressing the district's housing needs and other economic, social, and environmental priorities. Having a spatial strategy in place has meant that the Council has been able to manage growth, ensuring that it is delivered in a sustainable and balanced manner meeting objectively assessed needs for new homes, jobs and infrastructure, whilst making sure that the natural and built environment is protected and enhanced.
- 3.4 Whilst the Levelling-Up and Regeneration Act 2023 paves the way for reforms to the plan-making system, there is still some uncertainty about when the new system will be implemented. It is, however, considered important for the Council to set out a clear direction of travel.

² [Review of the East Herts District Plan 2018.pdf](#)

- 3.5 The new government has recently published a consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system³. This consultation suggests that the new plan-making system as set out in the Levelling-up and Regeneration Act 2023 will now be implemented from summer or autumn 2025.
- 3.6 The timetable set out in the LDS attached at **Appendix A** therefore assumes that the relevant secondary legislation will be published by September 2025. If this has not occurred, then the timetable set out in the LDS may be subject to change.
- 3.7 It should be noted that Hertfordshire County Council is the Waste and Minerals Planning Authority for the county and is responsible for preparing, maintaining and publishing an LDS for the Waste and Minerals Local Plan.
- 3.8 For Neighbourhood Plans, it is the responsibility of qualifying bodies (the town and parish councils) to ensure that the wider community is kept informed of its neighbourhood planning proposals, the opportunities to be involved in shaping an emerging neighbourhood plan and when views can be made throughout the process.
- 3.9 The LDS does not therefore set out the timetable for the preparation of either the Waste and Minerals Local Plan or for any Neighbourhood Plans.

4.0 Options

- 4.1 The Council is legally required to prepare, maintain and make available to the public, a Local Development Scheme.

³ [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

5.0 Risks

- 5.1 In accordance with Section 15(3A) of the Planning and Compulsory Purchase Act 2004, if a local planning authority has not prepared a local development scheme, the Secretary of State may prepare a local development scheme for the authority and direct the authority to bring the scheme into effect. The local planning authority must comply with such a direction. By resolving to bring the LDS into effect, the Council manages the risk of such intervention.
- 5.2 The LDS will be kept under review and updated as and when appropriate, and replaced as necessary by a 'Local Plan Timetable' or as otherwise required, once the relevant regulations relating to plan-making reforms, national policy and guidance have been brought into effect.

6.0 Implications/Consultations

- 6.1 An engagement strategy will be prepared as part of the Project Initiation Document for the District Plan Review.
- 6.2 As well as traditional consultation and engagement methods this will also consider opportunities for greater use of digital technologies as advocated in the planning reforms and will also seek to reach all communities.

Community Safety

There are no community safety implications arising from this report.

Data Protection

There are no data protection implications arising from this report.

Equalities

There are no direct equality, diversity, or inclusion implications in this report. An Equalities Impact Assessment (EqIA) will be carried out of the District Plan Review in accordance with The Equality Act 2010.

Environmental Sustainability

A review of the District Plan will allow the Council to put climate change mitigation and adaptation at the heart of the development plan to contribute to meeting the Council's environmental and sustainability objectives.

Financial

The District Plan Review and other planning documents are being produced from existing budgets, including reserves that have been safeguarded for this purpose.

Health and Safety

There are no health and safety implications arising from this report.

Human Resources

There are no human resources implications arising from this report.

Human Rights

There are no human rights implications arising from this report.

Legal

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare, maintain, and make available to the public, a Local Development Scheme.

Section 19 of the Planning and Compulsory Purchase Act requires Development Plan Documents to be prepared in accordance with the Local Development Scheme.

The Levelling Up and Regeneration Act 2023 paves the way for reforms to the plan-making process. It is currently the government's intention to implement the new plan-making system as set out in the Levelling- up and Regeneration Act from summer or autumn 2025.

