

East Herts Council Executive Report

Date: 3rd June 2025

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

Report title: Options for the Council-Owned Commercial and Residential Block at Elizabeth Road, Bishop's Stortford

Ward(s) affected: Bishop's Stortford Central

Summary

This report identifies a series of options for the commercial and residential block owned by the council at Elizabeth Road, Bishop's Stortford, referred to herein as 'the Elizabeth Road site'. The report discusses the costs and feasibility of complete refurbishment, works to a lesser specification and disposal on the open market, all alongside a 'do nothing' comparative position. The report recommends that disposal represents the most cost-effective option for the council while leveraging in external investment.

RECOMMENDATIONS FOR DECISION: That:

- (A)** the freehold of the commercial and residential block owned by the council at Elizabeth Road, Bishop's Stortford (as shown in the plan at Appendix A) be marketed for disposal, in its current condition and with the current short-term leases in place, with authority to determine the best means of disposal and to complete the sale delegated to the Director for Communities.

1.0 Proposal(s)

- 1.1 The report recommends the disposal of the Elizabeth Road site, Bishop's Stortford, by means of sale on the open market of the

entire freehold to a single purchaser. This option has been compared with full refurbishment and a lesser level of works, as well as a 'do nothing' position. The options appraisal, discussed in greater detail in this report, indicates that disposal, in its current condition and with its current occupants, would be the best opportunity to lever in external investment, with the council being able to utilise the resulting capital to pay down existing debt or avoid future debt. Using the receipt in this way would reduce the need for the council to make interest payments on that debt and make the required minimum revenue provision in its annual revenue budget.

1.2 The plan showing the Elizabeth Road site is attached at Appendix A. The site under consideration includes the entirety of the council's land holding, including the building, garages, car park, grassed areas and footpath with the red line. The site includes areas in the council's ownership held for Highways' use and subject to Hertfordshire County Council Highways' control.

1.3 It is the site within the red line that would be marketed should the recommendation to dispose be agreed. Configuring the site in this way ensures the site would be within a single ownership so as to:

- remove the council's liability for maintenance of any land on the site, such as the car park and grassed areas, without an associated income to cover the liability
- avoid disputes regarding responsibility and liability for land use and/or maintenance
- enable the new owner to consider revised land use, design or development subject, of course, to planning permission where required.

2.0 Background

2.1 The Elizabeth Road site consists of a two storey, post-war, mixed use development behind a grassed area fronting Elizabeth Road,

Bishop's Stortford. The block is typical of local shopping parades that were developed to serve the new post World War II housing developments. The block contains 7no. shops, of which 4no. are currently let on short term leases, and 3no. flats above the commercial units which are included in the lease of the three of the shops. There is a service yard and small car park located behind the main building to the west. The service yard is bounded by a range of single storey outbuildings. It is not known if there are any rights of way across this rear yard. The site plan is included in Appendix A.

- 2.2 The income that can be derived from the building, even if fully let, has fettered the council's ability to invest in it over many years such that the building now requires significant investment due to its age, backlog of repairs, ongoing maintenance issues and the need to meet nationally set energy efficiency standards.

Essential works: balcony repair

- 2.3 At the rear of the block, the flats above the shops are accessed via a flight of external stairs to a first floor balcony which runs across the roofs of the shops for the length of the block. Unfortunately, the balcony suffers from a design defect that means that water collects on it and is channelled into the shops below. Over the years, various patch-up repairs have been carried out and relatively low cost remedies attempted. The problem, however, remains.
- 2.4 If the council were to retain the block, specialist advice would have to be sought to determine a bespoke solution. This would add to the cost of refurbishment.

Essential works: energy efficiency upgrades

- 2.5 Under the national Minimum Energy Efficiency Standards (MEES), successive governments have prioritised increasing the energy efficiency of existing buildings, including by looking to mandate

minimum energy efficiency levels when commercial and residential properties are relet. Of note, currently a minimum EPC rating of E for commercial and residential lettings is required. The cost of non-compliance is potentially significant for non-domestic landlords, as it is linked to the rateable value of the property. This means that a fine for non-compliance could be as much as £150,000.

