

16 March 2026

Our Ref Overview and Scrutiny Committee 24
March 2026
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To: Members of the Committee: Councillors Claire Winchester (Chair), Jon Clayden (Vice-Chair), Tina Bhartwas, Sadie Billing, Cathy Brownjohn, David Chalmers, Elizabeth Dennis, Dominic Griffiths, Ralph Muncer, Martin Prescott, Paul Ward and Daniel Wright-Mason

Substitutes: Councillors Matt Barnes, Sam Collins, Sarah Lucas, Caroline McDonnell, Vijaiya Poopalasingham and Claire Strong

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

to be held in the

**COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERONON
ROAD, LETCHWORTH, SG6 3JF**

On

TUESDAY, 24TH MARCH, 2026 AT 7.30 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 3 FEBRUARY 2026	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 3 February 2026.	(Pages 5 - 14)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. URGENT AND GENERAL EXCEPTION ITEMS	The Chair to report on any urgent or general exception items which required their agreement. At the time of printing the agenda, the Chair had not agreed any urgent or general exception items.	

- 7. CALLED-IN ITEMS**
To consider any matters referred to the Committee for a decision in relation to a call-in of decision. At the time of printing the agenda, no items of business had been called-in.
- 8. MEMBERS' QUESTIONS**
To receive and respond to any questions from Members either set out in the agenda or tabled at the meeting.
- 9. COUNCIL DELIVERY PLAN 2025-26 (Q3 UPDATE)** (Pages
REPORT OF THE DIRECTOR – RESOURCES 15 - 56)
- This report presents progress on delivering the Council Delivery Plan for 2025-26.
- 10. DIGITAL TRANSFORMATION PROGRAMME UPDATE** (Pages
INFORMATION NOTE OF THE CUSTOMER AND DIGITAL SERVICES 57 - 78)
MANAGER
- To provide an update on the Council's Digital Transformation programme.
- 11. LEASE ON LETCHWORTH MULTI STOREY CAR PARK** (Pages
REPORT OF THE DIRECTOR – ENTERPRISE 79 - 86)
- This report sets out negotiations that have taken place between the Martin Group and the Council with regards to the potential surrender of the Letchworth Multi Storey Car Park.
- 12. COUNCILLOR LEARNING AND DEVELOPMENT PROTOCOL** (Pages
REPORT OF THE DIRECTOR – GOVERNANCE 87 - 100)
- To consider the endorsement of the updated Councillor Learning and Development Protocol and the reporting process for completion of compulsory training.
- 13. REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') ANNUAL REVIEW** (Pages
REPORT OF THE DIRECTOR – GOVERNANCE / MONITORING OFFICER 101 - 176)
- This Report provides an update on the Council's current use of RIPA and reports on the annual policy review. The Report also provides an update on the proposed amendments to the Council's RIPA Policies following its annual review.
- 14. SECTION 106 TASK AND FINISH GROUP REPORT** (Pages
REPORT OF THE S106 TASK AND FINISH GROUP 177 - 256)
- The report details the Task and Finish Group's review of North Herts' application of the Section 106 (s106) mechanism for securing developer contributions from new development and provides an overview of the assessment undertaken and recommendations identified.

15. OVERVIEW AND SCRUTINY WORK PROGRAMME
REPORT OF THE SCRUTINY OFFICER

(Pages
257 -
270)

This report highlights items scheduled in the work programme of the Overview and Scrutiny Committee for the 2025-26 civic year. It also includes items that have not yet been assigned to a specific meeting of the Committee.

Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF
ON TUESDAY, 3RD FEBRUARY, 2026 AT 7.30 PM

MINUTES

Present: *Councillors: Claire Winchester (Chair), Jon Clayden (Vice-Chair), Tina Bhartwas, Sadie Billing, David Chalmers, Ralph Muncer, Martin Prescott, Paul Ward and Daniel Wright-Mason.*

In Attendance: *Rumi Bose (Churchgate Project Manager), Steve Crowley (Director - Enterprise), Philip Doggett (Principal Estates Surveyor), Robert Filby (Trainee Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Robert Orchard (Culture and Facilities Services Manager), Anthony Roche (Chief Executive) and Rachael Rooney (Interim Strategic Planning Manager).*

Also Present: *At the commencement of the meeting there were no members of the public.*

Councillor Val Bryant, as Leader of the Council, Councillor Tamsin Thomas, as Executive Member for Enterprise, and Councillor Donna Wright, as Executive Member for Place were in attendance.

52 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 39 seconds

Apologies for absence were received from Councillors Elizabeth Dennis and Dominic Griffiths.

Councillor Cathy Brownjohn was absent.

53 MINUTES - 6 JANUARY 2026

Audio Recording – 1 minute 49 seconds

Councillor David Chalmers proposed an amendment to include the following sentence under Minute 46, and this was seconded by Councillor Sadie Billing:

'Members raised concerns that Hertfordshire Police not participating in Pride events would damage the much-needed trust between them and the LGBTQ+ Community and impact the reporting of LGBTQ+ hate crimes.'

Following a vote, the amendment was **CARRIED**.

Councillor Claire Winchester as Chair, proposed and Councillor Jon Clayden seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 6 January 2026, as amended, be approved as a true record of the proceedings and be signed by the Chair.

54 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4 minutes 29 seconds

There was no other business notified.

55 CHAIR'S ANNOUNCEMENTS

Audio recording – 4 minutes 37 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair advised that for the purposes of clarification clause 4.8.23(a) of the Constitution does not apply to this meeting.
- (4) The Chair reminded Members of the adopted North Herts Scrutiny Charter and the need to ensure that the meeting was conducted with independence, initiative and integrity. The full Charter was available to Members via the Scrutiny Intranet pages.

56 PUBLIC PARTICIPATION

Audio recording – 5 minutes 40 seconds

There was no public participation at this meeting.

57 URGENT AND GENERAL EXCEPTION ITEMS

Audio recording – 5 minutes 43 seconds

No urgent or general exception items were received.

58 CALLED-IN ITEMS

Audio recording – 5 minutes 48 seconds

There were no called-in items.

59 MEMBERS' QUESTIONS

Audio recording – 5 minutes 51 seconds

No questions had been submitted by Members.

60 LGA CORPORATE PEER CHALLENGE FOLLOW UP

Audio recording – 5 minutes 57 seconds

Councillor Val Bryant, as Leader of the Council, presented the reported entitled 'Corporate Peer Challenge Follow Up' and advised that:

- The Council undertook a Corporate Peer Challenge between 4 and 7 November 2024, where they were visited by a peer team supported by the Local Government Association.
- A feedback report from the visit was presented to Cabinet on 14 January 2025, and an Action Plan to respond to the recommendations from this was approved by Cabinet on 23 March 2025.
- An update on progress against the Action Plan was also given to Cabinet on 23 September 2025.
- The peer team made a one-day follow up visit on 15 December 2025 and had issued a report on this, which was attached at Appendix A.
- The report contained a review of the progress made by the Council in the last year, and suggestions from the peer team on future steps.

The following Members asked questions:

- Councillor Jon Clayden
- Councillor Paul Ward
- Councillor Daniel Wright-Mason
- Councillor Ralph Muncer

In response to questions, Councillor Val Bryant advised that:

- Officers had expressed a preference to receive questions from Members in advance of meetings, which would help to improve Member-Officer relations.
- Cabinet would determine which actions would be focused on and for how long.
- Except for Royston Learner Pool, nothing new would be added to the Council Delivery Plan before it ended.
- There would be continuity despite a change in the Leader of the Council, which would ensure that Officers and Members worked together to ensure the best delivery of a new unitary authority.

In response to questions, the Chief Executive advised that:

- New protocols which referenced Member-Officer interaction had been adopted at the last Full Council meeting.
- Member-Officer relations were built on communication and the acknowledgement that they were part of the same Council, which served various communities.
- The progress against the Action Plan was similar when compared to other local authorities.
- They were committed to continuous improvement, but progress against the Action Plan would cease before Local Government Reorganisation (LGR) to enable focus on that.
- Decisions on what the Council would deliver before LGR would be made through the Council Delivery Plan and budget setting.
- Members and Directors were in constant dialogue over what was achievable for the Council and what should be prioritised in the face of capacity constraints.
- The Council would focus on making the right decisions between now and May 2027, rather than driving to meet all possible decision points prior to the creation of Shadow Authorities.

The following Members took part in the debate:

- Councillor Ralph Muncer
- Councillor Jon Clayden

The following points were made as part of the debate:

- It was reassuring that progress had been made as stated in the report, and that they had identified areas of improvement to ensure resilience for day-to-day services through LGR.
- The progress made had been excellent considering LGR, and everyone at the Council should be congratulated for this.

The Chair summarised discussions and noted the need to improve Officer-Member relations, as well as the need to carefully prioritise and reflect on findings in the face of LGR.

Councillor Jon Clayden proposed and Councillor Daniel Wright-Mason seconded and, following a vote, it was:

RESOLVED:

- (1) That the findings of the CPC follow up report were noted.
- (2) That the progress against the CPC Action Plan was noted.

REASON FOR DECISIONS: To ensure that the Council responds to the matters identified within the CPC follow up report, ensuring that the benefits of the CPC process are realised.

61 ENTERPRISE PORTFOLIO UPDATE

Audio recording – 25 minutes 22 seconds

Councillor Tamsin Thomas, as Executive Member for Enterprise, presented the report entitled 'Enterprise Portfolio Update' and advised that:

- The initiation phase for the Churchgate project had been completed, with a comprehensive programme of viability assessments and market due diligence having taken place.
- The project had been taken through the acquisition and initial public consultation phases to explore viable options that were being scrutinised by the Project Board.
- There had been delays to the viable options report to achieve the right level of scrutiny. However, it would ideally be presented to the appropriate committees in springtime.
- Viability included balancing elements such as housing delivery and future ownership, while understanding which elements would contribute financially in the long-term.
- Appointment of a Churchgate Project Manager had strengthened their capacity.
- The Economic Development Strategy (EDS) and its evidence base had been approved, and the upcoming Budget would help with its implementation.
- A recent Member workshop on the EDS had been productive and highlighted opportunities in the district.
- North Herts Museum had exceeded 30,000 visitors last year and had delivered 6 exhibitions over the last two.
- Event bookings at Hitchin Town Hall had increased on the previous year to 668.
- Inflationary pressures on Cultural Services had been offset by the increased income and efficiencies they had produced.
- The Estates Team managed over £30M in Council assets that generated roughly £1.8M in net income per year.

- They had modernised leasing arrangements and progressed long-standing projects such as The Arena, supported projects like the Museum Collection Facility, and were bringing forward option papers for projects such as Charnwood House and Riverside Walk.
- A strategic portfolio review would also be undertaken to seek opportunities on asset disposal.
- The Property Services Team oversaw 76 premises, responded to approximately 1,400 service requests and completed over 9,000 compliance checks annually.
- They had modernised their systems through new facilities and compliance tools and made major repairs at several sites such as Baldock Community Centre.
- They had also worked on decarbonisation of Council assets through the installation of Solar PV and EV charging points at the District Council Offices.
- Budget projections showed a 1% increase on the net position of the directorate on the previous year.
- Expenditure had increased due to Churchgate resourcing but income had also increased due to rent settlements and improved performance at Churchgate.
- The Enterprise Directorate were currently resourced at 87% capacity, with four vacancies to be resolved.
- 50 projects were live and the majority were on track.
- A filled vacancy in the Estates Team had accelerated progress on projects, and they anticipated that filling other vacancies in February would have a similar impact.
- The highest risk projects were Churchgate and the Museum Collection Facility which were managed through established risk management and project governance frameworks.
- All Project boards followed 'PRINCE 2' framework, and larger projects like Churchgate were governed by a project board comprised of Members and Senior Officers.
- The role of project boards was to build the business case for projects, before referring them to committees for consideration to allow Member involvement and the opportunity for added value.

The following Members asked questions:

- Councillor Claire Winchester
- Councillor Paul Ward
- Councillor Ralph Muncer
- Councillor Martin Prescott
- Councillor Daniel Wright-Mason
- Councillor David Chalmers
- Councillor Jon Clayden
- Councillor Sadie Billing

In response to questions, Councillor Tamsin Thomas advised that:

- A topline exercise had been conducted to prioritise projects that would benefit from acceleration before Local Government Reorganisation (LGR) took place.
- Projects like Charnwood House could be progressed on different timelines to LGR.
- It would be important to address vacancies to ensure the delivery of major projects.
- New access to business databases would help to build relationships with businesses in the district.
- The EDS would ensure that economic opportunities from projects like Churchgate would be realised.
- An estimated cost for Churchgate could not be provided due to the range of variables across the proposed options. However, the project had been approved on the basis that it would be financially viable and worthwhile over a 40-year period.

- The Council were seeking an organisation that would be able to uphold the community covenants associated with Charnwood House.
- A decision on the viable options for Churchgate was scheduled to be made at the next Project Board meeting on 27 February.
- Small businesses in rural villages were supported by the Council through the administration of the Shared Prosperity Fund and the encouragement of initiatives like Herts Futures.
- The EDS recognised that the economy of the district extended beyond its boundaries, as acknowledged by the 'Looking in' and 'Looking out' framework.
- Support had been given to small businesses in the form of response schemes and grants during the COVID-19 pandemic.

In response to questions, the Director – Enterprise advised that:

- There had been slippage on the action areas within the EDS, but additional officers would help to deliver on these once recruited.
- Funding for digital car parking signage in Hitchin would be within the proposed 2026/27 Budget, which would improve the clarity of parking spaces available in Hitchin, and aim to promote the usage of Lairage Multi-Storey Car Park.
- A Member briefing on Churchgate would be held before the viable options report was presented to Cabinet.
- There may be an opportunity for the report to be presented to the Committee prior to consideration by Cabinet, depending on the outcome of the next Project Board meeting.
- Opportunities for Member and public involvement on Churchgate via consultation would be plentiful throughout the course of the project.
- More detail on the work to promote growth of small businesses in rural areas would be provided once recruitment to the Economic Development Team had taken place.
- The Community Lottery grant funding in 2024/25 had been a one-off opportunity but they would continue to look for more opportunities like this.

In response to questions, the Principal Estates Surveyor advised that:

- 8-9 sites had been put forward in response to a Call for Sites exercise as part of the Local Plan Review, and those would be reviewed with the Planning Team in due course.
- The development on Radburn Way had been deemed financially unviable due to no secure site access, therefore, the site had been allocated as an open space habitat reserve.
- The proposed development on The Snipe in Weston had not been progressed as the developer had been unable to deliver on the formula within the conditional contract. There were ongoing discussions with the adjoining landowner to progress the site in alternative ways.
- An Options Paper for Charnwood House was being produced, and the likely preferred option would be to go back to market to obtain a fully costed offer from a partner to deliver an acceptable community project. However, there was more work to do before conclusions could be drawn from this.
- There were interested parties who would be kept informed of Charnwood House going forward.

In response to questions, the Churchgate Project Manager advised that:

- They were working with the Parking and Planning Teams to ensure that Churchgate would be aligned with Council initiatives to embrace active travel and climate resilience.
- It was recognised that Churchgate would provide immense economic value and regenerative benefits, despite it still being in its early stages.
- While there was an urgency to progress the project before LGR, there was also priority given to structuring the risk and delivery of the project properly to ensure its viability.

- Timeframes for the delivery of the project would be clearer after the next phase.
- The next stage of public engagement for Churchgate would be likely to take place alongside a public announcement on the next stage of the project.

In response to questions, the Chief Executive advised that:

- Constraints would be placed on the Council once a new Shadow Authority was live as financial decisions over a certain threshold would need approval from them, therefore, this would need to be factored into timelines for Churchgate.
- The District Council Offices would continue to be used in the short-term after LGR, however, until they knew the structure of unitary authorities in Hertfordshire, its medium to long-term use would be unknown.

In response to questions, Councillor Paul Ward advised that:

- There were 5,500 enterprises in the district, and 90% of those employed 0-9 people, as referred to in the EDS.
- 8,800 people were self-employed in the district.

Councillor Ralph Muncer highlighted the importance of building resilience into the proposed parking signage in Hitchin.

Councillor Paul Ward advised that the Economic Development Team should reach out to Members to utilise their knowledge on small businesses in their respective areas.

Councillor Martin Prescott highlighted that local authorities could be doing more to support small businesses.

Councillor Jon Clayden proposed and Councillor Paul Ward seconded and, following a vote, it was:

RESOLVED: That the Committee noted the report.