Specific Wards

All

7.0 Background papers, appendices and other relevant material

7.1 Appendix 1 – East Herts Local Development Scheme

Contact Member

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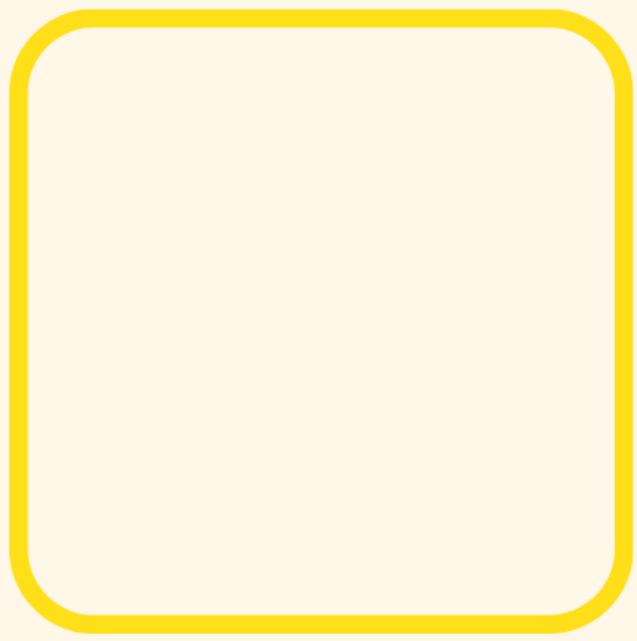
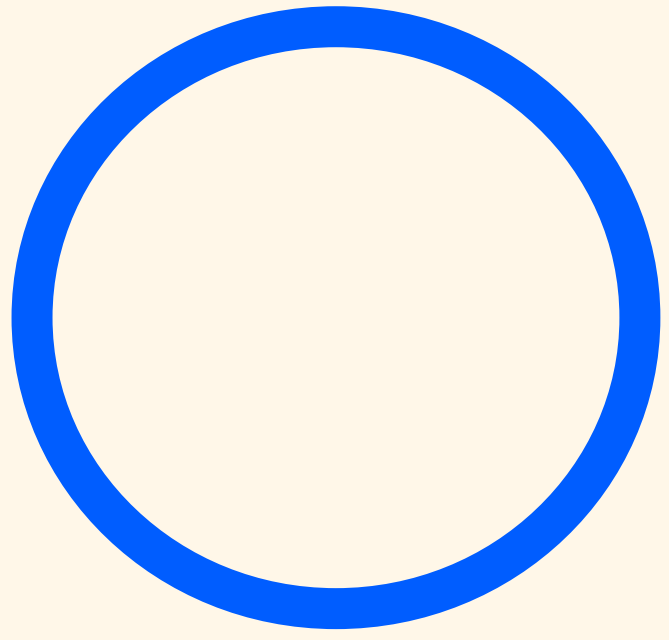
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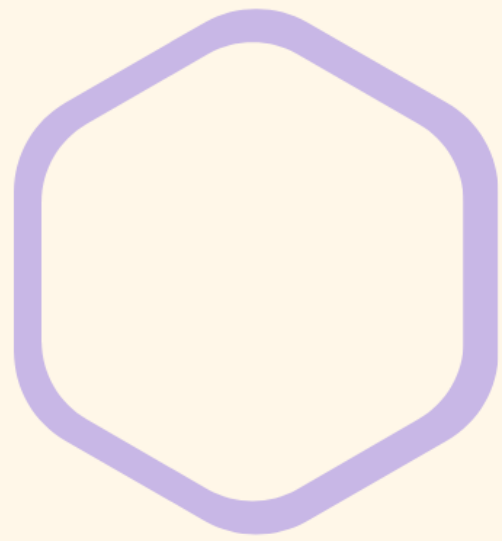
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East Herts LDS 2024

Local Development Scheme



Contents

1.0	INTRODUCTION	1
2.0	THE EXISITING DEVELOPMENT PLAN	2
3.0	THE EAST HERTS DISTRICT PLAN REVIEW	5
4.0	PLAN MAKING REFORMS	6
5.0	TIMETABLE FOR THE EAST HERTS DISTRICT PLAN REVIEW	8
6.0	NEXT STEPS	10

1.0 Introduction

1.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare, maintain, and make available to the public, a Local Development Scheme¹.

