

PUBLIC QUESTIONS

Question 1	Colin Woodward to ask Cllr Ben Crystall, the Leader of the Council
<p>In September 2022 EHDC formally recognised the Water Lane Hall to be an Asset of Community Value, yet the perception in Bishop’s Stortford is that the Council is still intent on proceeding with the proposal to dispose of the Hall along with its other assets on the Old River Lane site by transferring them to Cityheart for development of the site for a paltry sum or, possibly at nil cost in the case of the Hall, compared with the cost to the Council of their purchase. In the meantime there has twice been an extension of the lease of the hall to the URC church, demonstrating its ongoing utility and value to the community, though without any reasoned reply to alternative bids such as that of 17 March 2023 submitted by Community Initiative (BS) and Bishop's Stortford Civic Federation setting out several ownership and operating scenarios to preserve this asset.</p>	
<p>Given that the Water Lane Hall was designated by EHC an Asset of Community Value, what process is EHDC now following to allow the community the option to retain the building for community use, noting its (EHCs) own policies including CFLR8, before it takes an irrevocable decision to hand it over to Cityheart, potentially for demolition?</p>	
Response by Cllr Ben Crystall	
<p>I want to thank Mr Woodward for his question, and for reminding us about Water Lane Hall’s ongoing value for the community.</p>	

As we know, the United Reform Church leases the building and is responsible for the hiring of the hall and management of bookings. We hope that groups that currently use the hall will be able to continue to do so for the foreseeable future.

East Herts Council's medium term financial plan and budget proposals are due to go to Executive at a meeting on the 21st December. In these papers, to be published imminently, a sum of around £170,000 has been earmarked for maintenance works of Water Lane Hall. As the budget proposals will explain in more detail, we intend to keep the Hall operational for continued community use until timescales for building the arts centre are clear.

Question 2

Jill Goldsmith to ask Cllr Carl Brittain, Executive Member for Financial Sustainability

It is now 4 months since my last question on EHDC's accounts and hence the audited values of assets on the ORL site. As of 5/12/23 the Council website still is not disclosing the accounts from 2020-21 which were completed months ago and the inspection period has not commenced for the 2021-22 unaudited accounts. The 2022-23 accounts have also missed the statutory deadline.

It is my understanding that as yet, no contract exists with Cityheart, but that the terms of the potential contract (Development Management Agreement) could go back to values set when Cityheart was selected as preferred development partner. That is nearly 5 years ago now, so the values then may or may not reflect best value now. The answer to me in July 2023 was that *"The Council would not enter in an agreement with a developer whereby we are not getting best value"*. The FAQs on the Council's website say that *"An*

updated Section 123 report, with independent valuations, will be produced and agreed before the development agreement is signed”.

This is such an important scheme for the town and for the Council's finances that residents need to be able to see how the Council is justifying the transfer of our assets before the Development Agreement is signed.

Has the Council now obtained independent valuations for the ORL site; and will it make this information and related 123 explanations transparent, before the Development Management Agreement is signed?

Response by Cllr Carl Brittain

The Council's accounts for 2020/21 received an audit opinion on 16 March 2023. There has been a widespread failure of local public audit since the abolition of the Audit Commission. In England 100% of audits are performed by private sector auditors and there are huge audit backlogs. In Scotland and Wales 70% of audits are conducted by public sector auditors and there are no delays. The council is not in any way to blame for these delays – our appointed auditors are simply unable to find staff to undertake the audits.

The 2021/22 accounts audit has been underway and, despite a promise the audit would be completed in November, it remains incomplete and we have no date for when it is likely to be finished.

For the 2022/23 audit we have been told by our auditors that, depending on the course of action the government takes, they will either do no work on the 2022/23 audit and it will remain

unaudited or they will do enough work to disclaim an opinion. As it stands there is a very real chance our 2022/23 accounts may never be audited. I stress again that this is not the fault of the council. If you were hoping to see Old River Lane showing as a line in the fixed assets disclosures, with a value attached then I have to disappoint you and say that it does not appear as a line on its own.

An updated section 123 report has not yet been produced. In any case, this will not be published before the Development Agreement is signed as it is likely to prejudice our commercial interests and thus be exempt under section 43 of the Freedom of Information Act. The section 151 officer is charged with the proper administration of the council's financial affairs and he will commission the section 123 report as he has to certify that the disposal was for best value under the General Disposal Consents issued by the Secretary of State. Given the risks to the financial sustainability of all local authorities I doubt very much that any officer would allow the sale of an asset for less than best value.

We have experienced some IT issues updating the web pages with the accounts but copies of the 2020/21, 2021/22 and 2022/23 accounts can be emailed to you.

There was no supplementary question.

Question 3

Charlotte Lipscomb to ask Cllr Vicky Glover-Ward, the Executive Member for Planning and Growth

In the Council meeting held on the 18th October I asked the Executive Member responsible for licensing a question regarding the chaos created by the AMAFest Festival held in Bury Green on 2nd September. In her reply she confirmed that an investigation was launched immediately after the event. The Executive Member also stated, and I quote "Please be assured, however, that East Herts Council is ready to take action against any event organiser that commits offences under the Licensing Act 2003 which may include not complying with the terms of a licence. Regarding AMA Fest, we have gathered information and data from various sources, all of which has now been reviewed".