REASON FOR DECISION: The report followed the request of the committee for an update on the progress of the Enterprise Directorate and is for information only.

N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 21:12.

62 LOCAL PLAN REVIEW

Audio recording – 1 hour 39 minutes 6 seconds

Councillor Donna Wright, as Executive Member for Place, presented the report entitled 'Local Plan Next Steps' and advised that:

- The report asked the Committee to note the report that was presented to Cabinet on 20 January, which outlined the new local plan making system and the adoption of the Local Plan by the end of 2028.
- A timetable had originally been agreed for adoption by the end of 2027. However, this had stalled due to delayed government guidance and legislative changes.
- The local plan adoption process had been streamlined by the Government to include a 30-month examination process that was preceded by a 4-month 'Get Ready Period'.
- A revised timetable for the Local Plan based on new requirements was shown in Appendix A to the report, with the aim to submit the Local Plan for examination prior to Local Government Reorganisation (LGR) in April 2028.

- The revised timetable had been approved by the Strategic Planning Board in December, and they would continue to scrutinise the Local Plan as it progressed.
- The delivery of the Local Plan would be subject to filling vacancies in the Strategic Planning Team, which would take place soon.
- If the team was not fully staffed, the timetable would be kept in line with resource availability and updated as appropriate.
- Thanks were put on record to the Strategic Planning Team for managing the process around the Local Plan despite the uncertainty on legislation and guidance.
- Members were also asked to note the broad direction of travel pending formal laying and the enactment of legislation.

The following Members asked questions:

- Councillor Donna Wright
- Councillor Ralph Muncer
- Councillor Paul Ward
- Councillor Daniel Wright-Mason

In response to questions, Councillor Donna Wright advised that the timetable may need to be revised depending on when the new legislation was received, therefore, it was hard to predict the timeline for scrutiny outside of the Strategic Planning Board.

In response to questions, the Interim Strategic Planning Manager advised that:

- Regular Member Workshops on scoping, policy development and site allocation in the Local Plan would continue.
- There would be opportunities for the Committee to scrutinise the Local Plan prior to decisions being made by Cabinet.
- Most local plans being made under the new system would be finished after LGR in April 2028.
- Only the Planning Inspectorate could withdraw their Local Plan under the guidance, and it was understood that the Government would introduce regulations to ensure that a new unitary authority would take the plan forward.
- Five-yearly reviews of local plans would continue to take place after LGR.
- It was understood that local plans produced by existing authorities would come together to cover the geographical areas within a new unitary authority until a new Local Plan that covered the new geographical area was prepared.
- If there was no Local Plan in place by the end of 2028, the new unitary authority may be open to speculative development.
- The proposed timeline would be challenging to meet if legislation was delayed further.
- Sites identified from the Call for Sites exercise would be made public after a sieving process had taken place, and the legislation system had been received.

In response to questions, Councillor Val Bryant advised that the recommendations from the S106 Task and Finish Group would be looked at before guaranteeing that they could form part of the policies within the new Local Plan.

The following Members took part in the debate:

- Councillor Ralph Muncer
- Councillor Claire Winchester

The following points were raised as part of the debate:

- This work would be vital in shaping the future of the district regardless of LGR.

- It would be important to engage the public as soon as possible to ensure that sensitivities were addressed to ensure better outcomes for communities.
- They were looking forward to wider engagement through consultation taking place, in addition to the opportunity to discuss this further at future Committee meetings.

Councillor Jon Clayden proposed and Councillor Sadie Billing seconded and, following a vote, it was:

RESOLVED: That the Overview and Scrutiny Committee noted the broad 'direction of travel' for the Local Plan Review pending formal laying and enactment of the relevant legislation and regulation; and provided any commentary as required.

REASON FOR DECISION: To ensure the Council is well-positioned to progress preparation of the Local Plan as quickly as possible once the new plan-making system comes into effect. Cabinet previously first resolved, in principle, that a review of the Local Plan should take place in January 2024. However, the Council did not progress on the review which was held back due to the delays in the publication of the regulations and guidance on the new Local Plan system.

63 OVERVIEW AND SCRUTINY WORK PROGRAMME

Audio recording – 2 hours 0 minutes 14 seconds

The Committee, Member and Scrutiny Manager presented the report entitled 'Overview and Scrutiny Work Programme' and advised that:

- The Decisions and Monitoring Tracker was attached at Appendix C to the report.
- Referrals made by the Committee to Cabinet on the Council Delivery Plan 2025-26 Q2 Update and Council Tax Reduction Scheme were considered with the respective reports at Cabinet, and the recommendations for both were approved.
- The Work Programme was attached at Appendix A to the report.
- The report on Digital Transformation and Inclusion would be postponed to the next Committee meeting in March due to a miscommunication with officers.
- Other items scheduled for the next Committee meeting were the RIPA Annual Report, Council Delivery Plan 2025-26 Q3 Update and S106 Task and Finish Group report.
- Suggestions for future discussion topics should be made to the Scrutiny Officer by Friday 13 February.
- The Forward Plan for 16 January was attached at Appendix B to the report.
- Members should submit questions in advance of meetings to allow Executive Members and Officers time to prepare answers.
- An in-person Scrutiny Session as part of Member Development Week would take place on 12 May at 7pm and would include a chance to draft the 2026-27 Work Programme.
- There was an additional recommendation for the Committee to note the Decisions and Monitoring Tracker as attached at Appendix C to the report.

The following Members asked questions:

- Councillor Tina Bhartwas
- Councillor Ralph Muncer

In response to questions, the Committee, Member and Scrutiny Manager advised that:

- The Chair, Vice-Chair and Scrutiny Officer would meet later this week to consider topics for discussion at the next Committee meeting.
- An update to the Annual Safeguarding Review had been circulated to Members.

- Draft Developer Contributions SPD could be considered as one of the topics for discussion at the next Committee meeting.

The Chair and Councillor Paul Ward thanked Executive Members and Officers for the thorough and informative presentations that they had provided to the Committee.

Councillor Sadie Billing proposed and Councillor Ralph Muncer seconded and, following a vote, it was:

RESOLVED:

- (1) That the Committee prioritised topics for inclusion in the Work Programme attached as Appendix A and, where appropriate, determined the high-level form and timing of scrutiny input.
- (2) That the Committee, having considered the most recent iteration of the Forward Plan, as attached at Appendix B, suggested a list of items to be considered at its meetings in the coming civic year.
- (3) That the Committee noted the Decisions and Monitoring Tracker, attached as Appendix C to the report.

REASONS FOR DECISIONS:

- (1) To allow the Committee to set a work programme which provides focused Member oversight, encourages open debate and seeks to achieve service improvement through effectively policy development and meaningful policy and service change.
- (2) The need to observe Constitutional requirements and monitor the Forward Plan for appropriate items to scrutinise remains a key aspect of work programming.

The meeting closed at 9.39 pm

Chair

**OVERVIEW AND SCRUTINY
24 MARCH 2026**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: COUNCIL DELIVERY PLAN 2025-26 (QUARTER 3 UPDATE)

REPORT OF: DIRECTOR - RESOURCES

EXECUTIVE MEMBER: RESOURCES

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

This report presents progress on delivering the Council Delivery Plan for 2025-26. This is a Quarter 3 update but generally reflects progress up to the point that the report was prepared (early March 2026). The report includes:

- For the projects identified by Cabinet, it details milestones and progress against them.
- The risks in relation to the delivery of those projects, as well as the corporate risks that could impact the delivery of all our projects and services.
- Latest data for the Council's key performance indicators (KPIs).

Points to note:

- A new item relating to the Museum Collection Facility project and associated risks has been added to the Council Delivery Plan.
- Three projects are complete and associated risks have been managed to the target level. Two of these were reported in the Quarter 2 Update (King George V Skate Park and Waste and Street Cleansing Contract) and the other one was completed following approval of the 2026-27 budget at Full Council on 26 February 2026 (Engaging the community on our finances).
- Two projects have an amber delivery status (Churchgate, and Digital Transformation).
- Four projects have a high risk (red) status (Churchgate, Decarbonisation of Council Buildings - Phase 2, Local Plan Review, and Museum Collection Facility).
- Three of the four over-arching Corporate Risks also have a red status, with the other one (Financial Sustainability) now assessed as a medium (amber) risk.
- There are three KPIs that have a red status (two relating to Careline installations and one relating to CSC calls answered in 45 seconds).

This report also provides an update on developing agreed new KPIs that align with Council Plan objectives and the proposed timing for these to be included in future Council Delivery Plan monitoring reports.

2. RECOMMENDATIONS

It is recommended that Overview and Scrutiny Committee:

- 2.1 Provide comment on the Council Delivery Plan Quarter 3 monitoring report, including the recommendation to be made to Cabinet:
 - That Cabinet notes progress against Council projects and performance indicators, as set out in the Council Delivery Plan (Appendix A), and approves new milestones and changes to milestones.
- 2.2 Determine any project they want to receive more detail on, as part of the next monitoring report.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Council Delivery Plan (CDP) monitoring reports provide Overview and Scrutiny Committee, and Cabinet, with an opportunity to monitor progress against the key Council projects, and understand any new issues, risks, or opportunities.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 In developing the CDP, it was agreed that Cabinet would receive quarterly updates. The updates are also provided to Overview and Scrutiny Committee so that they can provide additional oversight and support to Cabinet.
- 4.2 Therefore, no alternative options were considered for this report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Directors and Service Managers have provided updates on progress and will have made Executive Members aware of progress made.
- 5.2 A draft of the Quarter 3 update was provided to the Risk and Performance Management Group (RPMG) in February 2026. The Group has a standing invite to the Executive Member for Resources (who has responsibility for performance monitoring), the Chair of Overview and Scrutiny Committee (O&S) and the Chair of Finance, Audit and Risk Committee (FAR). Other members of O&S, FAR, and Cabinet are also encouraged to attend if they can. RPMG were asked to comment on the Q3 update. There were no specific issues raised by the Group.
- 5.3 The Overview and Scrutiny Committee are asked to provide comments on the current progress of the CDP, including recommendations to Cabinet.
- 5.4 New KPIs that link to actions in the Council Plan were previously discussed by the internal informal Political Liaison Board of the Executive and Leadership Team in August 2025, followed by a further discussion at Political Liaison Board in December 2025. They were then considered by O&S and Cabinet in January 2026.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan dated 19 December 2025.

7. BACKGROUND

- 7.1 The CDP brings together projects, risks, and performance indicators in one document. The projects, risks, and performance indicators from 2024-25 were rolled forward into the current year. There have been two projects subsequently added (decarbonisation phase 2 and museum collection facility). Further KPIs have also been developed to help implement the “Develop the golden thread” recommendation from the Corporate Peer Challenge. These will be reported for the first time in the year-end monitoring report.

8. RELEVANT CONSIDERATIONS

- 8.1 Appendix A provides an update on the progress made in delivering the Council Delivery Plan 2025-26. Whilst it is labelled as a Quarter 3 update, it generally reflects the latest position at the time the report was written (early March). Milestones are set as far ahead as possible but are not included where there is too much uncertainty over the scope or timing of required actions.
- 8.2 A new item relating to the Museum Collection Facility project has been added to the CDP. Currently, due dates for some milestones still need to be entered. These will be confirmed following the appointment of a Professional Technical Services contractor (due by the end of March 2026) and further detailed work to develop a comprehensive and realistic delivery programme. The current estimate is that we will complete the renovation in Summer 2027, followed by relocation of the museum collection to the new facility.
- 8.3 Two projects have an amber status, with the remaining 11 having a green status, three of which have now been completed. Comments on the amber statuses are provided below. As detailed in Appendix A, some projects with a green status also have proposals for changes to (yellow highlights) or new (blue highlights) project milestones.

Churchgate	In February 2026, Project Board agreed that the project should progress to launching a soft market testing phase, in line with the Project Team recommendation. This will take place at UKREiiF in May 2026. Therefore, previously reported timings for relevant committee reports have changed. We now expect to present reports to relevant committees in June 2026.
Digital Transformation	Amber status reflects slight delays in the 'go live' date for the new Safety Advisory Group (SAG) platform (now 12 March 2026) and completing waste process TechnologyOne automations (now 31 March 2026). Also, the previously recorded target date for grants process TechnologyOne automations is proposed to be removed, as further scoping work is required and the scheduling of this is still to be determined.

8.4 Our performance indicators reflect the overall performance of the Council. Performance levels are rated as either green (achieving or exceeding the target), amber (not achieving the target level and look to take action to get back on track) or red (urgent action needed to get back to target). For this report:

- 5 indicators are rated green.
- 6 indicators are rated amber.
- 3 indicators are rated red.
- 9 indicators do not have a target.

8.5 For performance indicators rated red, the following actions are being taken:

Careline Installations (relates to two linked KPIs): Performance remains below target, with year-to-date performance levels being relatively consistent and high throughout the year for both KPIs. Key factors influencing recent performance included two technicians remaining on office-based duties only, which continued to reduce field installation capacity and limited appointment availability, and technician availability over the Christmas period due to annual leave rotas. Recruitment of new technicians to increase and stabilise staff capacity, strong scheduling processes/discipline, and careful management and prioritisation of longer-wait cases aim to return performance to levels that consistently achieve the respective targets of 90% (installations completed in 5 working days) and 100% (installations completed within 10 working days). Despite challenges, we still continue to complete almost all installations within 10 working days.

Call Answering: Call answering performance for the period October to December 2025 was 1% below the 90% target, mainly due to two significant demand spikes: Council Tax reminders issued in mid-October 2025 and Council Tax text/call/email reminders sent in mid-December 2025. These coincided with staff sickness and pre-booked annual leave, reducing capacity. Year-to-date performance was slightly lower at 85%. For October to December 2025, these factors also led to the lower service level of 48% of calls answered within 45 seconds against the 80% target. This, along with the previously reported key factors that influenced performance during the first half of 2025-26

(Customer Service Centre staffing challenges and increased contacts linked to seasonal peaks and service changes), resulted in year-to-date performance of 50%. Mitigations include ongoing temporary recruitment, continued upskilling of staff, closer coordination with services before large outbound communications, and continuing to provide digital self-service options.

8.6 As can be seen in Appendix A, there is still no 2025-26 data for the previously reported KPI entitled 'Number of collections missed per 100,000 collections of domestic household waste'. Officers are working with Veolia on contract data, but currently the only missed collections data available to us from the start of the new contract relates to the contract as a whole, covering both East and North Herts. This data relates to domestic collections only, which excludes commercial, assisted, garden, and clinical waste collections. The following table presents the available data:

	Apr 25	May 25	Jun 25	Jul 25	Aug 25	Sep 25	Oct 25	Nov 25	Dec 25
Missed collections per 100,000 lifts (per month)		40	79	72	317	236	179	173	142

8.7 There are 13 risk entries linked to specific projects and four over-arching corporate risks. For this report:

- 6 risks are assessed low risk (green).
- 4 risks are assessed medium risk (amber).
- 7 risks are assessed high risk (red).

8.8 One risk has moved from amber to green (Engaging the community on our finances) following completion of the related project. One risk has moved from red to amber (Financial Sustainability), which reflects the improved funding position and reduction in pension costs whilst acknowledging that risks still remain (during the lifetime of North Herts Council) in relation to cost and income pressures, Extended Producer Responsibility funding, and indicative only funding for 2027-28 and 2028-29. A new risk, currently assessed as high, has been introduced relating to the Museum Collection Facility project.

8.9 Following the approval of KPIs with direct links to the Council Plan, as proposed in the Quarter 2 Update, officers are now working to develop relevant details for new KPIs and set these up on the Ideagen system. This work is progressing well and the intention is to include most of these KPIs in the year-end monitoring report with data for 2025-26. A small number of new KPIs may start to be reported from 2026-27, although this is still to be confirmed. Initially, no targets will be set for new KPIs, although targets may be set for KPIs we have previously measured. This will be kept under constant review.

- 8.10 The CDP is intended to be a live document. Councillors and Officers can access Ideagen for the latest position. New projects can be added to the Plan if they are a strategic priority and resources are available to deliver them. Projects will be removed at an appropriate time when they are completed, or if they are no longer a priority. Cabinet (following prior review by Overview and Scrutiny Committee) will be asked to approve any changes to milestones.
- 8.11 Overview and Scrutiny Committee can ask for more detail on any of the CDP projects. This can either be provided as a written update or can be included as part of the next quarterly update, to support discussion in the meeting.

8.12 Access to Ideagen

All the detail behind the projects, risks and performance indicators is available to view in Ideagen, the Council's performance and risk system. A guest login is provided on the intranet for any Member to use, along with a procedure note and short video on how to view the data.