1.2 A Local Development Scheme (LDS) sets out the timetable for the production of the Council's development plan documents. It enables those with an interest in the plan-making process to understand which documents are to be prepared for the district and at what stages they will be able to participate.

1.3 A Local Development Scheme must specify:

- The development plan documents (i.e., local plans) which, when prepared, will comprise part of the development plan for the area.
- The subject matter and geographical area to which each development plan document is to relate.
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities.
- The timetable for the preparation and revision of the development plan documents.

¹ [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

1.4 Local planning authorities are also encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as Neighbourhood Plans².

1.5 So that it is kept up to date, a local planning authority must revise its LDS at a time it considers appropriate, (or as otherwise directed to do so by the Secretary of State).

1.6 The LDS should be published on the Council's website.

1.7 The Council's previous LDS was agreed in July 2020. The previous LDS is replaced by this new LDS, which sets out the proposed timetable for the East Herts District Plan Review.

1.8 Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended) requires development plan documents to be prepared in accordance with the LDS. As such, progress made against the LDS will be monitored, and a report, known as the Authority Monitoring Report (AMR), will be published annually.

2.0 The Existing Development Plan

2.1 The Development Plan is defined in Section 38(3)(b) and (c) of the P&CP 2004 Act³ as, "*the development plan documents (taken as a whole) that have been adopted or approved in relation to that area*",

² <https://www.gov.uk/guidance/plan-making> - Paragraph: 003 Reference ID: 61-003-20190315

³ [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/24/section/19)

and *“the neighbourhood development plans which have been made in relation to that area.”*

2.2 The Development Plan for an area includes the combination of strategic and non-strategic policies which are in force at a particular time. The Development Plan for East Herts currently comprises:

- The East Herts District Plan (2018)
- The Hertfordshire Waste Site Allocations Development Plan Document (2014)
- The Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012)
- The Hertfordshire Minerals Local Plan (2007)
- Various Neighbourhood Plans (listed below in paragraph 2.6)

The East Herts District Plan (2018 – 2033)

2.3 The East Herts District Plan sets out the Council’s strategy for delivering growth in East Herts over the plan period up to 2033. It describes the Council’s spatial vision for the district and includes a framework for addressing housing and other economic, social, and environmental priorities.

2.4 The District Plan can be accessed [here](#) and the Policies Map can be accessed [here](#).

Minerals and Waste Local Plans

2.5 Hertfordshire County Council as the Waste and Minerals Planning Authority is preparing a new Waste and Minerals Plan. A draft plan was published for consultation in 2022. The County Council is responsible for preparing, maintaining, and publishing an LDS for the Waste and Minerals Local Plan⁴.

Neighbourhood Development Plans

- 2.6 East Herts currently has 15 adopted Neighbourhood Plans:
- Silverleys and Meads 1st Revision (July 2022)
 - All Saints, Central, South and Part of Thorley 1st Revision (July 2022)
 - Braughing (September 2018)
 - Buntingford Community Area (May 2017)
 - Gilston Area (July 2021)
 - Hertford - Bengo Ward (July 2021)
 - Hertford - Kingsmead Ward (July 2023)
 - Hertford – Sele Ward (July 2021)
 - Hunsdon (November 2022)
 - Much Hadham (November 2022)
 - Standon (September 2019)
 - Thundridge (July 2021)

⁴ [Emerging Minerals and Waste Local Plan | Hertfordshire County Council](#)

- Walkern First Revision (July 2024)
- Ware (December 2023)
- Watton-at-Stone (December 2023)

2.7 Neighbourhood Planning activity in East Herts, including the adopted plans, can be viewed [here](#).

3.0 The East Herts District Plan Review

3.1 Local Planning Authorities are required to complete a review of their local plans at least once every 5-years from the adoption date of a plan. This is to ensure that policies remain relevant, taking into account matters such as changes to local circumstances, conformity with national planning policy, significant economic changes that may impact on viability, whether issues have arisen which impact on the deliverability of key site allocations, and whether any new social, environmental or economic priorities may have arisen.