It is now well over three months since the event and two months since she made that statement, and residents like me are still expecting answers. Can the Executive Member please confirm when the results of the investigation, and the action that may be taken against the event organisers, will be made public?

Response by Cllr Vicky Glover-Ward

The council's investigation into possible breaches of the premises licence for AMAFest has nearly reached a conclusion. Officers have kept me up to date on progress and this week officers have fed back preliminary results to the Chair of the Licencing Committee and myself

We expect to conclude the matter by Friday 22nd December 2023 at which point the licence holder will be informed of the outcome. I anticipate writing to Little Hadham Parish Council to provide an overview of the outcome but we are unable to share all detail due to confidentiality. We have also offered to attend a Parish Council with our Licencing Service Manager to discuss the outcome. We would anticipate that once we have confirmed the outcome we will be able to share a broad brush confirmation of our actions but I

would like to notify the parish council, as elected representatives first.

Question 4

Karen Burton to ask Cllr Tim Hoskin, the Executive Member for Environmental Sustainability

On October 18th, this council rejected a request from the Bishop's Stortford BID to allocate 100 spaces for town centre workers at a discounted rate in Northgate End car park to help with recruitment and retention issues and activate an unpopular car park with an average occupancy of 20%. During the meeting, Cllr Crystal expressed concerns about setting a "dangerous precedent" and emphasized that Bishop's Stortford should not receive special treatment. He stated, " it is far better to take a slower, more rational approach and make it the best it can be" and that car parking across East Herts needs to be dealt with as a whole".

Surprisingly, just eight weeks later, a new proposal is being presented to the council, targeting three Bishop's Stortford car parks for increased charges in long-stay tariffs and one car park is proposed to undergo a smaller percentage decrease in the 4, 5, and long-stay tariffs, with no other car parks across East Herts having the same treatment.

As a listening council where and how have you found the evidence in such a short space of time to support such a significant shift that could profoundly affect Bishop's Stortford town centre businesses' ability to recruit and retain staff, as well as impact residents and visitors. How can this be the slower, more rational approach be achieved in such a short time and is the council prepared to stop and think again and if not, why not?

Response by Cllr Tim Hoskin

My thanks to Karen Burton for her question. At the heart of the question is "How has the proposed car parking changes have been

arrived at?”. There were many voices and opinions that fed into the mix.

The Non-Key Decision published in July was based on the original proposal drafted between the previous administration and the Bishops Stortford BID generated several opposing thoughts - and that is exactly how a Non-Key Decision is meant to work. It is circulated for comments and those comments are then considered and a decision taken as to whether to proceed as published or reconsider in the light of those comments. I chose the latter.

- One of the points raised was why the town centre workers were being singled out for such a benefit? Other comments drew attention to the problems with traffic congestion and in particular cars circling around Apton Road and Basbow Lane car parks in hunting for spaces.
- The BID, including Karen as its chair, provided a huge amount of information and commentary about how the car parks work and how their usage could be positively affected by changes to the pricing of Northgate End in particular.
- The team of officers at East Herts have been living and breathing car parks and all their features for years and out of all of us probably best understand the interlinkages between the various car parks and the public’s car parking behaviour.
- Also, there was input brought from other members of the Leadership Team who had experienced how other councils had used pricing to affect changes within car parking behaviours.

These differing voices and opinions didn’t necessarily align around one design, but the intention is that an amalgamation of several of these themes has been considered in the paper to be presented later this evening.

The differential pricing proposed in Bishop's Stortford car parks, should this be approved tonight, will be closely monitored to assess its effectiveness in encouraging modal shift and in making more effective use of the underused Northgate End multi storey car park.

This process has been ongoing since mid-August since the Non Key Decision was withdrawn so a considerably longer period than that outlined within the question.

Question 5

Philip Wylie to ask Cllr Sarah Hopewell, the Executive Member for Wellbeing

When and what were the serious Health & Safety issues raised by Everyone Active, which led to the decision to close the pool. Has a full and independent evaluation been undertaken of ways to address these serious Health & Safety issues?

Response by Cllr Sarah Hopewell

Thank you for your question.

There have been concerns about Ward Freman pool for quite some time now, and an independent survey was commissioned earlier in the year which identified a range of urgent issues. These included:

- Damaged pipework in the filtration system, which has resulted in a low flow rate and poor circulation.
- Severe cracks in scum channels
- Pool plant is non-compliant and requires replacement.

The report was shared to officers in May 23 and following discussions, increased testing of the water and visual inspections were introduced.