2.6 The government is now proposing to set higher energy efficiency targets for lettings. It is likely that in the regulations will require residential properties to meet an EPC C with the discussion that both residential and commercial lettings could require an EPC rating of at least B by as soon as 2030.

2.7 The table below summarises the current position at the Elizabeth Road site.

Current EPC rating	Shops – number (% of shops)	Flats – number (% of flats)
C	3 (43%)	0
D	3 (43%)	2 (67%)
E	0	0
F	0	1 (33%)
No EPC*	1 (14%)	0

* No EPC in place as the property is now vacant and the previous lease commenced before the EPC requirement. Under the current regulations, an EPC at E or above will be required for reletting.

2.8 The table shows the generally poor condition of the units and the need for energy efficiency works to enable letting in the immediate term in some cases and the short-to-medium term for most, if not all, properties.

2.9 The energy efficiency works, to achieve a minimum C rating, identified through EPC surveys and a wider-ranging independent survey of the block include:

- wall, roof and underfloor insulation
- replacement / upgrade of double-glazed windows and doors
- replacement of boilers or installation of air source heat pumps

- installation of central heating where this is not fitted in some units
- LED lighting.

The context for shops on the site

- 2.10 It is recognised that local shops can have a role in a locality. Businesses are currently operating at four of the seven shops. Relevant to a consideration of the future of the Elizabeth Road site, however, is the extent of demand for the *number* and *size* of units currently on the site.
- 2.11 While from time-to-time, some existing and nearby shop leaseholders have expressed that they may be interested in leasing one or more of the vacant shops in the parade, actual marketing of the units through an external agent has been less successful. The most recent comprehensive marketing took place in 2019 at which time interest in two empty shops was gauged.
- 2.12 The marketing exercise carried out in 2019 eventually led to two short term lettings being agreed, one for the sale of home decorations and accessories, the other as a beauty salon. The timing of these new leases meant that unfortunately both businesses were affected by the Covid 19 lockdowns and so after struggling to pay the rent, both terminated their leases in 2021.
- 2.13 There has been a history of voids and rent arrears at this parade, with officers' attempts to manage rent arrears by various methods including rent payment plans, allowing assignments and increasing scope of user clauses where possible having had limited success. On two occasions, rent arrears have led to forfeiture of the leases.
- 2.14 The views of a local commercial property letting agent were sought in March 2025 as part of the preparation of this report. With regard to reletting the shops, the agent's views can be summarised thus:
- there is a change in occupiers on the high street to more leisure-based uses, including fitness. Retail occupiers of this nature could *possibly* be attracted to a neighbourhood location such as the Elizabeth Road site

- the attractions to a retail tenant of a neighbourhood centre are lower rent levels and ease of parking, however, a business then has to rely on advertising to attract customers if it is to establish a customer base beyond those living in the vicinity and therefore achieve viability
- carrying out a basic refurbishment of the Elizabeth Road site would not increase the rental value although it may assist with the 'first impression' the potential tenant has of the property. Any works are unlikely to stop an incoming tenant from seeking a rent-free period to fund refurbishment and fit out, no matter the condition of the premises.

2.15 With regard to its small district-wide shop portfolio, the council receives speculative enquiries from time-to-time. With regard to the Elizabeth Road site, at least one of the current shop leaseholders has raised the idea of acquiring more units or indeed the whole block, however, no substantive offer has come forward. If the Executive were to agree the recommendation to dispose of the block, the council would be barred under s123 of the Local Government Act 1972 from disposal 'for a consideration less than the best that can reasonably be obtained'. The best way to achieve the best price for the council is to actively market the asset and invite bids; the shop leaseholder could make an offer as part of this process.