3.2 In October 2023, the Council agreed that the District Plan needs updating, and a full review of the Plan will be undertaken. The decision can be viewed [here](#).

4.0 Plan-making Reforms

4.1 [The Levelling-Up and Regeneration Act 2023](#) (LURA 2023) paves the way for reforms to the plan-making system.

4.2 Under the new Labour government (elected in July 2024), it is currently anticipated that the new plan-making system will be implemented from summer or autumn 2025⁵.

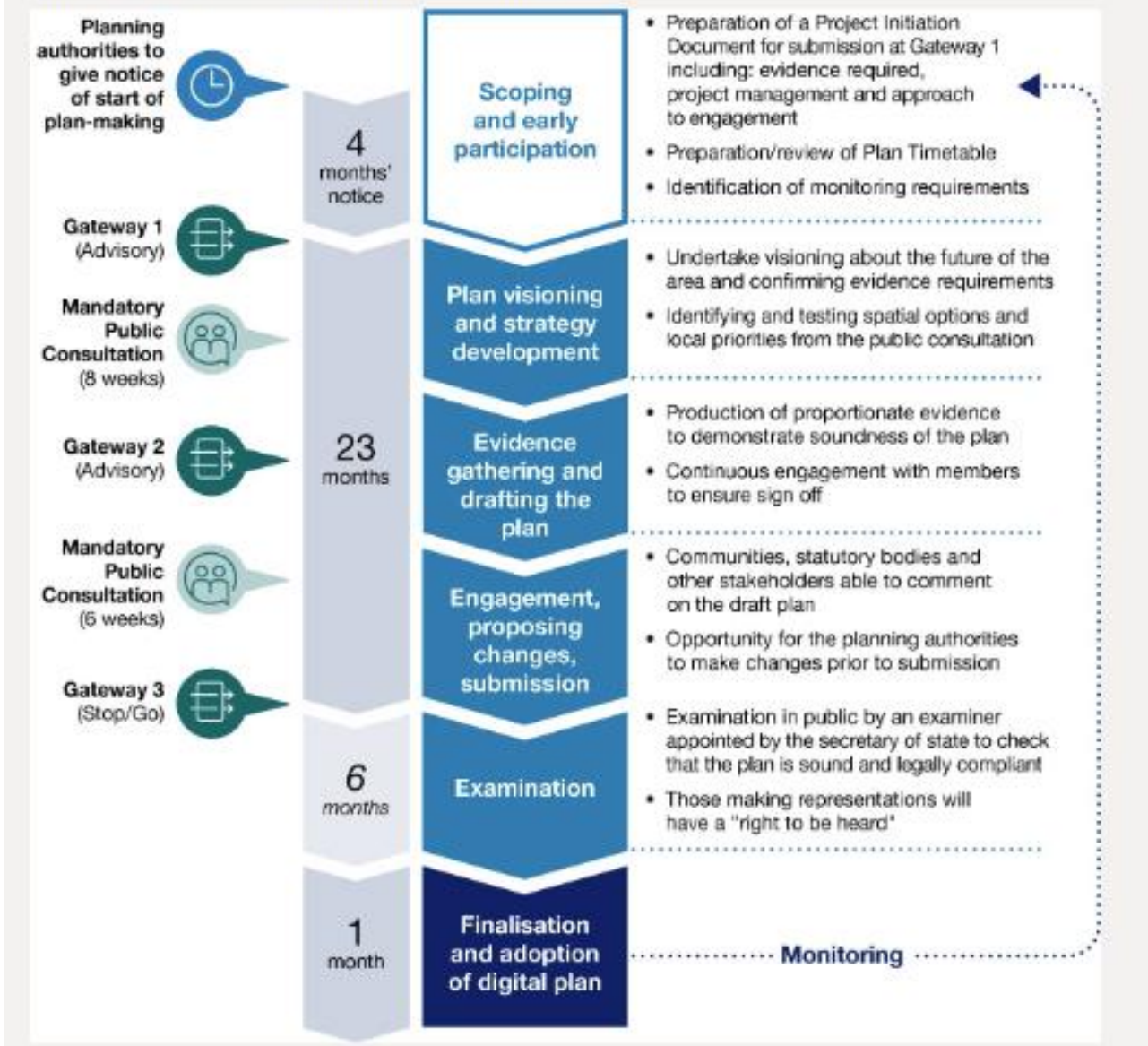
4.3 Authorities should prepare plans over an accelerated 30-month timeframe based on the following key stages and activities:

- Scoping and early participation stage
- Plan visioning and strategy development
- Evidence gathering and drafting the plan
- Engagement, proposing changes and submission of the plan
- Examination
- Adoption

4.4 These stages are shown in Figure 1 below.

⁵ [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](#)

Figure 1: The new 30 month plan timeframe



4.5 Secondary legislation is still necessary to implement these plan-making reforms. The Council will be able to formally commence the District Plan Review process once the secondary legislation is published.

5.0 Timetable for the East Herts District Plan Review

5.1 Table 1 sets out the key plan-making stages and timetable for the East Herts District Plan Review. The key milestones take account of the government's prospective plan-making reforms; as such the timetable set out below is indicative and may be subject to change.

5.2 The Council will consider any changes made to the statutory framework that affects its plan-making timetable and make the necessary changes at the appropriate time.

Table 1: Indicative District Plan Review Timetable

Title	The East Herts District Plan Review	
Subject matter	The District Plan will set out a vision for the district and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure, as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places.	
Geographical area	The administrative area of East Herts District Council.	
Plan-making stage	(Indicative) Activity	(Indicative) Timetable
Informal plan-making	Updating evidence base, and other preparatory work including a Call for Sites.	August 2024 – August 2025
Give Notice	The planning authority gives four months' notice of the start of plan-making.	September 2025

Scoping and early participation	Prepare Project Initiation Document (the evidence required, project management and approach to engagement) for submission at Gateway 1. Prepare/review plan timetable. Identify monitoring requirements. Invite early participation on matters that might shape the direction of the plan.	September – December 2025
Gateway 1 – plan making support (advisory)	Takes place at the start of the 30-month process, following scoping stage. Ensures the plan sets off in the right direction. Support for early diagnosis of potential issues (legal and procedural requirements, and soundness).	January 2026 (4 weeks, up to 6 by exception)
Start of 30-month plan-making	Visioning, confirm evidence requirements, strategy development.	January 2026
Plan-production	Proportionate evidence gathering and drafting the plan.	Ongoing
Mandatory Public Consultation (1)	Build on outputs from the early participation at the scoping phase, e.g. vision for the area, identify and test spatial options and local priorities.	Summer 2026 (8 weeks)
Gateway 2 (advisory)	Part-way through plan preparation, between the two mandatory consultation windows. Early resolution of potential soundness issues, where possible. Ensures legal and procedural compliance. Monitors/tracks progress.	Winter 2026/ 2027 (4 weeks, up to 6 by exception)
Mandatory Public Consultation (2)	The planning authority seeks views on the draft plan, which the planning authority intends to submit for examination.	Summer 2027 (6 weeks)

Prior to submission	The planning authority has an opportunity to make changes prior to submission.	Autumn 2027
Gateway 3 (Stop/Go)	Takes place at the end of the plan-preparation process following the second mandatory consultation, at the point the authority intends to submit the plan for examination. Checks that the plan is ready to proceed to examination, ensure legal and procedural compliance, monitor and track progress.	September/October 2027 (4 weeks, up to 6 by exception)
Submit	The planning authority submits the plan for examination.	November 2027
Examination	An examination in public by an independent Inspector. Those making representations will have a “right to be heard”.	December 2027 – May 2028
Finalise and adoption	The District Plan is finalised, and the LPA adopts the digital District Plan.	June 2028

6.0 Next Steps

6.1 The Council will commence formal work on the District Plan Review once the secondary legislation to implement the plan-making reforms has been published.