In September 2023 an email from Everyone Active's Director highlighted further concerns. As a leisure provider, there are strict operating criteria, and no company would wish to risk either health or prosecution. Due to heightened concerns, Everyone Active

requested assurance from the East Herts Council that the necessary improvements would be carried out within 3 months at the latest. Due to the on-going financial pressures and an inability to reach agreement with the freeholders, Hertfordshire County Council officers were unable to give any assurance. As a result of continuing dialogue with the contractor weighing up the potential health and safety risks, the decision was taken to close the pool so further investigations can be undertaken safely and without any risk to the public. Officers have agreed to further explore all options and report back to Executive members by end of March 2024.

Supplementary question from Philip Wylie

Mr Wylie asked if the report on the swimming pool could be made public.

Response from Cllr Hopewell

Councillor Hopewell said that in its current format, some information was commercially sensitive that would need to be redacted before publishing. She hoped that the report could be published soon.

Question 6

Ian Ballantyne to ask Cllr Carl Brittain, the Executive Member for Financial Sustainability

£1,100,000 (£1.1m) was list as being Approved by the Council for spending on Ward Freeman Joint Use Facilities, in the 2022/23 budget, out of a total capital expenditure budget of £25,561,000 (£25.56m) – see <https://democracy.eastherts.gov.uk/documents/s57368/Budget%202022-23%20and%20Medium%20Term%20Financial%20Plan%20-%20Appendix%20C.pdf?j=22>.

How, when, why and who decided to remove this from the budget or not include it for 2023/24?

Response by Cllr Carl Brittain

Due to budgetary pressures, the decision to remove the £1.1m spend on Ward Freman, previously in the approved budget 2023/24, was taken by Council in March 2023.

Question 7

Christopher Davalle to ask Cllr Sarah Hopewell, the Executive Member for Wellbeing

Over each of the last 10 years, what have the net annual running been for the Ward Freman Pool and how much of this is routine maintenance? Has any analysis been done on the impact of low expenditure on maintenance – the pool cover and air circulation systems are not working and boiler system is very old and inefficient.

Response by Cllr Sarah Hopewell

Thank you for your question. From the information I currently have available, Ward Freman pool costs approximately £24,000 per month to run, including staff costs, energy costs and maintenance. As I understand it, £10,000 of this is funded via the Department for Education, and approximately £3,000 is from income. The remaining £10,000 per month is subsidised by East Herts council.

I appreciate that your question is somewhat detailed, and having just received it on Friday afternoon, I have not been able to gather an analyse the breakdown of costs from the past ten years. I am aware however, that several pieces of equipment are old, including the boiler. As a joint-use County-council owned facility, investing in the pool required both Hertfordshire County Council and East Herts Council to be in agreement, and unfortunately this has not happened. In terms of the figures you've requested, I will do my

best to get this information to you as soon as I am able to, and I can ask for it to be made available to supplement this answer.

Question 8

Kirti Wylie to ask Cllr Sarah Hopewell, the Executive Member for Wellbeing

Are the Council Authorities prepared to continue funding the running costs of Ward Freman Pool if a solution to the "urgent" Health & Safety issues could be found?

Response by Cllr Sarah Hopewell

Thank you for your question. At present, Ward Freman pool is costing East Herts Council £10,000 per month to subsidise, and £10,000 is funded via the Department for Education funding. The Department for Education funding has always been at risk, and should it stop, which is reasonably likely as government funding more broadly reduces, it would represent a potential £20,000 monthly cost for East Herts Council to cover, should everything else remain the same. It would be very difficult to justify this expense when we are required to save £6m over four years, and we are already having to make challenging decisions as to where to find this saving from. Unfortunately, there are no easy decisions, and with the low-hanging fruit already taken, all options available represent a loss or reduction of services or staff somewhere in the district. With that said, while the pool is making this loss at present, steps could certainly be taken to reduce this loss. For example, installing improved energy efficiencies, upgrading the equipment, upgrading the shower and changing facilities to provide a more attractive offer to customers, and adding opportunities to increase revenue, such as, for example, a small gym area. It is also the case that the timetable could be redesigned and different activities brought in to again help generate revenue. So in that sense, it

definitely isn't inevitable that it will remain loss-making, and there are many examples where failing pools have been brought into the community and are faring far better as a result.

Unfortunately, the key issue we face is that on our own, East Herts Council simply doesn't have the funding to pay for the upgrades that would be needed to reduce the monthly costs. The repairs to the filtration system are one aspect, but we are also very aware that the boiler needs replacing, and several other issues need addressing to properly bring the pool to a good standard that attracts customers and boosts revenue. Collectively these costs are much higher than the filtration system alone. The main routes available to source this money are through grants such as the Community Ownership Fund, or other charity pots, and local authorities are not eligible to apply for these. As such, the pool would need to become a charity or community run facility in order to be eligible for these pots. We are keen to provide as much support as possible though, and the community in Buntingford have made it absolutely clear just how important this asset is, and what its loss would represent. I am currently working with Cllr Britain and other councillors and officers to find out what we could achieve by way of financial assistance and support both to help bring the pool back into usage and to assist such a project going forward once repairs and upgrades have taken place.