2.16 With regard to future changes to the configuration and/or number of shops at the Elizabeth Road site or the building's demolition and replacement, it should be remembered that any such changes would require planning permission. In 2022, the council itself sought planning permission for a redevelopment at the site to provide a mix of shops and residential units. At this time, the Planning team pointed to the relevant policies in the council's District Plan. The council subsequently withdrew its application but reflecting on the Planning team's consideration of the proposal is arguably very helpful in demonstrating the role of the council's planning policies in seeking to ensure high quality use of the site. Of note:

- the District Plan recognises the role that local shops can play in a locality and states at paragraph 16.8.5 that, *'Local parades provide a range of small shops of a local nature for a small catchment'*
- Policy RTC5ii in the District Plan provides the following guidance to developers, *'Proposals that result in the loss of individual shops in A1 Use will be resisted and will be considered in accordance with Policy CFLR8 (Loss of Community Facilities'*
- Policy CFLR8 states that, *'Proposals that result in the loss of uses, buildings or land for public or community use will be refused unless: (a) An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form; or (b) The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/or quality in a suitable location; or (c) The development is for an alternative community facility, the need for which clearly outweighs the loss'*
- Policy DES4 states that, *'All development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals will be expected to: (a) Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features, having due regard to the design opportunities and constraints of a site...'*

2.17 Any planning application for the site would also have to have regard to the *Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley: 1st Revision. 2021-2033.*

Is the council best placed to manage shops and residential units?

2.18 When the council (and its predecessor councils) built council housing, it was not unusual to build small neighbourhood parades of shops to cater for local day-to-day needs. When the council sold

its housing stock under the large stock voluntary transfer (LSVT) arrangements in 2002, it disposed of several shops which are now leased back from SNG housing association. In contrast, it retained ownership of the parade at Elizabeth Road, Bishop's Stortford.

- 2.19 Although the council can rely on the Local Authorities (Land) Act 1963 to own and lease shops (including residential accommodation attached to a commercial property), the management of small shops is *not* a core activity of the council and the cost of management and maintenance, especially of harder-to-let shops such as those at Elizabeth Road, erodes the commercial case for their retention.
- 2.20 The council has embarked on an expedited disposals programme which is based on an evidence-based review of council assets with a view to determining whether retention (and investment if necessary) or disposal offers a better route to securing inward investment for the site and a better return on the council's resources. Thus, when considering the future of the Elizabeth Road site it is incumbent on members to consider how to enable the ongoing provision of services at the site alongside strategic asset management considerations. Members are therefore encouraged to weigh up whether the council wishes to continue to directly manage these shops (and associated residential units), especially within the context of needing to expend capital to enable continued lettings, or enable a capital receipt which could be used to reduce / avoid the revenue costs of borrowing.
- 2.21 With regard to the idea of the council splitting the letting of the shops and the flats, with the flats being let in the private rented market, this does cause a problem. This is because the council's power to directly provide housing under the Housing Act 1985 relates to council housing which needs to be accounted for, under the Local Government and Housing Act 1989, in a ring-fenced Housing Revenue Account, subject to a de minimus level of 200 such homes. Where a council wishes to rent homes in the private sector, this can be considered commercial trading which the

council has the power to do under the Local Government Act 2003, however, this is subject to the requirement under the Localism Act 2011 to do this through a company rather than directly. Indeed, the council set up its wholly owned company, Millstream Property Investments Ltd, in order to trade in the private rental market. At the Council meeting of 26th February 2025, Council agreed, however, to exert its rights as Millstream's shareholder to resolve that the company should sell all its assets over the coming three years. This is to allow the council to liquidate its investment in the company and use the capital freed up in a more financially advantageous way. In this context, it may now seem questionable that the council would seek to develop residential units for rent, presumably via disposal to Millstream.

3.0 Reasons

3.1 Given the discussion above, there are clearly several factors driving the need to make a decision about the future of the Elizabeth Road site. These can be summarised thus:

- deterioration of the roof, which has not been helped by limited cyclical maintenance, and the structural problem of the balcony affording deck access to the flats which allows serious water ingress to the shops
- ongoing maintenance costs
- anticipated increases in national targets for the energy efficiency of both commercial and residential properties
- the council's lack of capital resources, without borrowing, necessary to safeguard the continued ability to let the shops and flats
- strategic asset management considerations – does the council wish to continue to directly manage shops (and associated residential units), especially within the context of wishing to maximise capital receipts in order to reduce / avoid the revenue costs of borrowing?

3.2 This report thus presents four potential options for the future of the block. It is worth noting that none of the options would

preclude any very short-term use of vacant shops for other purposes.