6.2 In the meantime, the Council will continue to focus on updating the evidence base and other preparatory work needed to support the District Plan Review, including a Call for Sites⁶. This will enable

⁶ [Call for Sites | East Herts District Council](#)

work on updating the District Plan to progress quickly when the new plan-making system formally commences.

6.3 The best way to stay informed about progress on the preparation of the East Herts District Plan Review and associated documents is to sign up to our mailing list. You can do this via the Council's [website](#) or by emailing planningpolicy@eastherts.gov.uk.

Agenda Item 9

East Herts Council Report

Executive

Date of meeting: Tuesday 3 September 2024

Report by: Councillor Carl Brittain, Executive Member for Financial Sustainability

Report title: Ward Freman Pool Update

Ward(s) affected: Buntingford;

Summary

To provide a further update on Ward Freman Pool following the closure in December 2023 and an update paper in March 2024. The report explores options to be considered by members.

RECOMMENDATIONS FOR EXECUTIVE

- a) To approve Option 1 as described in para 4.1, continue to facilitate discussions with Ward Freman community pool group and Hertfordshire County Council, therefore continuing with the joint use agreement and remove the management of Ward Freman Pool from the Council's contract with Sport and Leisure Management Ltd.

1.0 Proposal(s)

- 1.1 To provide options for the future of Ward Freman Pool in relation to the Council's responsibilities.
- 1.2 To provide a brief update on the work of the Ward Freman Community Pool Group (WFCPG)

2.0 Background

2.1 In December 2023 due to health and safety concerns raised by the council's leisure operator (Sport and Leisure Management/SLM Ltd – Everyone Active) of Ward Freman Pool in Buntingford, a decision was taken to close the pool whilst further evaluation of options took place on the future of the pool. Officers proposed that an options appraisal would be undertaken and presented back to Executive in spring 2024 which was further extended to Autumn 2024. Background information on this can be found in reports listed in para 7.1.

2.2 During this period East Herts Council has facilitated conversations with the newly formed Ward Freman Community Pool Group (WFCPG) and Hertfordshire County Council (HCC) who are the freeholder of the pool. The WFCPG intended to apply for the Community Ownership Fund which, which the Executive agreed to match fund £200k subject to HCC accepting the viability of the business plan from WFCPG. However, with the funding round on pause WFCPG have applied for other external funding including the National Lottery Reaching Communities Fund and the Benefact Group Movement for Good as well other smaller pots of funding. The business plan is currently being reviewed by HCC.

2.3 The Council's contractor has continued to maintain the facility by carrying basic checks such as fire alarm, security and flushing the system. The contractor's insurer has however requested that the building is hoarded to optimise the security of the building and safeguard it for future use; HCC are in agreement with.

3.0 Reason(s)

3.1 There are legal and financial implications that effect East Herts Council in relation to current practice and the future of Ward Freman Pool. These are described under the options section.

4.0 Options

4.1 Option 1 – Facilitation – RECOMMENDED

- a. Continue to facilitate the working relationship with the WFCPG and HCC on the basis that the business plan is yet to be accepted by HCC and the outcome of external funding is unknown. However, should external funding not be sought by March 2025, this position will be reviewed.
- b. Formally remove the management of Ward Freman Pool from the EHDC and the SLM contract and install hoarding to secure the building.
- c. Continue with the Joint Use agreement with HCC

4.2 Since the closure of pool in December 2023, the Council is incurring costs of approximately £26,000 for January to June 2024, paying SLM to maintain the building from water flushing, checking alarm systems and other demobilisation costs. Further pressures will cease with this option from September 2024. HCC will be charged 40% of these costs. The annual impact on the contract is £138,838 saving – this needs to be agreed in order to see the benefit on the leisure revenue budget. Further to this corporate support costs will be reduced by approximately £20,000, though this is not a cashable saving. The hoarding will cost approximately £16,000.