9. LEGAL IMPLICATIONS

- 9.1 The constitution determines the role of Cabinet as including: "To take decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council. To monitor performance and risk in respect of the delivery of those policies and priorities" (paragraph 5.7.3).
- 9.2 The constitution determines the role of Overview and Scrutiny Committee as including: "To review performance against the Council's agreed objectives/priorities and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas. To consider risk to the achievement of those objectives/priorities. To make recommendations to Cabinet" (paragraph 6.2.7 (s)).
- 9.3 There are no specific legal implications arising from the CDP. However, there may be individual legal implications for some of the projects outlined. Any commissioning of work on new and existing projects will follow the standard legal requirements and those required by the Council's internal standing orders, contained within the Constitution.
- 9.4 It is worth noting that a robust and measurable delivery plan is an important tool for the Council to fulfil the 'best value' requirement set out in Section 3 of the Local Government Act. The Act requires authorities, including the Council, to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness." Monitoring reports to Members and actions arising from those reports will ensure discharge of this statutory responsibility.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications arising from this report. Where projects are linked to efficiencies or investments then these are included in the budget proposals and monitored through the quarterly finance reports.

11. RISK IMPLICATIONS

- 11.1 Good risk management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 The CDP aims to support the risk management process by directly linking risks to projects being undertaken, and strengthens the link between performance and risk, making risks more current and providing an improved perspective of the risks that the Council faces.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” requirements do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There will continue to be a need to align Council and Service objectives with available people resources to be able to achieve them. The CDP helps to make that link clearer.

15. ENVIRONMENTAL IMPLICATIONS

- 15.1 There are no known environmental impacts or requirements that apply to this report. However, a number of the projects to be monitored throughout the year are related to key environmental issues. Environmental Impact Assessments are conducted for individual projects, as needed.

16. APPENDICES

- 16.1 Appendix A – Council Delivery Plan 2025-26 Q3 Monitoring Report

17. CONTACT OFFICERS

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17.4 Georgina Chapman, Policy and Strategy Team Leader
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18. BACKGROUND PAPERS

18.1 None

Council Delivery Plan – Status Key

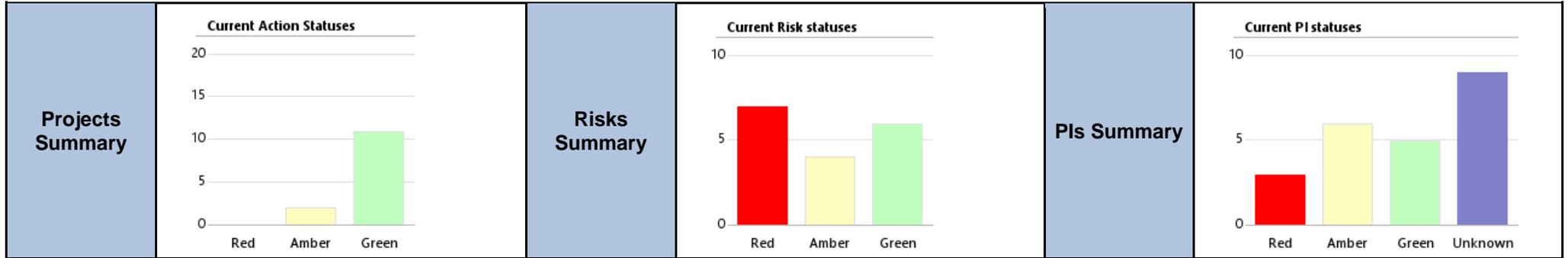
Status	Description
Projects	
	The project (and all recorded milestones) has been completed.
	All ongoing milestones have not reached their due dates (or do not have due dates).
	There is at least one ongoing milestone that has not been completed by the due date, but the overall project due date has not passed. Proposals to change milestone due dates will be made, which may also lead to a proposed change to the overall project due date.
	Overall project due date has passed and there is at least one milestone that has not been completed. Proposals to change project due date and milestone due dates will be made.
Risks	
	Assessed as a low risk.
	Assessed as a medium risk.
	Assessed as a high risk.
	
KPIs	
	Data value has met or exceeded the target figure. Performance is at an acceptable level.
	Data value has not achieved the target figure. Need to consider appropriate action to return performance to an acceptable level.
	Data value has not achieved the target figure. Urgent action required to return performance to an acceptable level.
	Data value is reported for 'information only' and there is no requirement to set targets for the KPI.
	Ideagen cannot calculate a status, as officers have not entered a target figure for the period.
	Data value has improved compared with the same time last year.
	Data value has deteriorated compared with the same time last year.
	Data value has not changed compared with the same time last year.
	Ideagen cannot calculate a direction of travel, as previous data is not available for comparison.

Council Delivery Plan 2025-26 Q3 Monitoring Report – Project Statuses



Project	Status	Risk Level
Churchgate		
Digital Transformation		
Decarbonisation of Council Buildings - Phase 2		
Leisure Centre Decarbonisation		
Local Plan Review		
Museum Collection Facility		
Oughtonhead Common Weir		
Pay on Exit Parking		
Resident/Public EV Charging in our Car Parks		
Town Centres Strategy		
Engaging the community on our finances		
King George V Skate Park		
Waste and Street Cleansing Contract		

Council Delivery Plan 2025-26 Q3 Monitoring Report - Status Summaries



Council Delivery Plan 2025-26 Q3 Monitoring Report - Key Performance Indicators (KPIs)

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	Latest Update	Current Value	Current Target	Status	Trend (Compared with the same time last year)	2025/26 Target
Percentage of council tax collected in year	January 2026	90.52% (year to date)	91%		(91.31%)	97%
Percentage of NNDR collected in year	January 2026	86.81% (year to date)	88%		(85.68%)	96%
Council's Scope 1-3 emissions (tonnes CO2e)	2024/25	3,888.47	N/A Data Only		(3,782.50)	N/A Data Only
Number of Stage 1 complaints	Q3 2025/26	262 (year to date)	N/A Data Only		(144)	N/A Data Only
Percentage of Stage 1 complaints resolved within 10 working days	Q3 2025/26	76% (year to date)	80%		(94%)	80%

KPI	Latest Update	Current Value	Current Target	Status	Trend (Compared with the same time last year)	2025/26 Target
Percentage of Stage 2 complaints resolved within 20 working days	Q3 2025/26	85% (year to date)	70%		 (79%)	70%
Total number of alarm calls in a given period	January 2026	315,800 (year to date)	N/A Data Only		 (320,184)	N/A Data Only
Rolling number of Careline service users supported under the HCC contract	January 2026	7,245	N/A Data Only		 (7,015)	N/A Data Only
Percentage of Careline installations completed within 5 working days	December 2025	79.9% (year to date)	90%		 (New KPI from January 2025)	90%
Percentage of Careline installations completed within 10 working days	December 2025	97.6% (year to date)	100%		 (New KPI from January 2025)	100%
Percentage of CSC calls answered	Q3 2025/26	85% (year to date)	90%		 (93%)	90%
Percentage of CSC calls answered within 45 seconds	Q3 2025/26	50% (year to date)	80%		 (62%)	80%
Sign-ups to the Digital Budget Hub	Q3 2025/26	787	N/A Data Only		 (239)	N/A Data Only
Average number of penalty points awarded per Grounds Maintenance contract monitoring inspection. (Lower numbers are good.)	December 2025	2.25 (year to date)	N/A Data Only		 (4.93)	N/A Data Only
Working days lost due to short-term sickness absence in the last 12 months per FTE employee	December 2025	4.48	4.00		 (4.26)	Not Measured for Years
Working days lost due to long-term sickness absence in the last 12 months per FTE employee	December 2025	3.56	N/A Data Only		 (4.94)	N/A Data Only

KPI	Latest Update	Current Value	Current Target	Status	Trend (Compared with the same time last year)	2025/26 Target
Staff turnover - rolling 12-month percentage	December 2025	8.5%	15%		 (7.25%)	Not Measured for Years
Percentage of advertised vacancies filled in first round	Q3 2025/26	78.7% (year to date)	75%		 (76.8%)	75%
Number of visits to leisure facilities	January 2026	1,317,474 (year to date)	N/A Data Only		 (1,444,960)	N/A Data Only
Percentage of all planning applications determined within the relevant statutory or agreed time periods	Q3 2025/26	83.58% (year to date)	80%		 (86.2%)	80%
Percentage of household waste sent for reuse, recycling and composting	Q3 2025/26	*59.05% (year to date)	60%		 (58.59%)	59%
Number of collections missed per 100,000 collections of domestic household waste	March 2025	47 (year to date)	N/A Data Only		 (60)	N/A Data Only
Performance against revenue budget (projection against original budget)	Q3 2025/26	-4.8% (year to date)	0%		 (-10.0%)	0%

* Data is provisional and may be subject to change when finalised.

** See Paragraph 8.6 of the covering report.

Council Delivery Plan 2025-26 Q3 Monitoring Report - Projects / Risks

	Churchgate				
Council Plan Objective	Responsible Growth (2024-28)	Due Date	31-Mar-2027	Original Date	31-Mar-2027
Project Summary	Progress the long-term regeneration of the shopping centre and surrounding areas. Project will span a number of years. Currently, recorded action relates to key milestones up to 2025/26 and early 2026/27.				
Latest Update	06-Mar-2026 The scheme remains committed to the five development principles agreed following public consultations and stakeholder engagement. A regeneration specialist Project Manager was appointed in September 2025 for an initial period of one year, and a 2026/27 growth item has extended the employment. The Project Team have been working with consultants to understand what could be feasible on the various sites. This includes commissioning market consultants to review and recommend varying, scalable options to transform Hitchin Market into a market hall style venue. The Enterprise Manager is also working closely with Hitchin Market to ensure that the operation is successful in the interim period leading up to the regeneration, and the consultants have been working with the Market Board to ensure that traders are engaged and supported whilst the Council determines the next steps. We have also been surveying and analysing current car parking provisions within the town centre, working with car parking specialist consultants. Top level findings suggest there is sufficient car parking in the town throughout the week and on weekends, except during peak shopping times on Saturdays. The consultants have suggested various measures to help mitigate possible parking provision issues as plans progress, and parking does remain a key concern for Project Board. We are exploring various procurement routes for the project, taking account of ongoing feasibility work and Local Government Reorganisation. We have also worked on various models to financially appraise options and work towards a viable scheme that meets objectives and addresses identified issues and challenges. In February 2026, Project Board agreed that the project should progress to launching a soft market testing phase, in line with the Project Team recommendation. This will take place at UKREiIF in May 2026. This will be followed by a member briefing session, with a report to Overview and Scrutiny Committee and Cabinet currently expected to be presented in June 2026. At an appropriate time, further milestones and related timings for the Council Delivery Plan will then be developed. Due to the challenges, uncertainty, and variables associated with the project, the overall risk level remains high. However, current project management arrangements and controls enable us to manage these risks as well as we can, albeit that certain external factors are out of our control.				
Milestone		Due Date	Complete	Note	
	Start of engagement.	02-Sep-2024	Yes		
	Run workshops.	16-Sep-2024	Yes	Hitchin Market Board workshop held 9 September 2024. Hitchin Forum workshop held 9 September 2024 (in the evening). Tenants workshop held 12 September 2024.	
	Start public consultation.	17-Sep-2024	Yes		
	Public consultation ends.	01-Oct-2024	Yes	The consultation period was extended to 3 November 2024 to take into account the leaflet drop to all North Hertfordshire households.	
	Open 'in-person' Churchgate Regeneration Hub on market days, up to the end of the consultation period.	17-Oct-2024	Yes	Churchgate Regeneration Hub opened in an unused Churchgate unit.	
	Feedback to Project Board.	29-Oct-2024	Yes	October 2024 Project Board meeting re-scheduled. Update on progress presented to Project Board on 14 October 2024.	
	Feedback to Project Board.	26-Nov-2024	Yes	Project Board meeting re-scheduled to 4 December 2024. Consultation findings were presented to Project Board at this meeting.	
	Publish second stage public consultation feedback report.	28-Feb-2025	Yes	Consultation results published in February 2025 and communicated throughout March 2025.	

Complete detailed evaluation of consultation findings and financial options appraisal.	16-May-2025	Yes				
Project Board decision on overarching direction and preferred pathway.	16-May-2025	Yes				
Attend UKREiiF 2025.	22-May-2025	Yes	Anthony Roche, Steve Crowley and Chloe Gray attended UKREiiF - 20-22 May 2025.			
Report to Council and formal decision on overarching direction and preferred pathway.	10-Jul-2025	Yes	At Full Council on 10 July 2025, councillors voted to progress with their preferred approach to regenerate the Churchgate area, following extensive public consultation and technical feasibility work.			
Churchgate Project Board Workshop 1	28-Nov-2025	Yes				
Churchgate Project Board Workshop 2	08-Dec-2025	Yes				
Further report to Cabinet.	26-Feb-2026	No	Milestone revised and due date to change to June 2026 (awaiting confirmation of the June 2026 Cabinet date). Confirmed that the report will go to Cabinet rather than Full Council. Dependent on the timing of required Project Board decisions. Currently expect to go to Cabinet in June 2026.			
New Milestone - Project Board meeting to finalise the position of the project and recommended options prior to Member Briefing and Cabinet report/decision.	27-Feb-2026	Yes	Project Board met on 27 February 2026. Agreed that the Project Team progress to launching a soft market testing phase, in line with the Project Team recommendation.			
New Milestone - Host event at UKREiiF 2026.	21-May-2026	No	New milestone. We will host our last soft market testing phase event in May 2026 at UKREiiF, to engage with any potential developers on a non-committal, open forum basis.			
New Milestone - Member Briefing.	31-May-2026	No	New milestone, but actual due date still to be confirmed. This is in work. Dependent on Committee Services availability. However, this will take place prior to relevant Overview and Scrutiny Committee and Cabinet meetings.			
New Milestone - Report to Overview and Scrutiny Committee.	30-Jun-2026	No	New milestone, but actual due date still to be confirmed. Awaiting publication of 2026/27 committee dates, but likely to be in June 2026 - before Cabinet.			
20. Start procurement process for development partner.		No	Milestone and due date to be confirmed. Dependent on Project Board's recommended option for moving the project forward and subsequent Cabinet decision.			
21. Procurement process for development partner ends and contract awarded.		No	Milestone and due date to be confirmed. See note for above milestone.			
Risks			Risk Level	Original Score	Current Score	Target Score
Risks: 1. The regeneration will not meet expectations of stakeholders. 2. Regeneration of the Centre and surrounding area is not cost effective/not affordable. Including impacts of possible high inflation and increasing cost of building materials. 3. Availability of specific funding for consultants (i.e., agreed budgets and income from existing tenants). 4. Overspends against agreed project budgets.				9	8	6

	Digital Transformation				
Council Plan Objective	Accessible Services (2024-28)	Due Date	31-Mar-2027	Original Date	31-Mar-2025
Project Summary	Invest in and develop a low code digital platform that can be used to transform our services and applications. Programme to span a number of years, with the Council Delivery Plan project focussing on key activities planned for the short-term.				
Latest Update	04-Mar-2026 Following extensive testing by and feedback from NHC teams and external partners, the 'go live' date for the Safety Advisory Group (SAG) platform is now 12 March 2026. The platform has been delivered but this slight delay is due to a decision to deliver external stakeholder training up front. Feedback on the new SAG platform has been extremely positive. Digital Services work on finance system integrations for Waste process automations is now expected to be completed by the end of March 2026. Following initial investigations, it has been determined that finance system integrations for Grants process automations are more complicated than first envisaged. As such, further scoping work is required, and scheduling of related tasks will be dependent on how these fit in alongside higher priority projects. We are still in the planning/scoping phase of CRM/Tascomi integrations for a number of regulatory services. Delivery timings are still to be determined, as we are waiting for the third-party supplier to give us access to the required test system. We are also scoping a Version 2 of the previously developed Hitchin Town Hall booking system and an options appraisal will be presented to the Oversight Group at the end of February 2026. If approved, the project will enable us to revisit the system ahead of Local Government Reorganisation (LGR) and implement additional features that were outside of the original project scope. If we proceed, project expected to be completed by the end of September 2026. Following the Oversight Group decision to place the Burials application project on hold, the NHC Burials team is now looking to procure a third-party burials system to replace the current in-house database using the previously agreed budget. In general, key risks to the programme continue to be the availability of sufficient resources and LGR creating general uncertainty across the organisation. The Digital Services team are also progressing several parallel workstreams alongside core programme delivery. This includes the rollout of Microsoft Copilot across the organisation, undertaking business process analysis to identify options for digitalisation and optimisation and to prepare for the upcoming LGR, and continuing to develop and refine a range of ad-hoc online forms and digital processes to meet service needs.				
Milestone		Due Date	Complete	Note	
1	Scope and investigate replacement of Burials system.	30-Jun-2024	Yes	Initial scoping for the replacement of the current in-house database completed. Decision made to provide a replacement system via the new digital platform.	
2	Integrate Netcall into Microsoft Azure for wider integration capabilities.	30-Sep-2024	Yes	The Azure tenancy is ready to go and can facilitate single sign on for customers to sign in via MyAccount or for staff to sign into any applications created.	
3	Commence development of waste services processes and preparations for integration with new contractors' software.	01-Oct-2024	Yes	Work commenced, with plans agreed with Veolia.	
4	Hitchin Town Hall booking system developed.	31-Oct-2024	Yes	The Hitchin Town Hall application has been completed and handed over.	
5	Waste Services - integrations with contractors' software.	30-Jun-2025	Yes	Completed on 7 August 2025. There was a slight delay fully integrating with Veolia systems, caused by late access to Veolia's ECHO system/data (April 2025) and delays clarifying specific data requirements. This delay did not have any impact from a customer perspective.	
6	Waste Services - project delivery.	30-Jun-2025	Yes	High priority waste services processes were available for the start of the contract, with lower priority/frequency processes completed and delivered by 7 August 2025. One additional form, Waste Issues, was not delivered at this time, but there was an alternative way for Customer Services to do this, so the delay did not impact the customer experience. Milestone completed, albeit with some minor ongoing optimisations.	
7	Development and delivery of Trade Waste processes.	07-Aug-2025	Yes	This work is outside of the scope of the original Waste Services project. The majority of Trade Waste processes went live on 7 August 2025 when we implemented the weekly system updates. There was a small part still outstanding due to needing process clarity, but the rest were live. The outstanding item had minimal impact, and the milestone was considered complete, albeit with minor ongoing optimisations.	