1. **Option 1:** Full catch-up repairs and improvements, including upgrades to meet anticipated new energy efficiency standards under the government's Minimum Energy Efficiency Standards regime.
2. **Option 2:** A lesser level of works, notably not carrying out aesthetic improvements to the flats and not demolishing the garages although these capital savings are likely to hamper the ability to let the properties and incur mounting ongoing maintenance revenue costs respectively.
3. **Option 3:** Disposal of the entire block on the open market.
4. **Option 4:** Do nothing.

3.3 This report details each option's key features, financial implications and strategic considerations to assist the Executive in determining the preferred course of action.

3.4 An options appraisal has been carried out. The key findings are presented below, with the financial analysis included in the EXEMPT Appendix B. The financial analysis is EXEMPT from consideration in public as it gives the estimated tender prices for works derived from survey work and Build Cost Information Service (BCIS) tendered works costs, as well as externally derived disposal valuations, the publication of which could fetter the council's ability to achieve best value for works or best consideration on disposal, dependent on the option ultimately followed.

Option 1: Full Catch-Up Repairs and Energy Efficiency Improvements

3.5 The scope for the full catch-up repairs and energy efficiency improvements is as follows:

- comprehensive repairs to structural failure of the balcony deck
- works to the roofing and façade elements

- modernisation of internal facilities, notably electrical systems and plumbing
- installation / upgrade of wall, floor and roof insulation, energy-efficient windows and new boilers and/or air source heat pumps
- new kitchens and bathrooms to enable the letting of the residential units as this option would see the flats let separately to private tenants
- demolition of the garages, which are in exceedingly poor repair, and replacement with hard standing or replacement storage for the shops at even higher costs than those modelled in this report.

3.6 The advantages of this approach are as follows:

- works will prolong the asset's life by around 25-30 years
- ensures compliance with anticipated upcoming energy efficiency legislation, avoiding future difficulties in letting the commercial and residential units and/or the need for further invasive works in the foreseeable future
- enhances tenant satisfaction and potentially increases rental income, though not appreciably as rents are driven by the market
- aligns with the council's sustainability goals and climate commitments.

3.7 There are disadvantages, however, which can be summarised thus:

- highest upfront capital cost of all the options, requiring external borrowing which would put additional pressure on the council's revenue budget
- considerable disruption to existing tenants during works. The shop leaseholders would have to cease trading and move out during the works
- risk of cost overruns due to unforeseen repairs, which would add further to the capital costs and thus the revenue costs of servicing debt
- long payback period given that only minimal uplifts in rents are likely to result from the works.

Option 2: Lesser Level of Works, though still including Energy Efficiency Works

3.8 The scope of works under this option is, essentially, as under option 1 but *without* the following works:

- new kitchens and bathrooms to ensure the ability to let the residential units as this option would see the flats remaining as part of the lease for 3no. shops
- demolition of the garages which would have to remain as ongoing repair and health and safety liabilities.

3.9 The advantages of this approach are as follows:

- lower short-term capital expenditure
- slightly lesser disruption although the shop leaseholders would have to move out and cease trading during the works
- retention of the garages which would reduce the capital costs but increase the ongoing repairs costs.

3.10 The disadvantages can be summarised thus:

- lower works to the flats precludes them being able to be let out separately at higher rents
- demolition of the garages would only be delayed.

Option 3: Disposal on the Open Market

3.11 This option would see the sale of the entire block, including the commercial and residential units and garages, land used to access/service the block, the small car park and the green space in front of the building. This option would see the block marketed with the existing short-term shop leases in place. If a sale then went ahead, it would be for the purchaser to determine the nature of any future leases, subject to the prevailing legislation, the purchaser's longer-term aspirations for the site and planning requirements if changes to or redevelopment of the site were to be proposed – see the discussion of planning considerations at paragraph 2.16.

3.12 The advantages of disposal are as follows:

- the securing of external investment in the site
- the generation of a capital receipt which could be used to reduce/avoid debt, thus having a medium-to-longer term revenue benefit for the council – see EXEMPT Appendix B
- removes ongoing liabilities, maintenance costs and compliance risks from the council
- simplifies the council's asset portfolio
- could possibly lead to a redevelopment which could improve the use and appearance of the site, while being in line with the council's planning policies (see paragraph 2.16). Redevelopment would have the potential of enabling a more attractive building and better visual amenity that could reduce the risk of anti-social behaviour by incorporating Secured by Design features such as better lighting of communal areas, control of access to individual and common curtilages, defensible space and landscape design supporting natural surveillance and safety.