4.3 The Council would cease to receive approximately £70,000 from HCC as their contribution for managing the facilities. However, any ongoing costs such as security checks and building insurance will be shared with HCC. The net financial position would be approximately £46,000 saving for 2024 based on the information presented to date.

4.4 In terms of legal implications, The Everyone Active contract will need to be formally varied to remove Ward Freman Pool. The Contract is subject to procurement rules and any variation needs to be compliant with those rules. The removal of Ward Freman Pool is compliant. The closure of the pool (or variation) has resulted in redundancies, the Council is liable for any associated redundancy costs, these have been incorporated in the demobilisation costs. This included pension liabilities.

4.5 The Council will continue to bear responsibility under the joint use agreement for maintenance of the facility unless a variation is agreed.

4.6 This approach sits in line with the majority of the corporate priorities:

- Listening, open and transparent
- Acting with the community
- Fair and inclusive

4.7 Option 2 – Cease

- a. Cease working relationship with all parties on the basis that external funding position is unknown and to date a business plan is yet to be accepted/lease provided by HCC.
- b. Formally remove the management of Ward Freman Pool from the Everyone Active contract
- c. Formally agree to disband the Joint Use agreement with HCC. The financial implications for this are the same as para 4.2 and 4.3

4.8 Regarding legal implications of this option, these are as described in para 4.4 and 4.5. In addition, it is important to note Termination of the joint use agreement will require the approval of both the Council and HCC. HCC have stated mutual agreement will not be provided at this current time.

4.9 This option is less favourable when aligned with the corporate priorities however it does seek to reduce the Council's ongoing liabilities with the contractor.

4.10 Option 3 – Do Nothing

- a. Continue with existing arrangements until a time where a third party wishes to take over the operating of the swimming pool or an external factor impacts the future of the pool or we reach the

end of the joint use agreement, or there is willingness from HCC to mutually terminate the agreement.

4.11 This is an untenable position for the contractor from an insurance and security perspective. The contractor's insurers have advised that the building needs to be hoarded from a security perspective. The council could continue to pay Everyone active to carry out checks on the building, but this will be billed quarterly.

4.12 If this option is approved, the Contract would need to be formally varied to reflect the Council's ongoing requirements. This could result in the contractor seeking assurances and indemnities in relation to the condition of the property and potential liabilities arising out of the same. This could increase the Council's exposure to risk.

5.0 Risks

5.1 All risks are highlighted in the body of the report under options.

6.0 Implications/Consultations

6.1 The Council continues to liaise with HCC and the WFCPG

Community Safety

Yes – hoarding is essential for building safety

Data Protection

No

Equalities

No – this report does not seek to change the current position of the pool being closed – this decision was taken in December 2023.

Environmental Sustainability

Yes – less energy consumption.

Financial

Yes – these are embedding in the report

Health and Safety

Yes – these are embedded in the report

Human Resources

Yes – some reference to redundancies is referred to in the report

Human Rights

No

Legal

Yes these are included in the report

Specific Wards

Buntingford

7.0 Background papers, appendices and other relevant material

7.1 Executive

- July 2024 - £200k contribution towards funding
 - [Ward Freman Community Pool Group CIO match funding support for Community Ownership Fund bid.pdf](#)
- 26th March 2024 – Holding Report
 - [Ward Freman pool update.pdf](#)
- December 2023 – Close Pool Report
 - [Health and Safety u2013 Ward Freman Pool.pdf](#)

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