Development and delivery of a Grants database.	28-Nov-2025	Yes	Database is now live, and was officially launched on 24 November 2025.			
TechnologyOne integrations: Grants process automations.	31-Dec-2025	No	Due date to be removed. Following initial investigations, we have determined that this is more complicated than first envisaged. As such, further scoping work is required, and scheduling of related tasks will be dependent on how these fit in alongside higher priority projects.			
TechnologyOne integrations: Waste process automations.	31-Dec-2025	No	Due date to change to 31 March 2026. Work is ongoing and is nearing completion. Digital Services needed IT to open up some further API calls, and IT could only schedule for this to be done at the end of February 2026. Therefore, project now expected to be completed by the end of March 2026.			
Safety Advisory Group (SAG) platform.	31-Jan-2026	No	Due date to change to 12 March 2026. The 'go live' date has been pushed back, as external stakeholder training will now be delivered up front. The Digital Services team have delivered the platform, but the SAG team have requested a 'go live' date of 12 March 2026. The platform has been subject to testing by NHC teams and external partners, and feedback has been extremely positive.			
New Milestone - Scoping Version 2 of the Hitchin Town Hall booking system.	30-Sep-2026	No	New milestone. Currently scoping a Version 2, and an options appraisal will be presented to the Oversight Group at the end of February 2026. If approved, this will enable us to revisit the previously developed system ahead of Local Government Reorganisation and implement additional features that were outside of the original project scope. If approved, work is likely to start in March 2026 and is expected to be completed by the end of September 2026.			
ERM/Tascomi integrations - Regulatory services.		No	Currently in the planning/scoping phase. Timings still to be determined, as we are waiting for the third party supplier to give us access to the required test system.			
To be deleted - Develop and deliver a Burials application.		No	Milestone to be deleted - Following the Oversight Group decision to place this project on hold, pending further information on Local Government Reorganisation, the NHC Burials team is now looking to procure a third party burials system to replace the current in-house database using the budget previously agreed.			
Risks			Risk Level	Original Score	Current Score	Target Score
Risks: 1. Resources within key teams available to deliver. 2. Unexpected limitations within new digital platform (now assessed as low risk). 3. Delays in receiving required responses from the waste contractor (now a business-as-usual maintenance risk). 4. Delays in receiving required access to and/or responses from third party systems/providers. 5. Local Government Reorganisation creates uncertainty around the delivery of the wider programme.				6	6	3

	Decarbonisation of Council Buildings - Phase 2				
Council Plan Objective	Sustainability (2024-28)	Due Date	31-Mar-2028	Original Date	31-Mar-2028
Project Summary	Finalise plans and complete works to decarbonise further Council buildings - Hitchin Town Hall, North Herts Museum, and the learner pool at North Herts Leisure Centre. 2025/26 is a planning year, with works commencing in 2026/27 and due to complete by 31 March 2028. Current milestones only relate to the planning year 2025/26 and activities scheduled to complete in early 2026/27.				
Latest Update	02-Mar-2026 As previously advised, 2025/26 is a planning year, with works commencing in 2026/27 and due to complete by 31 March 2028. Funding for the project has been secured via the Capital Programme 2025-35 and Public Sector Decarbonisation Scheme (Phase 4) funding. However, in order to progress a more practical and cost-effective solution for the District Council Offices, with more immediate benefits, this element of the project has been removed from both the PSDS funding and the Council Delivery Plan item. We have now appointed a principal designer, quantity surveyor, and architect, which we completed in mid-February 2026. Surveys of relevant buildings are now expected to be completed by the end of March 2026. Further milestones have now also been added relating to RIBA design stages and planning submission/approval. We continue to update Salix on progress every quarter, which will move to monthly monitoring reports in 2026/27. At this early stage, there remains some uncertainty associated with aspects of the project, with failure to obtain planning permission for Hitchin Town Hall identified as one of the top risks. Despite the currently assessed overall high risk level, the governance arrangements in place and the activities planned over coming months aim to mitigate project risks and in time, reduce the assessed risk level.				
Milestone	Due Date	Complete	Note		
Full Council approve NHC capital budget to deliver project.	27-Feb-2025	Yes	On 27 February 2025, Full Council approved a capital budget of £1.98m as part of the Capital Programme 2025-35.		
Salix funding secured.	30-Apr-2025	Yes	In April 2025, Salix awarded the Council £1.17m of Public Sector Decarbonisation Scheme (Phase 4) funding. At this time, the estimated total project cost was £3.15m.		
Commence engagement with officers delivering the Leisure Centre Decarbonisation project.	21-May-2025	Yes	We have commenced discussions with the project team delivering the Leisure Centre Decarbonisation project to share internal lessons learned and help inform our approach to managing this Phase 2 project.		
Submit first Salix monitoring report.	13-Jun-2025	Yes	We have submitted our first monitoring report to Salix and have met our Salix relationship manager.		
Project Board established.	17-Jun-2025	Yes			
Appoint Quantity Surveyor to review initial feasibility study.	15-Jul-2025	Yes	We have appointed Varsity Consulting (who provide QS support to the Leisure Centre Decarbonisation project) to review the initial feasibility study.		
Feasibility study received from Willmott Dixon Construction Ltd.	01-Aug-2025	Yes	We appointed WDC (the contractor who assisted us with our funding application) to conduct a feasibility assessment. The aim was for this to help us validate the original funding submission, revise/update overall costs, update the project programme, revise cash flow in line with total project value and Salix submission, update anticipated running costs, review planning options, and provide options for procurement of solutions.		
Technical presentation of feasibility study by WDC.	13-Aug-2025	Yes			
Initial meeting with Varsity Consulting to discuss options to take forward to Project Board.	15-Aug-2025	Yes	Initial meeting held.		
Project Board to agree a preferred procurement option for delivering the pre-construction phase.	08-Sep-2025	Yes	Project Board meeting took place, but no decision was made on a preferred procurement option. Following advice from Varsity Consulting, an additional feasibility study was requested.		

Cabinet report seeking funding approval for appointing a Principal Designer and a Quantity Surveyor for the full project.	23-Sep-2025	Yes	Services provided by Quantity Surveyor and Principal Designer are not covered by existing project budget. Cabinet approved the additional funding via the first quarter Capital Budget Monitoring Review 2025/26 report.			
CPW to provide updated feasibility study and Varsity Consulting to provide related costings.	04-Nov-2025	Yes	Requested by Project Board on 8 September 2025.			
Project Board decision on a preferred delivery route.	13-Nov-2025	Yes				
Design phase commences.	12-Jan-2026	Yes	Following the appointment of a principal designer, the design phase has now commenced.			
Appoint quantity surveyor, designer, and architect to help deliver project.	31-Jan-2026	Yes	On 13 November 2025, Project Board approved the project approach and the appointment of a quantity surveyor, designer, and architect to assist with the delivery of the project. We have now appointed to all of these, with the final one completing on 17 February 2026.			
Confirm to Salix that we intend to proceed with the project into the first delivery year, in line with funding conditions.	31-Jan-2026	Yes	Confirmed to Salix via email on 30 January 2026.			
Surveys of the buildings completed.	20-Mar-2026	No	Due date added. Confirmed as part of developing project plans and timings.			
New Milestone - Decision point on proceeding to the procurement of contractor before or after RIBA stage 4 detailed designs.	30-Apr-2026	No	New milestone. The due date is based on the current project programme. There is some flexibility if there are minor delays.			
New Milestone - Planning submission.	30-Apr-2026	No	New milestone. The due date is based on the current project programme. There is some flexibility if there are minor delays.			
New Milestone - RIBA stages 2-3 designs sign-off.	30-Apr-2026	No	New milestone. The due date is based on the current project programme. There is some flexibility if there are minor delays.			
New Milestone - Planning approval received.	06-Jul-2026	No	New milestone. The due date is based on the current project programme. This is subject to Planning, as an external party to the project.			
Pre-construction Service Agreement signed.		No	If required, timings to be confirmed at appropriate time later in the project.			
Risks			Risk Level	Original Score	Current Score	Target Score
Key Risks: - Failure to obtain planning permission - particular risk for Hitchin Town Hall as it is a listed building (currently assessed as a top risk for the project). - NHC responsible for funding all project costs beyond agreed grant funding. - Failure to deliver project in line with agreed grant conditions leads to loss of grant funding - grant spend scheduled for 2026/27 and 2027/28. - Delays obtaining required Distribution Network Operator/Planning approvals lead to delays in commissioning/completing project works. - Unforeseen detailed survey findings require changes to project specifications and lead to additional financial costs e.g., identification of asbestos.				7	7	5

	Leisure Centre Decarbonisation				
Council Plan Objective	Sustainability (2024-28)	Due Date	04-Sep-2026	Original Date	02-Feb-2026
Project Summary	Using a combination of external funding and NHC capital funding, deliver a project to decarbonise our three leisure centres. The main activities are replacing end of life gas boilers with Air Source Heat Pumps and installing Solar PV panels to enable on-site generation of electricity. Replacing gas heating for our leisure centres with low carbon alternatives is the single most effective action we can take towards meeting our target of being carbon neutral by 2030.				
Latest Update	03-Mar-2026 The formal legal agreement of easements over LGCHF and Hitchin Cow Commoners Trust land are nearing completion. However, the delay in receiving responses from third parties has impacted programme timings, and we now anticipate works at all three sites being completed and signed off by Building Control by early September 2026. Royston Leisure Centre should be fully completed in June 2026, North Herts Leisure Centre in August 2026, and Hitchin Swimming and Fitness Centre in September 2026. These programme changes have also had financial impacts, although these have been covered by the project budget contingency. In view of progress made, risks associated with obtaining required landowner easements have now reduced. As works progress, risks relating to unknown issues presenting themselves when existing infrastructure is removed also diminish. However, there remains a degree of uncertainty around the scheduling of UKPN works and the impact this may have on overall programme timings, and this is out of our control. We continue regular communication with Salix relating to the grant funding, including the completion of Monthly Monitoring Reports (MMRs). We submitted the final commissioning conditions to Salix at the end of February 2026, which was earlier than required in order to ensure Salix have sufficient time to review the information provided and to raise any queries prior to the formal 31 March 2026 deadline. As the project is progressing and there is now far less uncertainty compared with when the associated risks were originally assessed, the overall risk level is now assessed as medium. Despite the significant consultancy work undertaken throughout the project, until the ASHPs are installed and operational, there remains a residual risk relating to their performance and the achievement of expected carbon and revenue savings.				
Milestone		Due Date	Complete	Note	
Council approves an increase in capital expenditure for the decarbonisation work and revenue expenditure for the termination and removal fees of gas CHPs.		11-Jul-2024	Yes		
Pre-Construction Services Agreement with Willmott Dixon signed.		29-Jul-2024	Yes	Agreed and signed on 2 August 2024.	
Appoint external Quantity Surveyor to oversee NHC's interests.		30-Aug-2024	Yes	Appointed Varsity Consulting to act as the Employers Agent for North Herts Council on the leisure decarbonisation project. This includes carrying out tasks of Quantity Surveyor, Cost Consultant and Contract Administrator. Decision taken 24 September 2024. Decision notified 27 September 2024.	
Project Board - hold point to decide whether to continue the project.		04-Nov-2024	Yes	Project Board approved a number of recommendations allowing the project to move into the next phase.	
Complete Stage 3 design phases.		11-Nov-2024	Yes	Stage 3 completed.	
Council decision on preferred option.		15-Jan-2025	Yes		
Willmott Dixon Construction submit contract offer.		20-Mar-2025	Yes	Contract offer received from Willmott Dixon. This is now being reviewed by our Quantity Surveyor, prior to the final agreement of costs.	
Provide Salix with required project updates.		01-Apr-2025	Yes	All grant conditions and updates for the 2024/25 financial year have been issued and reviewed. Conditions 2-4 have been approved by Salix consultants and are with Salix to approve. Condition 1 will need to be reviewed, amended, and resubmitted later.	
Further report to Cabinet to approve contract award and additional budget.		20-May-2025	Yes	Cabinet agreed to increase the project capital budget, approved the extension of lido seasons at both outdoor pools, approved changes to the 2025/26 General Fund budget as a result of the increase in net expenditure caused by planned closures and extended lido seasons, and awarded the contract to WDC.	

Salix confirm acceptance of our 2024/25 updates.	31-May-2025	Yes	Salix have approved and paid the Council the 2024/25 grant amount in full.
Commence de-carb works at Royston Leisure Centre.	17-Jun-2025	Yes	Willmott Dixon started setting up on site in the week commencing 14 July 2025 and started to shutdown areas of the building to prepare for works in the week commencing 21 July 2025.
Planning permissions obtained.	19-Jun-2025	Yes	Planning permission received for Royston and Letchworth on 19 June 2025, with Hitchin granted on 11 July 2025.
Commence de-carb works at North Herts Leisure Centre.	23-Jun-2025	Yes	Willmott Dixon started setting up on site in the week commencing 14 July 2025 and started to shutdown areas of the building to prepare for works in the week commencing 21 July 2025.
Commence de-carb works at Hitchin Swimming and Fitness Centre.	01-Sep-2025	Yes	The start date for commencing works was pushed back due to a delay with Natural England issuing the required Bat Licence.
Enter into construction contract with Willmott Dixon.	07-Sep-2025	Yes	There was a slight delay completing this milestone, as it took longer than expected to reach agreement on how practical completion would be agreed in a way that complies with the new Building Safety Act and to undertake the subsequent Legal work prior to signing.
Provide Salix with an updated application form with finalised project data (including costs and energy values) and a monitoring plan detailing how carbon savings will be monitored/reported following completion of the project.	02-Feb-2026	Yes	Salix recently confirmed revised final commissioning condition dates and that we needed to submit relevant information to them by 31 March 2026. However, we agreed to do this earlier to ensure Salix have sufficient time to review the information provided and to raise any queries. We submitted the final commissioning conditions to Salix at the end of February 2026.
Complete de-carb works at North Herts Leisure Centre.	26-May-2026	No	Due date to change to 21 August 2026. Currently, we anticipate formalising the required easement over LGCHF land by 20 February 2026. This will enable works onsite to be completed by 26 June 2026. A further eight weeks will then be required for the Building Control sign-off phase, meaning that full completion is now scheduled in the second half of August 2026.
Complete de-carb works at Royston Leisure Centre.	26-May-2026	No	Due date to change to 9 June 2026. Due to unforeseen issues with seized valves, building works are now scheduled to be completed by 14 April 2026. A further eight weeks will then be required for the Building Control sign-off phase, meaning that full completion is now scheduled in early June 2026.
Complete de-carb works at Hitchin Swimming and Fitness Centre.	22-Jul-2026	No	Due date to change to 4 September 2026. Currently, we anticipate formalising the required easement over Hitchin Cow Commoners Trust land by 20 February 2026. This will enable works onsite to be completed by 10 July 2026. A further eight weeks will then be required for the Building Control sign-off phase, meaning that full completion is now scheduled in early September 2026.