3.13 At the same time, the disadvantages can be summarised thus:

- loss of long-term rental income
- reduced direct control over future use of the building/site, although any proposals by a future owner would, of course, be subject to the council's planning processes
- potential impact on existing shop tenants.

Option 4: Do Nothing

3.14 This option would see no investment made in the shops, flats or garages.

3.15 The advantages of doing nothing are as follows:

- no capital investment or revenue expenditure other than for essential day-to-day health and safety repairs

3.16 At the same time, the disadvantages can be summarised thus:

- loss of long-term rental income as (a) it is likely that only the three shops with an EPC rating of at least C could be let in the near future and (b) the garages are in such poor repair that in the short-to-medium term they will no longer be lettable without significant works.

Appraisal of the three scenarios

3.17 The financial appraisal of the four options is given in the EXEMPT Appendix B. The findings from the financial analysis are summarised in Tables 1 to 4 below.

Table 1: Retention and Improvement – options 1 and 2

	Option 1: Full Catch-Up Repairs and Energy Efficiency Improvements	Option 2: Lesser Level of Works, though still including Energy Efficiency Works
After works		
Maximum achievable income net of management and maintenance – <i>year 1</i>	£63,500	£45,500
Less: Revenue cost of works – <i>interest and minimum revenue provision</i>	£59,000	£43,500
Net income after works	£4,500	£2,000
Current budget		
Current budgeted income net of management and maintenance – <i>year 1</i>	£32,000	£32,000
Change in income – year 1 (minus figure represents a loss in annual income)	-£27,500	-£30,000

Note: all figures rounded to nearest £500.

Table 2: Disposal – option 3

	Disposal
Revenue after disposal	
Interest payments reduced / avoided	£38,000
MRP reduced / avoided	£20,000
Combined revenue benefit	£58,000
Current budget	
Current budgeted income net of management and maintenance – <i>year 1</i>	£32,000
Change in income – year 1 (minus figure represents a loss in annual income)	£26,000

Note: all figures rounded to nearest £500.

Table 3: Do Nothing – option 4

	Option 4: Do Nothing – in short-to-medium term only let shops with EPC of C or above and no longer let the garages
Short-to-medium term position	
Revenue cost of works – <i>interest and minimum revenue provision</i>	£0
Maximum achievable income net of management and maintenance – <i>short-to-medium term</i>	£5,000
Net income after works	£5,000
Current budget	
Current budgeted income net of management and maintenance* – <i>short-to-medium term</i>	£32,000
Change in income – short-to-medium term (minus figure represents a loss in annual income)	-£27,000

Note: all figures rounded to nearest £500.

* Only management and maintenance of the remaining shops included so the modelled costs are likely to significantly under-represent the costs to the council of managing a block that is more than half empty. A higher management and maintenance figure would *increase* the annual losses to the council.

Table 4: Year 1 revenue benefit to the council of the four options as compared with the income currently budgeted for from the Elizabeth Road site

Option	Year 1 revenue benefit to the council (minus figure represents a loss in comparison with the current budgeted income)
1: Full Catch-Up Repairs and Energy Efficiency Improvements	-£27,500*
2: Lesser Level of Works, though still including Energy Efficiency Works	-£30,000*
3: Disposal on Open Market	£26,000
4: Do Nothing	-£27,000**

Note: all figures rounded to nearest £500.

* Year 1. The loss is likely to lessen slightly over time as rents increase but the revenue costs of borrowing remain unchanged – see Table 5 for 30 year effect.

** Annual figure in the short-to-medium term. The loss to the council is likely to be under-represented as the model only includes management and maintenance of let shops, with no addition for management and maintenance of the predominantly vacant block.

Table 5: 30 year revenue benefit to the council of retention and disposal as compared with budgeted income

Option	Total 30 year revenue benefit* to the council (minus figure represents a loss to the council)
1: Full Catch-Up Repairs and Energy Efficiency Improvements	-£485,500
2: Lesser Level of Works, though still including Energy Efficiency Works	-£754,500
3: Disposal on Open Market	£447,500
4: Do Nothing	-£717,000

Note: all figures rounded to nearest £500.

* The 30 year total is not simply 30 times the year 1 figure as the modelling incorporates different inflationary multipliers for the various elements of income and expenditure over the 30 year period – see the EXEMPT Appendix B for more details.

3.18 Tables 1 to 5 indicate that when taking the current income net of management and maintenance costs included in the budget as the baseline, the retention and do nothing options represent a financial loss to the council both in the immediate term and over a 30 year timescale. This is because (a) the costs of borrowing and paying MRP to carry out works would not yield a higher rental income than that currently budgeted for and (b) the do nothing option would see the council being unable to let the majority of the units in the near future because of poor repair and poor energy efficiency, thus significantly reducing income compared with the budgeted income. On the other hand, disposal has a revenue benefit as it would reduce interest and MRP within the council’s borrowing.

4.0 Options

4.1 It is RECOMMENDED that option 3 is followed for the Elizabeth Road site, that is, disposal of the entire block, associated garages and access/service land, car park and grass areas for the operational and financial reasons discussed in this report. Of pivotal importance is that disposal would lever in external investment in site while realising a capital receipt that the council

could use to pay down existing debt or avoid future debt, thus giving a more beneficial impact on the council's revenue position in comparison with retaining the block, even when rent increases over a 30 year timeframe are taken into account.

- 4.2 Retain and improve the asset. NOT RECOMMENDED as there are unavoidable works required to, among other things, improve the energy efficiency of many of the commercial and residential units so as not to fall foul of anticipated nationally-set Minimum Energy Efficiency Standards increases and to remedy the fault with the structure of the balcony affording deck access to the residential units. The market-led ceiling for rent values on the site means realistically achievable commercial and residential rent increases following works would be insufficient to out-perform the revenue benefits of disposal.

5.0 Risks

- 5.1 As with any property disposal, there is a risk that an acceptable sales price cannot be achieved. This risk would be mitigated by disposing of the site in line with officers' and their agents' professional advice and expertise as, indeed, the council is obliged to achieve best consideration.
- 5.2 Also, as with any sale there is the risk that the neighbours or close community may not welcome a change in ownership and/or use of the land or buildings. Any alternative use would be subject to planning approval which affords interested parties the opportunity to raise their objections or concerns.

6.0 Implications/Consultations

- 6.1 The two ward members have, understandably, shown an interest in the future of the Elizabeth Road site for some time. The Executive Member for Financial Sustainability and officers consulted these members during the drafting of this report. The discussion in the report has taken into consideration several

points raised by wards members.

6.2 As noted above, any change of use and/or redevelopment of the site would be subject to the appropriate planning permission.

Community Safety

None arising directly from this report.

Data Protection

None arising directly from this report.

Equalities

None arising directly from this report.

Environmental Sustainability

Any future substantial works, redevelopment or change of use of any part of the Elizabeth Road site would be subject to planning permission and building control. This is likely to see environmental sustainability improvements.

Financial

Finance colleagues have input to the financial analysis contained in this report and have scrutinised the modelling on which the financial discussion of the options has been based. The council's s151 officer has confirmed that, using parameters supplied by the Finance team, the recommended option to dispose of the Elizabeth Road site would have more beneficial revenue impact on the council than retention and improvement, both in the immediate term and over a 30 year timescale.

Health and Safety

Disposing of surplus assets or aging assets relieves the council of any future health and safety responsibilities, which are only set to increase over time with rising national standards, particularly relating to health and safety and energy efficiency.

Human Resources

None arising directly from this report.

Human Rights

None arising directly from this report.

Legal

For any site approved by the Executive for disposal, the Director for Communities shall work with colleagues to ensure an appropriate means of disposal such that s123(2) is adhered to, that is, the council will **not** dispose of any site *'for consideration less than the best that can be reasonably obtained'*.

Ward(s) affected: Bishop's Stortford Central

7.0 Background papers, appendices and other relevant material

7.2 Appendix A Location plan

7.1 Appendix B Options appraisal – EXEMPT

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