Risks	Risk Level	Original Score	Current Score	Target Score
<p>Risks:</p> <ul style="list-style-type: none"> - NHC responsible for funding all project costs beyond agreed grant funding. - NHC paying up front for the larger Air Source Heat Pumps. - Unforeseen detailed survey findings require changes to project specifications and lead to additional financial costs. - Failure to obtain required planning permissions (no longer a risk). - Delays obtaining required Distribution Network Operator approvals lead to delays in commissioning/completing project works. - Delays obtaining required easements lead to delays in commissioning/completing project works. - Failure to deliver project in line with agreed grant conditions leads to loss of grant funding. - Short programme delivery timeframes impact the ability to drawdown Year 1 2024/25 Salix grant funding within the agreed financial year leading to loss of funding (no longer a risk). - Disruption to day-to-day operations during works leads to customer dissatisfaction. - Demand on existing officer resources to cover the loss of the dedicated Project Manager. 		8	5	3

	Local Plan Review				
Council Plan Objective	Responsible Growth (2024-28)	Due Date	30-Oct-2028	Original Date	31-Dec-2027
Project Summary	To undertake an update of the Council's statutory Local Plan as agreed in principle by Cabinet in January 2024.				
Latest Update	<p>12-Feb-2026 Guidance on the new plan making system was released on 27 November 2025. The Government has indicated that secondary legislation will be laid in early 2026, with the new system expected to come into effect six weeks later. In addition, the Government is inviting feedback (not formal consultation) on the new system until 15 March 2026. Revised guidance may therefore be issued once the feedback has been considered.</p> <p>Officers have prepared a revised programme, presented to Cabinet on 20 January 2026, based on the requirements currently set out in the guidance, while noting some areas remain unclear. The report to Cabinet requested delegated authority to submit the required documentation once the new system becomes operational, as well as update the revised timetable if necessary. The guidance specifies a minimum four-month notice period once the system is formally enacted. As a result, formal external stages of the plan are unlikely to commence until July 2026. This period is intended to support necessary preparatory work and to ensure stakeholders receive adequate notice of the Council's intention to commence work on the new Local Plan. It should be noted that the legislation had not been laid at the time of drafting of this update, and further delays may impact the timings of key stages.</p> <p>The Strategic Planning Manager role is currently occupied on an interim basis and will be advertised in April/May 2026. Two Senior Planner roles were advertised to assist in the capacity of the wider team; one appointment had been made, and the second role is currently out for recruitment. At the time of drafting, an additional planner role has since become vacant and will also need to be filled. A temporary contract role, originally filled for six months to provide additional support, has been extended until September 2026.</p> <p>Implementation of the consultation and site analysis digital platform has commenced, and evidence and scoping work continues. The initial Call for Sites ran from June to mid-September 2025 with further analysis ongoing to support the site allocations work. Milestones due dates have been updated to align with the revised programme. However, these are likely to require further revision once the legislation is laid and timings for the new system become certain.</p>				
Page 37	Milestone	Due Date	Complete	Note	
	01. In principle approval that Local Plan review is undertaken.	16-Jan-2024	Yes	Approved by Cabinet in January 2024.	
	02. Approval of Local Development Scheme.	14-Jan-2025	Yes	Approved by Cabinet in January 2025.	
	New Milestone - 03. Approval of revised Local Plan Timetable.	20-Jan-2026	Yes	New milestone. Approved by Cabinet in January 2026.	
	04. Notice of start of plan-making given to Secretary of State.		No	Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026. We can only submit the notice to commence once the new system is enacted, which is six weeks after the legislation is laid. As we currently do not know when the legislation will be laid, we are unable to suggest an accurate due date. The provisional timetable put to Cabinet on 20 January 2026 assumed the legislation would be laid by now. The Government has only indicated sometime in early 2026 and there is a possibility that the legislation will not be laid until mid-May 2026. This would change the provisionally revised programme completely.	
	New Milestone - 05. Early scoping consultation.	27-Apr-2026	No	New milestone.	
	06. Complete 'Gateway 1' advisory assessment.	29-Jun-2026	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.	

07. Complete first mandatory public consultation - proposed content and evidence base.	17-Aug-2026	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
08. Complete 'Gateway 2' (4-6 weeks).	23-Nov-2026	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
09. Complete second mandatory public consultation.	13-Sep-2027	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
10. Complete 'Gateway 3' assessment and submit for examination.	23-Jan-2028	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026. The intention is to submit the Local Plan for examination early, to ensure planned submission prior to Local Government Reorganisation.			
11. Receipt of examination outcome.	29-Sep-2028	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
12. Finalisation and adoption of digital plan.	30-Oct-2028	No	Due date added. Milestone in line with the provisionally revised Local Plan timetable, subject to commentary dated 12 February 2026.			
Risks			Risk Level	Original Score	Current Score	Target Score
<p>Risks:</p> <ul style="list-style-type: none"> - Delay in Government regulations and guidance: Continued delays in the publication of regulations and guidance have reached a critical point. While the Local Plan can still be prepared within the new 30-month timetable, it may become unlikely that the Council will be able to submit the Plan for examination before Local Government Reorganisation (LGR) in March 2028 if there are continued delays in the new system starting. - Further reforms to the planning system or national policy: The introduction of new or substantive reforms could impact the scope and content of the Local Plan. The new NPPF includes non-statutory Development Management policies. There is currently uncertainty about how these should be applied when decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. This may have implications for decision making and could lead to increased challenges through appeals and the courts. - Inability to recruit or retain experienced officers: Previous recruitment exercises have been unsuccessful, with limited interest due to salary levels not aligning with expectations or with those offered by neighbouring authorities. This poses a risk to delivering the required programme of work. - Internal delays in securing necessary resources: Organisational complexities may delay resources needed to progress the Local Plan such as overly complex procurement processes. - Insufficient overall capacity to deliver the Local Plan update: Limited staffing and competing priorities may constrain the ability to complete required tasks within statutory timeframes. - Lack of clear or aligned corporate direction: Conflicting priorities or a lack of shared vision across departments could hinder a joined-up approach to strategy development and policy alignment. - Introduction of new Spatial Development Strategies (SDS): SDS preparation is likely to progress on a similar timeline to the Local Plan, creating risks of abortive work, policy conflict, or delays due to uncertainty or required changes. Early collaboration and shared evidence gathering between authorities will be essential. - Failure to secure adequate funding: Insufficient financial resources could delay or limit the scope of the Local Plan review. - Failure to obtain political or Government approval at key stages: Lack of support or sign off at critical gateways could stall progress. - Risk of Government intervention: If inadequate progress is made on the Local Plan review, the Council may be subject to intervention measures. - Inadequate guidance leading to poor scheme outcomes: Insufficient clarity in national policy or guidance may result in development that does not appropriately support corporate priorities relating to climate change, the environment, the economy, or place making. - Poor design outcomes: Development may fail to respond appropriately to local character and context if policy clarity or evidence is lacking. - Adverse appeal decisions: Delays or stalling of the Local Plan review may increase the risk of unfavourable appeal outcomes on non-Local Plan sites. - Impact of Local Government Reorganisation (LGR): LGR proposals may divert resources, affect the timetable or approach, or introduce new workstreams. LGR may also result in conflicting policy approaches between authorities; early collaboration will be required to align policy direction where possible. 				5	7	3

	Museum Collection Facility (New Council Delivery Plan Item)				
Council Plan Objective	Thriving Communities (2024-28)	Due Date	31-Mar-2028	Original Date	31-Mar-2028
Project Summary	Delivery of a new facility to house the museum collection of North Hertfordshire.				
Latest Update	<p>05-Mar-2026 We have commenced the project to resolve current museum collection storage capacity pressures and to secure the long-term future and preservation of the museum collection in an environmentally stable facility. A modern and upgraded facility also provides the opportunity to facilitate greater community outreach and engagement, along with enhancing our ability to rotate lesser seen items from our collection in temporary museum displays. The current estimate is that we will complete the renovation in Summer 2027, followed by relocation of the museum collection to the new facility. In July 2025, the Council acquired a suitable long leasehold facility in Letchworth, and we are now moving forward with converting this into a long-term home for the museum collection facility. An initial Project Board meeting took place in September 2025, and a number of developments have already occurred. The existing tenants' lease has been extended until July 2026, allowing time for the designs for the new facility to be completed whilst securing additional income for the Council and avoiding a void period. A communications plan has been adopted, and officers are developing a full submission for grant funding based on a successful expression of interest to the National Lottery Heritage Fund. We are also at an advanced stage of negotiations with a potential provider of professional technical services, who will provide the expertise necessary to spearhead design work and develop technical specifications. We expect to appoint the provider by the end of March 2026. Milestone due dates for the whole project had previously been proposed, but following the production of the latest indicative programme, which benefits from the potential provider's technically informed specialist knowledge, it has become apparent that early estimates were too optimistic. Therefore, some milestone due dates have now been removed, and will be confirmed following the completion of a formal contract and further detailed work to develop a comprehensive and realistic delivery programme. The project will also include appointing to community engagement and collection relocation related roles (both paid and voluntary) to progress related workstreams at the appropriate time. Key risks include financial pressures, escalating costs, staffing capacity, possible damage to the collection, managing staff/Member/public expectations, and possible loss of accreditation, although this last one has lessened due to the Council embarking on this project.</p>				
Milestone	Due Date	Complete	Note		
01. Cabinet approval for the acquisition of a long leasehold interest of Unit 1 City Park, Letchworth Garden City.	18-Mar-2025	Yes			
02. NHC formally acquires the long leasehold interest of Unit 1 City Park, Letchworth Garden City.	04-Jul-2025	Yes	Sitting tenant now in place until July 2026. NHC agreed an extension to the lease (previously to January 2026) to allow time for project design work and procurement of a principal renovation contractor to conclude whilst securing an ongoing income stream while this happens and avoiding a void period.		
03. Project Board established.	31-Jul-2025	Yes			
04. Commence Project Board meetings.	02-Sep-2025	Yes			
05. Present project information note and update to Overview and Scrutiny Committee.	06-Jan-2026	Yes			
06. Appoint Professional Technical Services contractor to guide and support NHC through design phases.	31-Mar-2026	No			
07. Conclusion of design works.		No	Timings to be confirmed.		
08. Procure principal renovation contractor and mobilise contract.		No	Timings to be confirmed.		
09. Sitting tenant vacates premises following expiration of lease.	08-Jul-2026	No			
10. Commence onsite renovation works.		No	Timings to be confirmed.		
11. Complete recruitment to collection strand project roles (roles potentially grant funded).		No	Timings to be confirmed.		

12. Complete recruitment and training of volunteers to support project stages that follow completion of renovation works.		No	Timings to be confirmed.			
13. Complete renovation of Unit 1 City Park, Letchworth Garden City.		No	Timings to be confirmed. Currently, expect renovation works to be completed in Summer 2027.			
14. Commence relocation of museum collection to new facility.		No	Timings to be confirmed.			
15. Complete relocation of museum collection to new facility.		No	Timings to be confirmed. Existing Bury Mead Road site will then subsequently be fully vacated.			
Risks			Risk Level	Original Score	Current Score	Target Score
Key Risks: - Failure to deliver project to planned project timescales and within agreed budgets. - Project Team capacity to deliver project is in addition to existing business-as-usual responsibilities. - Failure to secure external grant funding to maximise the ambitions of the project. - Delays in procuring the design technical team early in the project utilises all time contingencies built into the overall programme.				7	7	3

	Oughtonhead Common Weir				
Council Plan Objective	Sustainability (2024-28)	Due Date	30-Nov-2026	Original Date	30-Sep-2024
Project Summary	Complete works to rectify the collapsed weir.				
Latest Update	<p>11-Feb-2026 Currently, we are awaiting more precise information on revised plans and timings from HCC's Countryside Management Service (CMS). CMS are looking to finalise the drafting of relevant tender documents and consents over the coming weeks and have indicated that the project should start to move forward shortly after this. CMS are still awaiting a response from Affinity Water, who are potentially interested in helping progress the project alongside a Herts and Middlesex Wildlife Trust project to deliver habitat enhancements along the River Oughton more widely. Affinity Water are looking to support projects on the River Oughton, as they re-start abstraction from the aquifer. If possible, it makes sense to combine both projects, to help deliver the greatest benefits for nature and maximise efficiency in procurement/project management activities. CMS continue to chase Affinity Water for an update. In the meantime, NHC officers have requested a site meeting with CMS to enhance understanding of how our weir project fits in with the wider river restoration works and to identify potential challenges and risks. We currently expect this meeting to take place in late February 2026, which will then allow us to provide stakeholders with an update on the current position. To date, we have undertaken significant work to identify what is required to improve both the flow and quality of the water, obtained a number of required permits/consents, agreed a project budget, and have strived to keep relevant stakeholders updated and involved. We have also re-emphasised to CMS the priority of the project from a NHC perspective. The detailed designs for the weir project included a Buildability Statement, which outlined delivery options. This suggested an optimal timing of late summer/early autumn, when breeding bird season will have finished, ground conditions should be most favourable, and river levels will be at their lowest, all of which should create the best conditions for delivery. Therefore, although precise details are to be confirmed, we still anticipate the project being delivered in late summer/early autumn 2026. Once works start on site, the delivery timeframe is expected to be approximately three months. Public communications throughout various project stages remains key to managing stakeholder expectations and potential reputational risks associated with delays. The impact of a delay in completing the project is still assessed as low, due to any further short-term deterioration of the existing weir being unlikely to result in significant environmental damage.</p>				
Deliverable	Milestone	Due Date	Complete	Note	
01	01. Conduct the further modelling requested by the Environment Agency.	31-Aug-2024	Yes	Cost of completing further modelling circa £3k.	
02	02. Obtain required Environment Agency permits.	31-Dec-2024	Yes	Permits obtained in December 2024.	
03	03. Commence tender process for undertaking required works.		No	Due date to be confirmed. Awaiting update from CMS regarding project timings. See commentary dated 11 February 2026.	
04	04. Appoint contractor(s) to undertake required works.		No	Due date to be confirmed. Awaiting update from CMS regarding project timings. See commentary dated 11 February 2026. CMS have confirmed the details are likely to be complex and so expect a six-week period for the tender to be open to allow sufficient time for contractors to put their returns together, followed by a two-week period for evaluating and scoring returns. Therefore, the procurement process is expected to last for approximately two months.	
05	05. Successful contractor confirms project plan and timings.		No	Due date to be confirmed. Will be confirmed following contract award.	
06	06. Undertake further communication with the public regarding plans.		No	Due date to be confirmed. Will take place once contract awarded and plans have been finalised.	
07	07. Commence work on-site.		No	Due date to be confirmed. Will be confirmed when successful contractor confirms project plan and timings.	
08	08. Works on-site completed.		No	Due date to be confirmed. Will be confirmed when successful contractor confirms project plan and timings.	

Risks	Risk Level	Original Score	Current Score	Target Score
<p>Risks:</p> <ul style="list-style-type: none"> - External funding from HCC, EA and residents is not available leading to full allocated Capital budget being used (currently assessed as low risk in view of reduced work now being required and possible new funding stream from Affinity Water). - Existing situation deteriorates prior to any works being undertaken requiring further urgent temporary solutions to manage an immediate changing situation (currently assessed as low risk). - Failure to obtain planning permission (no longer a risk). - Failure to obtain Environment Agency (fish pass approval) and HCC (ordinary watercourse consent) approval/consent (no longer a risk). - Lack of contractor appetite to undertake works prolongs procurement process and delays project delivery (prior to tender process, assessed as relatively low risk). - Without confirmed plans for the procurement process and project delivery, there is a risk that the project will not be completed in line with current stakeholder expectations (currently assessed as low risk, with a current preference for delivery in summer/autumn 2026). 		4	2	1

	Pay on Exit Parking				
Council Plan Objective	Accessible Services (2024-28)	Due Date	30-Sep-2026	Original Date	31-Mar-2026
Project Summary	Replace existing parking machines and update tariff boards to implement pay on exit in all our town centre car parks. Capital budget approved to deliver the project over two years - 2024/25 and 2025/26 - although project now scheduled to complete in 2026/27.				
Latest Update	03-Feb-2026 The Norton Common TRO has been updated (delegated decision notified 27 June 2025). However, further discussions are still ongoing with Leisure/Everyone Active regarding the requirements for the updated TRO for Hitchin Swimming & Fitness Centre, including ensuring these are aligned with the leisure contract. The aim is to formally approve the TRO as soon as possible and the current estimated target date is the end of March 2026, although this is dependent on successfully progressing discussions in the coming weeks. In a change of approach, works to install new parking machines at both car parks will now commence prior to the completion of the updated TRO for Hitchin Swimming & Fitness Centre. This will allow the works to incorporate the changes to parking tariffs scheduled to go to Cabinet in February 2026 and will remove the need for an additional update to signage. Currently, expect these works to be completed by the end of May 2026. From a scheduling and resource perspective, it is preferable for installation works at both car parks to be undertaken at a similar time. The installation of all new tariff boards has now been further pushed back to the end of September 2026, with associated Capital funding carried forward to 2026/27. We are continuing discussions with the contractor regarding the quality of installed parking signage, which needs to be resolved before we are happy to proceed with the installation of new tariff boards. We are also reviewing the signage contract to clarify available options. Temporary updates to existing tariff boards are likely to be required to reflect changes to parking tariffs, with installation of the new tariff boards being undertaken on a phased basis during Summer 2026. However, should a change in tariff board provider be required, there is a risk that tariff boards will not be installed until after the revised target date. As with the introduction of any new technology, the Council and users have experienced a number of issues associated with the new machines and payment options. Some of these have been fully resolved, such as network connectivity issues at a number of car parks. We continue to work with the contractor to address quality issues with some of the installed parking machines and to agree arrangements for monitoring income lost associated with identified issues. The contractor has extended the initial two-year warranty, and the maintenance contract will now kick in after the third year of operation. The Parking Team continue to respond to and resolve users' issues, which has been key to managing the possible reputational risks associated with a negative public reaction to the changes. Overall, most users have successfully continued to pay for parking.				
Deliverables	Milestone	Due Date	Complete	Note	
	Procure supplier to replace tariff boards.	30-Aug-2024	Yes	Procurement complete. Supplier appointed on 2 September 2024.	
	Draft implementation programme received from contractor.	30-Nov-2024	Yes		
	Full implementation programme agreed with contractor.	31-Dec-2024	Yes	Full implementation programme agreed in December 2024 with some minor modifications finally agreed early February 2025. Installation of new parking machines scheduled to start mid-February 2025.	
	Commence installation of new parking machines on a town-by-town basis, along with new entrance/information signage.	17-Feb-2025	Yes	Rollout commenced in Hitchin.	
	Update TROs.	18-Feb-2025	Yes	The majority of updated TROs became effective on 18 February 2025. Updated TROs introduced alternative methods of payment, virtual permits and season tickets, and reviewed the definitions and length of stay for electric vehicle parking bays within the Council's car parks.	
	Complete installation of new parking machines and new entrance/information signage.	31-Mar-2025	Yes	Works on site completed. However, as with the introduction of any new technology, the Council and users have experienced issues associated with the new machines and payment options. Officers continue to work with the contractor to address identified issues.	

Complete installation of new parking machines and signage at Norton Common and Hitchin Swimming & Fitness Centre car parks.	31-Mar-2026	No	Due date to change to 31 May 2026. Now plan to complete these works slightly later to enable the new parking machines and signage to reflect the changes in tariffs that will be presented to Cabinet on 17 February 2026. This action is no longer dependent on the completion of the new TRO for Hitchin Swimming & Fitness Centre, which requires further discussions with Leisure and Everyone Active.
Installation of new tariff boards completed.	31-Mar-2026	No	Due date to change to 30 September 2026. Capital funding for this element of the project to be carried forward to 2026/27. We continue discussions with the contractor regarding the quality of installed parking signage, and this still needs to be resolved before we are happy to proceed with the installation of new tariff boards. Following approval of changes to parking tariffs (Cabinet 17 February 2026), temporary updates to existing tariff boards will be completed. Should a change in tariff board provider be required, this is likely to further impact the current due date.
Norton Common and Hitchin Swimming & Fitness Centre TROs updated.	31-Mar-2026	No	The Norton Common TRO has been updated (delegated decision notified 27 June 2025). However, there has been a delay with Leisure/Everyone Active confirming the requirements for the updated TRO for Hitchin Swimming & Fitness Centre. Further discussions are still required, and the aim is for the TRO to be updated and effective as soon as possible. The delay in completing the update no longer affects the scheduling of required works on site. For the time being, no further changes to the due date are proposed.

Risks			Risk Level	Original Score	Current Score	Target Score
Risks: 1. Budget implications of selected scheme (no longer a risk). 2. Inability to procure suppliers within approved budget (no longer a risk, as procured suppliers within budget). 3. Negative public reaction to changes and disruption during works. 4. Loss of income during associated works and immediate post-installation period. 5. Failure to bring together separate project elements to achieve seamless project delivery. 6. Public have issues using the new parking machines or understanding new payment options. 7. Issues with installed signage leads to a change in tariff board provider being required.				1	2	1

	Resident/Public EV Charging in our Car Parks				
Council Plan Objective	Sustainability (2024-28)	Due Date	31-May-2026	Original Date	31-Mar-2025
Project Summary	Finalise contract/leases with private sector partner and subsequently install new EV charging points in six of our outdoor surface car parks. OZEV grant secured to help deliver the project, although availability of funding has only currently been formally extended to March 2026.				
Latest Update	05-Feb-2026 Installation and commissioning of new EV charging points in all six outdoor surface car parks is still expected to be completed by the end of March 2026. Relevant leases will be formalised once this has happened, to reflect the precise location of all installed items and cabling. The EV charging points in Hillshott have now been commissioned and are available to use, although the marking of spaces has been delayed due to recent inclement weather. Distribution Network Operator (DNO) works at Twitchell are scheduled for early February 2026 and we are still awaiting confirmation of the DNO dates for Bancroft, although we have requested works to start on 18 March 2026. In view of the current uncertainty regarding the scheduling of DNO works at Bancroft (and subsequent commissioning activities) there is a possibility that works will not be completed until after March 2026. Currently, the Department for Transport (DfT) have agreed to extend funding until early March 2026. We continue to provide updates to the DfT (including a formal progress report in December 2025) and they have advised that even if works continue beyond the March 2026 date, there should be no issue with us receiving the remaining grant payment, providing we can demonstrate that works are in hand and that plans are in place to complete all remaining tasks in a relatively short timeframe. Although highly unlikely, there is contingency in the project budget should there be a shortfall in the funding received from the DfT. In view of progress made, current plans, positive feedback from the DfT, and greater certainty over the timing of required DNO works, the risk level for the overall project is now assessed as low. Outside of the scope of this Council Delivery Plan OZEV ORCS funded project, new EV charging points are also due to be installed in our multi-storey car parks, although the schedule for these works is still to be finalised.				
Milestone	Due Date	Complete	Note		
NHC to start promoting project.	31-Oct-2024	Yes	Our investment in EV charging infrastructure was included in the Winter 2024 edition of Outlook magazine, which was published in early December 2024.		
Contract finalised with private sector partner.	31-Dec-2024	Yes	Contract finalised 7 January 2025. Contract amended to enable the OZEV ORCS funded project (installation of new EV charging points in our outdoor surface car parks) to progress in advance of the further project to replace existing charging points in our multi-storey car parks, which was delayed by the need to satisfy the Council's property insurer regarding potential fire risks.		
Contractor to commence works.	03-Mar-2025	Yes	Having issued authority-to-proceed letters to the contractor, works commenced at the Civic Centre car park in Royston on 22 April 2025.		
Issue progress report to the Department for Transport in line with grant funding conditions.	31-Dec-2025	Yes			
Installation and commissioning of all new EV charging points completed.	31-Mar-2026	No	First phase of installation works has been completed, with all EV charging points now in place at the six outdoor car parks. Four of these are up and running - Civic Centre, Hillshott, Warren, and Woodside. DfT have agreed to extend grant funding to early March 2026. Distribution Network Operator is due to connect the new charging points at Twitchell to the main power grid in early February 2026. DNO dates for Bancroft are still to be confirmed, although we have requested that these works commence on 18 March 2026.		
Complete relevant leases with contractor for the length of the contract.	31-May-2026	No	The intention remains that all relevant leases will be formalised once all EV charging points have been installed and commissioned, and necessary details have been discussed and agreed with the contractor to allow this to happen. Leases have been drafted but will require site plans reflecting the precise location of installed items and cabling prior to completion. The installation and commissioning of new EV charging points in the remaining two car parks is expected to be completed by the end of March 2026, although this is dependent on the timings of required UKPN connections and subsequent commissioning tasks.		

Risks	Risk Level	Original Score	Current Score	Target Score
Risks: 1. Not successful in obtaining grant funding (no longer a risk). 2. Unable to identify/procure a private sector partner (no longer a risk). 3. Unable to agree contract conditions/relevant lease arrangements with contractor. 4. Unable to deliver project in accordance with OZEV requirements. 5. Unable to schedule required DNO upgrades in line with implementation programme. 6. Insurance requirements lead to changes to installation plans (no longer a risk). 7. Unable to reach agreement with Garden Square Shopping Centre regarding the replacement of existing charging points in Letchworth multi-storey car park (outside scope of OZEV funding and no longer a risk for this specific Council Delivery Plan project).		5	1	1

	Town Centres Strategy				
Council Plan Objective	Responsible Growth (2024-28)	Due Date	30-Jun-2026	Original Date	31-Mar-2025
Project Summary	Progress development of an overarching Town Centres Strategy, including guidance on developing strategic plans for individual town centres.				
Latest Update	04-Feb-2026 An extended eight-week public consultation took place over December 2025 and January 2026, ending on 30 January 2026. During this time, the draft Strategy was also presented to Community Forums. Analysis of consultation responses is now taking place in-house, although a contingency budget is available to re-engage the previously appointed consultants to help with this, if required. Alongside this analysis, we are commencing discussions with key stakeholders to develop a delivery plan. The draft Strategy will go back to Cabinet for formal adoption, although the timing of this is uncertain, as it will depend on the length of time it takes to analyse consultation responses effectively and the scheduling of 2026/27 committee meetings. Currently, still expect the final Strategy to be presented to Cabinet for adoption during the first half of 2026. Although things continue to move forward, the outcomes from the consultation process remain uncertain and there are resource pressures within the Strategic Planning & Projects team. Also, the new Strategy will not yet be a material consideration in a planning context. Therefore, the overall project risk level continues to be assessed as 'medium' for the time being.				
Milestone	Due Date	Complete	Note		
1. Undertake work to complete evidence base.	31-Jul-2024	Yes	Consultants presented initial report on evidence base and stakeholder workshop held to review findings.		
2. Further review/refinement of evidence base and final sign-off.	20-Dec-2024	Yes	Finalised retail evidence base in December 2024. Consultants to review wider evidence base for draft Strategy. To be published as supporting evidence base when consulting on the draft Town Centres Strategy.		
3. Project Board review draft Town Centres Strategy.	20-May-2025	Yes	Project Board members requested further work to be undertaken and to see the revised version prior to submitting the Strategy to Cabinet. There was not enough time to do this in time for Cabinet in June 2025, so we are now aiming for Cabinet in September 2025.		
4. Project Board review and approval of draft Town Centres Strategy.	15-Jul-2025	Yes	Presented the detailed overview and priorities for each of the town centres at the Project Board meeting on 15 July 2025. At this meeting, Project Board suggested the draft Strategy should be presented to PLB prior to the September 2025 Cabinet meeting.		
5. Development and finalisation of draft Strategy.	15-Aug-2025	Yes	Consultants provided a first full draft of the Town Centres Strategy on 3 September 2025 for officer review and comment. Over the subsequent four weeks, further tweaks were made, and Section 4 (Delivery) was further developed.		
6. Present draft Strategy to Political Liaison Board (PLB).	02-Sep-2025	Yes	Presented on 7 October 2025. PLB were happy with the draft Strategy on the basis that Section 4 (Delivery) was developed further. Working with stakeholders to develop an action plan will now form part of the consultation process.		
7. Present draft Strategy to Overview & Scrutiny Committee.	09-Sep-2025	Yes	Following Project Board approval of the draft Strategy and consultation approach, the draft Strategy was presented to O&S on 11 November 2025.		
8. Present details of draft Strategy, including guidance sections for each town, to Cabinet.	23-Sep-2025	Yes	Draft Strategy presented to Cabinet on 19 November 2025. Cabinet endorsed and approved the Strategy for public consultation.		
9. Consultation on draft Town Centres Strategy.	31-Jan-2026	Yes	Following the November 2025 Cabinet decision, an extended eight-week consultation took place over December 2025 and January 2026, ending on 30 January 2026. During this time, the draft Strategy was also presented to Community Forums.		

10. Cabinet adopt Town Centres Strategy.	30-Jun-2026	No	Actual Cabinet meeting still to be confirmed, as dependent on the analysis of and findings from consultation responses. Draft Strategy will not go to Cabinet until April 2026 at the earliest but is expected to be presented to the Committee during the first half of 2026.			
Risks			Risk Level	Original Score	Current Score	Target Score
1. Lack of available resource to produce and deliver identified strategies. 2. Lack of strategic direction leads to speculative development that undermines function of town centres.				5	5	1

	Engaging the community on our finances				
Council Plan Objective	Sustainability (2024-28)	Due Date	28-Feb-2026	Original Date	28-Feb-2026
Project Summary	To help the community understand how we set our budget, what affects the funding that we receive, why we have less funding than we used to and the implications of that. To engage the community on the choices that we will need to make to ensure that our spend matches our funding, so that we are financially sustainable, and to enable our community to be part of future budget conversations.				
Latest Update	04-Mar-2026 Council approved the Medium Term Financial Strategy 2026-30 on 4 December 2025. Government released the provisional finance settlement on 17 December 2025, which was used as the basis for budget proposals/reports. Government published the Final Local Government Finance Settlement 2026/27 to 2028/29 on 9 February 2026, which was better-than-expected. Budget for 2026/27 approved at the Full Council meeting held on 26 February 2026 and in view of final finance settlement, there was no need for any cuts to existing service provision. Findings from the 2025 budget consultation survey helped to inform decisions on targeted one-off investments that support healthier, greener, and safer communities across North Herts.				
Milestone	Due Date	Complete	Note		
Update the Digital Budget Hub content to highlight the funding pressures we face and likely implications.	31-Aug-2024	Yes	Updates: - Homepage copy amended to reflect current situation. - 'How we set our budget' graphic created and added (to show residents the process we go through). - 'Did you know' film created and promoted, showing what services residents' council tax helps to provide. Above promoted across our social media channels and ENewsletters.		
Approve our Medium Term Financial Strategy.	30-Sep-2024	Yes	Council agreed adoption of the MTFs 2025-30 on 19 September 2024.		
Update content (Digital Budget Hub and other communications) through process for setting the 2025/26 budget.	28-Feb-2025	Yes	The content update on the Hub was not completed due to it moving from the Zensity platform to the NHC website. However, we did communicate budget information via other channels, with 2025/26 budget and Council Tax communications being promoted via PR to local media, on our website, across our social media channels and via our ENewsletter.		
Further update of Digital Budget Hub content to align with the start of the 2025/26 financial year.	31-May-2025	Yes	Content updated to include the following: 2025/26 Council Tax pie chart graphic; budget consultation mention (and link to survey) included in homepage copy; timeline updated with the 2025/26 Council budget PR and Waste Service change PR; and finally, timeline order changed so that the newest news date is first.		
Carry out detailed consultation on spend priorities and savings options for 2026/27 onwards.	31-Jul-2025	Yes	Budget consultation (across both digital and non-digital channels) ran for eight weeks. Budget consultation launched on 6 June 2025, and it was open until 1 August 2025.		
Consider feedback in setting the revised Medium Term Financial Strategy and approve the Strategy.	04-Dec-2025	Yes	Council approved the Medium Term Financial Strategy 2026-30 on 4 December 2025.		
Provisional finance settlement used to determine scale of funding gap.	22-Dec-2025	Yes	The Government released the provisional finance settlement on 17 December 2025. This was used as the basis for budget proposals/reports. The Government published the Final Local Government Finance Settlement 2026/27 to 2028/29 on 9 February 2026, which was the first multi-year settlement for 10 years.		

Consider consultation feedback in forming budget proposals for the 2026/27 budget and approve the 2026/27 budget.	28-Feb-2026	Yes	The budget for 2026/27 was approved at the Full Council meeting held on 26 February 2026. The Final Local Government Finance Settlement 2026/27 to 2028/29 was better than expected, so there was no need for any cuts to existing service provision. Findings from the budget consultation survey helped to inform decisions on targeted one-off investments that support healthier, greener, and safer communities across North Herts.			
Risks			Risk Level	Original Score	Current Score	Target Score
Risks: 1. Timing of Government announcements over future funding makes it difficult to engage residents in the scale of the budget gap and the savings that will be required. 2. Lack of engagement means that the consultation doesn't reflect a wide range of views. 3. The scale of the budget gap makes it feel like there are no choices. When making choices it then feels like not taking on board feedback. 4. Local government reorganisation adds uncertainty to medium-term planning.				8	2	2

	King George V Skate Park						
Council Plan Objective	Accessible Services (2024-28)	Due Date	31-Oct-2025	Original Date	31-Mar-2025		
Project Summary	Following complications with the initial procurement exercise in 2023/24, complete a procurement exercise to appoint a contractor to replace the existing King George V skate park and oversee delivery of the completed project.						
Latest Update	04-Nov-2025 The new skate park opened for use on 27 October 2025. Therefore, the project to deliver a much-improved facility that meets the needs and expectations of stakeholders has been completed. Following discussions with relevant parties, we are also planning to hold a ceremonial opening event, but this will not take place until next Spring. Currently, the provisional date for the event is 29 May 2026. All previously identified risks to the successful delivery of the project are no longer applicable.						
Milestone	Due Date	Complete	Note				
Finalise formal SLA with Groundwork relating to the management of procurement processes.	12-Jul-2024	Yes					
NHC Legal to review relevant procurement documentation prior to Groundwork commencing tender process.	18-Aug-2024	Yes	Legal review of procurement documentation undertaken. This took slightly longer than originally envisaged and was completed in September 2024 rather than August 2024.				
Groundwork confirms procurement timetable.	11-Oct-2024	Yes	Timetable confirmed following Legal review of relevant procurement documentation.				
Commence tender process.	14-Oct-2024	Yes	ITT published on 14 October 2024.				
Award contract following evaluation of tender responses.	17-Dec-2024	Yes	Following evaluation of tenders in November 2024, the contract was awarded mid-December 2024.				
Contractor to conduct further communication/consultation during the early stages of the project prior to project delivery.	30-May-2025	Yes	This was completed in May 2025 prior to commencement of works on-site.				
Contractor confirms project plan and timings.	31-May-2025	Yes	Contract signed on 22 April 2025. Further consultation on the final design held in May 2025. Works commenced on 14 July 2025, with an anticipated 12-week delivery window.				
Contractor to commence on-site project delivery.	14-Jul-2025	Yes	Work started on Monday 14 July 2025 to revamp the skatepark.				
Contractor completes on-site works.	05-Oct-2025	Yes	Works on-site have been completed and have been signed off. The new facility opened to the public on 27 October 2025.				
New skate park officially opened to the public.	31-Oct-2025	Yes	The new skate park opened for use on 27 October 2025 and so the project is now considered complete. However, following discussions with relevant parties, we are also planning to hold a ceremonial opening event next Spring, with a provisional date of 29 May 2026.				
Risks				Risk Level	Original Score	Current Score	Target Score
Risks: - Until precise timings are confirmed, there is a risk that the project will not be completed in line with stakeholder expectations (no longer a risk). - As with all procurement processes, there is a risk that the outcome will be challenged (no longer a risk, as the outcome was not challenged). - Possible reputational risk due to the park being closed during the construction period (no longer a risk).					2	1	1

	Waste and Street Cleansing Contract				
Council Plan Objective	Accessible Services (2024-28)	Due Date	30-Nov-2025	Original Date	31-Aug-2025
Project Summary	Complete procurement and mobilisation of a new Waste and Street Cleansing contract. Plan for and implement agreed service changes included in the contract.				
Latest Update	20-Nov-2025 Rollout of new services commenced on 4 August 2025. As with all significant service changes, some issues did arise. However, these were managed on a case-by-case basis, helped by the mitigating measures we had put in place prior to rollout for example, having additional vehicles available to respond to initial teething problems. The final Project Board (Mobilisation) meeting was held on 23 October 2025. The specific project to mobilise the new waste and street cleansing contract and implement the agreed service changes included in the contract is now considered complete for Council Delivery Plan purposes. An update on delivery of the new contract and services was presented to Overview & Scrutiny Committee on 11 November 2025. The remaining activity is to undertake a lessons learned exercise in early 2026, which will be reviewed by members of the Project Board. All project specific risks are no longer applicable, although there remain some residual operational risks for example, staff resources, public confusion and issues with service delivery, and maintaining an acceptable level of missed collections. These risks will continue to be managed as business-as-usual activities, with the introduction of the new Waste app being an example of initiatives being implemented to enhance management of operational and reputational risks, by providing residents with an easily accessible option for obtaining information on available services and related requirements.				
Milestone	Due Date	Complete	Note		
Evaluation of final tenders and production of Evaluation Report.	17-Jun-2024	Yes			
Project Board sign off of Evaluation Report and award recommendation.	21-Jun-2024	Yes			
Executive and Cabinet approval to award the contract to the preferred bidder.	09-Jul-2024	Yes	Cabinet agreed to award the contract to the preferred bidder, contingent upon the completion of the Letchworth depots lease assignment from the incumbent provider to the Council. The assignment of the Letchworth depots lease was subsequently completed.		
End of contract award standstill period.	12-Aug-2024	Yes			
First meetings held with preferred bidder.	15-Aug-2024	Yes			
Intention to award contract phase completed.	31-Aug-2024	Yes	Milestone completed and communicated in September 2024 that we will be re-establishing a partnership with Veolia.		
Press communication.	10-Sep-2024	Yes			
Commence procurement of new fleet vehicles.	15-Nov-2024	Yes	We approved capital funding of £5.285 million (excluding VAT) for the purchase of waste and street cleansing vehicles for the new contract. This allowed the procurement process for NHC vehicles to commence. This process has now completed.		
Develop IT specifications.	30-Nov-2024	Yes	Full specifications for the garden waste platform and additional forms developed. Relevant build processes commenced. From a technical standpoint, we have the information we needed to scope and plan the project.		
Finalisation and signing of contract (formal contract award).	28-Feb-2025	Yes	Delay did not impact our ability to prepare for contract mobilisation.		

Confirmation of final delivery plans and H&S arrangements.	04-Mar-2025	Yes	Delivery plans finalised and H&S risk assessments completed and received. Delivery plans were revisited in advance of service change.
Member briefing session (March 2025).	31-Mar-2025	Yes	Member briefing session held on 27 March 2025.
Condition surveys and demobilisation of depots.	03-May-2025	Yes	Completed. Property Services managed dilapidations with the outgoing tenant (FCC).
Commence mobilisation of new contract.	04-May-2025	Yes	Veolia undertook street cleansing from 4 May 2025 and waste collection operations began on 6 May 2025 following the bank holiday.
New bin and caddy deliveries start.	06-May-2025	Yes	Bin and caddy deliveries commenced. Expected to continue prior to and up to commencement of the new services.
Finalise new service collection rounds.	30-Jun-2025	Yes	We have finalised collection rounds for the agreed service changes included in the contract.
Member briefing session (July 2025).	14-Jul-2025	Yes	Member briefing session held on 14 July 2025. Approximately 15 Members attended.
New bin and caddy deliveries completed.	04-Aug-2025	Yes	Programme of bin and caddy deliveries has now been completed. However, we continue work to rectify identified issues with some deliveries.
New services to commence.	04-Aug-2025	Yes	New services commenced on 4 August 2025.
Update report on service delivery to Overview & Scrutiny Committee.	11-Nov-2025	Yes	Presented on 11 November 2025.

Risks	Risk Level	Original Score	Current Score	Target Score
<p>Risks:</p> <ul style="list-style-type: none"> - Delay in completing the assignment of Letchworth depot lease delays contract award (no longer a risk, as lease assignment completed). - Insufficient resources/capacity to deliver mobilisation and new service provision work (no longer a risk for this specific project, although still a risk relating to the delivery of business-as-usual services). - Final Government Resources & Waste Strategy differs from contract specification (no longer a risk, as contract specification aligns with new Simpler Recycling policy published late 2024). - Uncertainty over certain cost elements (no longer a risk, as costs finalised with inflationary uplift). - Any delays cause mobilisation challenges (no longer a risk, as any challenges were addressed during project delivery and the project is now completed). - Capability to develop online forms and integrate these with new systems (NHC income management system and preferred supplier systems). This has been completed for North Herts. - EV charging infrastructure is not in place for start of contract (no longer a risk, as EV charging points installed). - Public confusion around contract mobilisation and service changes (residual operational risk remains, with management of the risk being improved with the introduction of the new Waste app). - Discover new collection rounds are not optimal once operational (no longer a risk, as did not materialise for North Herts). - Increased missed collections during the initial rollout period of new collection services (risk materialised and although things have now settled down, an associated residual operational risk remains). 		9	3	3

Council Delivery Plan 2025-26 Q3 Monitoring Report - Corporate Risks

Risks	Risk Level	Original Score	Current Score	Target Score
<p>Resourcing Risks: Ability to recruit and retain staff, as well as supporting new priorities and external pressures, affects delivery of the projects and actions in the Council Delivery Plan and service plans. This is particularly relevant for certain service areas where it is especially difficult to recruit and retain staff. Also, impacts of emergency planning events on staff resources. Local Government Reorganisation (LGR) increases work pressures and also may affect staff recruitment and retention.</p>		8	9	8
<p>Cyber Risks Risks: Prolonged widespread disruption to/failure of IT infrastructure/systems. Possible causes: - Deliberate and unauthorised breaches of security e.g., ransomware, denial of service. - Unintentional/accidental breaches of security e.g., action of individual staff/Members. - Weakness/failure of essential IT infrastructure e.g., loss of internet access. - Evolving risk appetite/profile associated with IT systems, as we pursue increased use of hosted systems and associated risks to individual systems are transferred to suppliers. Leading to: - Inability to deliver services/projects. - Unbudgeted costs to enable recovery. - Reputational damage.</p>		8	8	8
<p>Financial Sustainability Risks: 1. Funding reductions as a result of new funding formula. 2. Sales, fees, and charges income shortfalls, either due to rates not tracking inflation and/or reductions in demand. 3. Not able to make the required decisions to deliver budget savings required. 4. Increases in costs (reductions in income) as a result of inflationary increases. 5. Uncertainty over levels of pay inflation required. 6. Local government reorganisation adds uncertainty to medium-term financial planning.</p>		9	5	5

Local Government Reorganisation and Devolution

Risks:

The Government have published a White Paper and written to all Local Authorities. This requires Local Authorities to work together to come up with a proposal that results in unitary rather than 2-tier Councils. It also seeks a Strategic Authority structure that allows devolution of powers to a Mayor. Those powers include “housing, planning, transport, energy, skills, employment support and more.” The risks relate to this being a very substantial project requiring significant change.

Specific risks include:

- The work to get to a proposal on a unitary structure (noting that proposal needs to be agreed across 11 Councils, although can include multiple options) is significant in terms of the negotiations needed. High additional workload for the collation of information and analysis to support that decision making process, across multiple workstreams with input from Chief Executive (workstream co-lead and co-ordination group), Directors (one as workstream lead) and others.
- If there is an inability to agree proposals, it may prolong the period above, or lead to a structure being imposed upon Hertfordshire.
- After a new structure is agreed, there would be even more significant work to move towards the implementation of that new structure.
- Efficiency is mentioned as one of the reasons for moving to a unitary structure. This may lead staff to believe that their job may be at risk. Alternatively, the additional work of moving to unitary status may be seen as too much.
- Focusing on a new structure may lead to decision making that is too short-term (getting things done before they can be de-prioritised by a new larger Council with wider priorities) or too long-term (avoid making decisions and leave them to the new unitary Council). The Government have provided guidance that Councils should not make decisions that have negative consequences for new Unitary Councils, but unclear how this would work in practice until Government publishes further details as part of a Structural Changes Order.
- Under the new Unitary Council(s), some current district services may have to be curtailed e.g., in order to help fund social care.
- Ensuring that the views of stakeholders continue to be heard during the transition process and within the new structure.



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OVERVIEW & SCRUTINY COMMITTEE

PART 1 – PUBLIC DOCUMENT

TITLE OF INFORMATION NOTE: Digital Transformation Update

INFORMATION NOTE OF THE CUSTOMER & DIGITAL SERVICES MANAGER

EXECUTIVE MEMBER: COUNCILLOR SEAN NOLAN

PRIORITY: ACCESSIBLE SERVICES

1. SUMMARY

1.1 This information note is to provide an update on the Council's digital transformation programme.

2. STEPS TO DATE

2.1 In 2023, the Council embarked on a new chapter of its digital transformation ambitions. We selected a low-code solution from Netcall as our CRM replacement which offered much greater capability as well as the flexibility and efficiency we needed, allowing us to begin significantly accelerating the Council's digital transformation.

2.2 We developed a comprehensive digital strategy approved by Cabinet in January 2024. The strategy is not just about integrating new technologies; it's about transforming our operations to better meet the needs of those we serve. It's a commitment to continuous improvement and innovation in our service delivery.

2.3 In January 2026, a revised version of the strategy was shared with the Overview and Scrutiny committee following a mid-point review. Wording throughout the strategy was updated to reflect our current position and relevant updates surrounding digital inclusion.

2.4 In anticipation of Local Government Reorganisation (LGR), the team's work has shifted from designing and building full applications, to comprehensive business process mapping and analysis. This approach supports immediate service improvements while providing a clear foundation for efficient, well-designed processes within a future authority.

2.5 This information note will provide an overview of the last 12 months since our last update at Overview and Scrutiny in February 2025. The committee has asked several questions which will be answered below.

3. INFORMATION TO NOTE

3.1 Digital transformation is a key enabler of delivery of the Council Plan, supporting accessible services, strong governance and efficient use of resources. By providing a

clear and consistent digital front door, the Council improves the visibility of its services and enables residents to understand what is available, how to engage and what outcomes to expect.

Increased use of digital access across core services supports inclusion by offering greater flexibility and convenience as customers can self-serve at times that work for them with clear and simple processes, while maintaining non-digital routes and targeted support for residents who are digitally excluded, or require additional support or expertise.

Our digital systems enhance transparency and accountability by improving access to information, enabling residents to track service requests, and supporting open decision making through the publication of data, performance information, and committee documentation.

Digital transformation strengthens the Council's organisational resilience by reducing manual processes, improving productivity, and protecting capacity for complex and specialist work in a time when caseload is more complex, and budgets and resources are continuing to be stretched.

3.2 Following a successful bid for grant funding from the UK Shared Prosperity Fund (UKSPF), £29.8K of revenue funding, and £10k of capital funding was allocated to North Herts CVS to support an expansion of their digital inclusion programme entitled 'Staying Connected'. Staying Connected is a community-led programme designed to improve digital skills, safety and online access for residents across North Hertfordshire. Objectives for this programme are:

- To help at least 300 residents to develop essential digital skills
- Provide secure, configured devices to support at least 40 households experiencing digital poverty
- Recruit and train 10+ volunteer Digital Champions and at least 5+ Council staff to deliver advice beyond the funding term
- Deliver joint workshops with Hertfordshire Constabulary to raise awareness of scams and online fraud among 200 older or vulnerable residents

Between October and December 2025, the project supported 136 residents across Compassionate Neighbours Hubs, Garden House Hospice Hubs, weekly Hitchin sessions, Police Cybercrime events, and one-to-one home visits. During this period, 20 devices were distributed (12 in October, 6 in November, and 2 in December).

4 new Digital Champions were recruited, bringing the total to 10 active volunteers, with further inductions underway. NH CVS is also supporting five Council employees through Digital Champion training, with more employees due to receive training information by the end of Q4 2026.

3.3 With the remaining funding, a new temporary six-month role has been created within the Digital Services team to focus on digital inclusion at North Herts Council. The Officer will play a pivotal role in improving digital inclusion and customer experiences where possible across Council services.

This position focuses on conducting research to understand customer journeys, identifying who is being excluded and where, where there are gaps or areas for improvement, and suggesting strategies to address exclusion and promote accessibility. The role involves research, analysis, and collaboration to ensure services are inclusive, efficient, and aligned with best practices from other Councils and comparable industries as well as direct delivery of support.

- 3.4 Digital inclusion is at the heart of all our digital transformation projects, ensuring systems are accessible and intuitive for both customers and colleagues. When planning our builds, we make sure ease of use and accessibility are at the forefront, and we continually adjust and optimise our platforms, with help from Customer Services who help us to identify when users are encountering challenges. By providing and optimising these channels, we can increase the number of customers who are able to self-serve online in a way that works for them.

Alongside this, we also recognise there are customers who through preference or ability cannot interact with services online, and so we ensure that no analogue channels are ever closed off or restricted by the implementation of a digital solution. The Customer Service Centre continues to provide support across phone lines, paper forms or correspondence, and in person, with reception open and resourced from Monday-Friday 9am – 5pm. Public access computers allow customers to come in to receive support from the team with our digital processes. Service area Officers also remain available for meetings and consultation during these opening hours.

The Communications team continually assess and update the Council website and check new areas to ensure they adhere to web accessibility standards and our North Herts Accessibility Statement.

- 3.5 Since the Digital Services team were put in place, projects have been allocated on a case-by-case basis, usually prioritised by contract end dates and greatest need. Since LGR was announced, priorities have naturally pivoted away from larger application builds and more towards business process mapping and improvements of current processes and to prepare for the upcoming change. Any major decisions are discussed with the Digital Oversight Group, consisting of the Executive Member and representation from the Leadership Team. Moving forward, considering LGR, there is a strong strategic focus on making sure any digital initiatives are being developed in the best place. This could either mean on the Microsoft platform 'Workspace', or on the Netcall platform.
- 3.6 Ensuring our services are optimised and robust ahead of LGR directly benefits our residents by ensuring our digital systems are accessible and run smoothly, making the experience easier for our customers and teams. It also reduces manual admin so resource can be focused on the areas where it's needed most.

Likewise, our Business Process Analysis projects are identifying high-traffic areas where customers experience pain points, where small adjustments can make a big difference to our customer's experience with the Council, making it easier for them to access the services they need. When identified, these projects are being discussed and worked on.

- 3.7 It's important to note at this point there has been no additional budget allocated for the Digital Services team. The team is operating using existing resource, and by

continuously making the Customer Service Centre more efficient through new technology and updating processes. The creation of the team has meant that many successful digital projects have been developed over the last couple of years at no additional cost to the Council, as outlined in Appendix A.

- 3.8 A catalogue of the projects delivered to date by the Digital Services team is shown in Appendix A, which demonstrates the breadth of work that we've been able to achieve using the Netcall digital platform. These vary from complex builds such as replacing the previous Customer Relationship Management (CRM) system with a clearer and quicker system that connects customers with services across the Council, to more straightforward forms and systems that streamline processes and reduce administrative burden for our teams.

A key project over the last year has been the development and launch of the Garden Waste platform, and 22 additional Waste processes including Bulky Waste bookings, Trade Waste, Clinical Waste management, and reporting fly tipping. The Digital Services team ensured all processes are fully integrated with the Waste management platform Echo, and with our payment and permit systems, removing a significant amount of manual admin work from the Customer Service and Waste teams, reducing the risk of human error, and improving the user experience for customers and our internal teams.

The expertise held within the Digital Services team has allowed us to develop and maintain increasingly complex solutions and integrations, and while larger software rationalisation projects are no longer our strategic priority, the team are equipped with skills that allow them to problem solve and create solutions quickly and confidently.

Alongside system builds, the team have developed analytical and strategic skills that allow them to assess, improve and redesign processes, and identify where workflows and processes can be improved. They then have the technical ability to implement these changes where appropriate. This has been bolstered by the recent procurement of a process mapping tool, which is already being used to enable faster process mapping and analysis, identifying areas for streamlining and optimisation. In-platform analytics will help to provide more tangible metrics for decision-making (e.g. time saved, or estimated costs).

- 3.9 The Safety Advisory Group (SAG) platform was delivered in early January and has undergone internal and external training and testing to ensure the platform delivers for all users. The previous process was very manual, requiring an officer to manually coordinate via email between the applicant and the SAG consultees (14 internal and external consultees including the Police, Herts Highways, and Waste Management Providers), going back and forth between the parties to ensure the appropriate documentation was provided and that all consultees had fed back, and coordinating SAG meetings where required, and maintaining trackers for each of these steps. With approximately 120 applications each year, and each step being manually actioned by the officer, this was a considerable time burden, and an inefficient process for customers and staff.

The new platform allows the entire process to be managed within one system, automating updates and communication, and allowing applicants and consultees to easily manage applications. The feedback has been excellent, with users informing us

that it is clear and easy to use and will significantly reduce the administrative burden on the SAG team. The platform went live on the 12th of March 2026.

- 3.10 All projects undertaken by the Digital Services team have adhered to North Herts Council and web accessibility standards, meaning they are clear and easy to use for people of all abilities. We also ensure that we're following our Customer Service strategy, putting people at the heart of everything we do – whether that's residents, staff, Councillors or other partners. We aim to make it as easy as possible to access our online services, whilst making sure that those who do not use digital services can still interact with us through traditional methods. Our digital service design principles also outline that we design for positive outcomes – investing time and effort to make sure things are as simple as possible.

Service Areas are highly involved in the projects, to ensure the solutions that we build deliver for their requirements in a way that is clear and efficient for them to use. We provide comprehensive training before any system goes live to ensure that users are comfortable and generally appoint a 'Champion' for the new platform – someone who sits within the service area who is given the resources and support to become an 'expert', so support can be provided within their own team.

On top of this, clear and structured user guides are created to provide a step by step of using the new systems, which can be used for onboarding new team members or if existing users need to refresh their knowledge on a particular process. Ongoing support and maintenance is provided by the Digital Services team, particularly in the first month after a system goes live to support a smooth transition and ensure users are comfortable.

We have ensured that digital transformation remains accessible to all users by applying North Herts Council policies and customer service standards throughout each project. This includes designing services to meet accessibility requirements, the Customer Service Centre maintaining clear non-digital contact routes and supporting residents who are less confident online through face-to-face staff guidance and user-friendly resources for staff. These measures ensure that improvements benefit all residents, including those who are not digital natives.

4. NEXT STEPS

- 4.1 The digital transformation programme will continue to evolve as we refine our systems, strengthen accessibility, and respond to emerging organisational needs. Over the next year, the focus will remain on detailed business process analysis and improving the customer experience.
- 4.2 Quarterly Oversight Group meetings will continue to guide the programme, providing a structured and transparent forum to review progress, address challenges, and confirm strategic priorities. This ongoing governance will help maintain momentum, support informed decision-making, and ensure that digital transformation activity continues to deliver tangible value to services, colleagues and residents.

5. APPENDICES

- 5.1 Appendix A – Case Studies

6. CONTACT OFFICERS

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7. BACKGROUND PAPERS

None.

Digital Services: Case Studies

March 2026

Completed Work



Digital Services: Case Study



CRM

Digital Services developed a user-centric Customer Relationship Management (CRM) system within Netcall to replace the outgoing legacy system and accelerate the Council's digital transformation. The platform has helped to streamline processes, reduce double-handling, and improve the user experience, allowing information and cases to move seamlessly between services areas.

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Our Aims



Create an easy and efficient CRM system for staff, streamlining processes



Create a basepoint for other builds, allowing future projects to be connected to one central system, unifying customer data and experience



Prevent future costs by developing and maintaining internally, rather than legacy system renewal and external support costs

The Results



A **straightforward and easy to navigate** system that makes cases easier to manage for the Customer Service Centre



Reduced administrative burden, such as double-handling and duplication of cases, and automated reporting



Enabled connected systems across services areas, such as Waste and Grants

Digital Services: Case Study



Hitchin Town Hall Booking

Digital Services built a new booking system for Hitchin Town Hall to replace their outdated legacy system, allowing customers to self-serve for enquiries and booking requests. The new system allows the Town Hall team to manage bookings effectively and provides scope for integration with the Council's new finance system.

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Our Aims



Improve customer experience by providing an enhanced booking form that allows customers to provide more information



Automate booking quotes and communications to provide greater flexibility and reduce administration



Replace outdated legacy system with a modern interface that can be integrated with new Windcave payment system

The Results



Delivered a comprehensive booking form with a modern design and built-in features such as room layout selection



Implemented automated cost calculations, allowing quotes to be generated and easily sent automatically



Provided a built-in messaging system for officers to manage communications in once central location

Digital Services: Case Study



Careline OOH Ticketing System

Digital services built a bespoke platform to replace Careline's outdated Out of Hours ticketing system. The new system allows Careline staff to efficiently and easily manage their out of hours tickets and external contractors, and brings all processes and procedures into one place.

Page 67



100% of users surveyed '**strongly agree**' or '**agree**' that the new system makes OoH Repairs **easier to manage** in general and that the new OoH Repairs system is **easier to use** than the legacy system.

Our Aims



Streamline processes for the Careline team, making the ticketing service more efficient by reducing steps



Enable the Careline Admin team to more efficiently manage, update, and maintain their own application & tickets



Create reports that allow the Careline team to analyse their outputs

The Results



Reduced time and frustration by improving processes and user experience for the Careline team



Future proofed the Council against the burden of an expensive vendor product costing more than £20,000 at each renewal



34% faster on average to process a ticket on the new platform vs the legacy system

Digital Services: Case Study



Waste

A garden waste platform was delivered in line with the change to our new waste provider Veolia in February last year. The system was integrated with ECHO and Windcave payment processing. Following this, 22 additional waste processes were created and integrated to enable customers to manage their waste collections easily online.

Page 68



31,785 active GW subscriptions on the new system with **15,619** subscriptions created since the platform went live.

Our Aims



Develop a fully functional garden waste platform in time for contract change-over, and closure of previous system



Improve UX and reduce burden on Waste and Customer Service teams by providing accessible and automated waste services online



Prevent future costs by developing internally, rather than procuring third-party systems and ongoing support

The Results



An **accessible and connected** waste platform, reducing administrative work across teams, and providing improved customer experience



Consolidated systems in house, reducing the cost of third-party procurement



Brought support and maintenance in-house, allowing for faster response time and greater control and flexibility when issues arise

Digital Services: Case Study



Polling Station Lookup

A streamlined, accessible online lookup platform created by our Digital Support Apprentice that enables customers to provide their postcode and find out where their polling station is.

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Our Aims



Enable customers to enter their address in multiple formats



Optimise the platform for mobile devices



Reduce Customer Services contact volume during election periods

The Results



Easier maintenance and updating with the use of imports



Consistent theming used across other Netcall applications and forms



Reduction in cost by hosting on Netcall instead of DMZ server

Digital Services: Case Study



Self-Build Register

The Self-Build Register was previously managed through a manually updated spreadsheet. Digital Services created a new system connected to the online form, which consolidated the existing data and automatically updated with new applications. Now, all cases are held in one place, and Officers can search using multiple criteria.

Page 70



Our Aims



Create a **more efficient way** to view and track and requests for the Self-Build and Custom Build register



Create a **connected system** to automate updates to the register



Create an **enhanced search function** to provide more customisable search requests

The Results



Centralised previously siloed datasets



Improved functionality and efficiency of the platform



Reduced time on manual searching across multiple locations

Digital Services: Case Study



Grants

The Legacy Community Grants database was outdated and difficult to use, and the team were reliant on emails and locally stored Excel files to manage applications and tracking. The Digital Services team developed a platform to manage the process from end-to-end, from initial application, to categorisation and assessment of eligibility, to monitoring live grants and reporting.

Page 71



Our Aims



Streamline applications, tracking and reporting to reduce administrative burden



Centralise the process of gathering information and making decisions into one platform



Create reporting capability to analyse grant applications and funding availability

The Results



Reduced admin time for the Community Partnerships team by bringing processes under one roof and streamlining communications



Improved process for customers and greater visibility of application with live updates



More accessible application data that can be leveraged for reporting

Digital Services: Case Study



Our Aims



Provide **greater visibility, access, and coordination** to internal and external consultees



Improve user experience by enhancing the application's flexibility



Create a **dedicated portal** to view and manage applications

Projected Results



Reduced manual coordination and collation of documents and responses, dramatically reducing administrative burden



Improved ease of access for customers, and easier communications



Enhanced functionality for internal and external users and applicants

Digital Services created a platform to track and manage SAG requests and reduce the amount of manual coordination and collation of documents and responses. The new platform automates much of this process and allows internal and external parties to assess and respond to requests within one system.



Work in Progress



Digital Services: Case Study



TechOne Integration

A system integration between Netcall and the TechOne (CiA Anywhere) finance platform to validate Direct Debit details in real time and automate the transfer of Waste and Grants payment data. This reduces errors, removes manual admin, and simplifies finance processes.

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Our Aims



Reduce preventable payment errors by validating Direct Debit details during submission



Enable automated transfer of payment data between Netcall and TechOne



Reduce reliance on manual data handling and spreadsheet-based processes

Projected Results



Reduction in failed payments by preventing submission of invalid payment details, reducing administrative burden and improving UX



Reduced manual effort for service areas and Finance by removing reformatting and import steps



Faster and more reliable processing of Waste payments

Digital Services: Case Study



Online Processes

Alongside larger project work, Digital Services also work on ad hoc and standalone requests. Requests vary, and have included improved processes, online forms or trackers, reporting tools, or integrations between Netcall and external systems. Service areas include Careline, Revenues, Parking, and the GIS team.

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Our Aims



Improve efficiency of services and processes, reducing manual admin enabling easier self-service



Improve user experience for our Customers and our Internal Teams



Enable better reporting by consolidating data on form contact

Ongoing/Projected Results



Easier process for customers to complete and return forms



Reduced administrative burden for our teams, with simplified processes and clear audit trails



Reduction in siloed data by bringing more systems under one roof

Digital Services: Case Study



Business Process Analysis

Digital Services are analysing processes across the Council to assess and prioritise where our services can be optimised, streamlined or automated to improve customer and user experience, and reduce administrative burdens on our teams. With LGR approaching, this also provides an opportunity to map and understand our processes, and place us in a strong position for the changes ahead.

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Our Aims



Reduce administrative burden and increase Council efficiency by optimising and streamlining processes

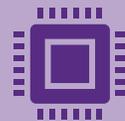


Identify opportunities for system integration or building bespoke systems in Netcall where appropriate



Reduce costs of supply and maintenance from third parties by moving away from legacy systems where appropriate

Projected Results



Opportunities identified for system consolidation and potential integrations into Netcall



Recommendations made for streamlining or automating processes



Process library created in preparation for LGR

Digital Services: Case Study



Copilot

Digital Services are working to roll out Microsoft Copilot across the Council. With support from IT, we are building a governance framework for procurement and acceptable use, and working with service areas to establish use cases, see where licences will have the greatest impact, and provide training and support to use Copilot responsibly and effectively.

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Our Aims



Identify opportunities to support with administrative tasks, saving time and increasing efficiency in day-to-day tasks



Build effective governance frameworks, beginning with considered policies to ensure secure and responsible use of artificial intelligence (AI)



Support the continued use of Copilot chat and expansion of licenses

Results so far



Copilot licenses in use across the council demonstrating various use cases, and plans agreed to increase the number of licences available



Progress made in AI implementation in line with our Digital Transformation ambitions



Policy approved for Copilot

Digital Services: Case Study



Apprenticeships

Four of the Digital Services team have undertaken apprenticeships as part of our commitment to continuous learning. Two Officers have completed a Level 4 Data Analytics apprenticeship, and one Officer has completed a Level 3 Digital Support Technician apprenticeship. One apprenticeship is ongoing.

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Our Aims



Develop technical skills and knowledge across the Digital Services team



Increase confidence of Officers in their technical understanding and presentation skills and encourage knowledge sharing across the team



Support the growth of our Officers' abilities and careers

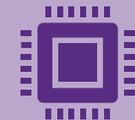
Results so far



Distinctions achieved by both of our Data Analytics apprentices and a **Merit** for our Digital Support Technician apprentice



Broadened knowledge of the landscape of digital work in Local Government, through working with apprentices from other authorities



Enhanced understanding and skillset of technical processes

14 APRIL 2026

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LEASE ON LETCHWORTH MULTI STOREY CAR PARK

REPORT OF: STEVE CROWLEY, DIRECTOR - ENTERPRISE

EXECUTIVE MEMBER: CLLR TAMSIN THOMAS, EXECUTIVE MEMBER FOR ENTERPRISE

COUNCIL PRIORITY: ACCESSIBLE SERVICES & SUSTAINABILITY

1. EXECUTIVE SUMMARY

This report sets out negotiations that have taken place between the Martin Group and the Council with regards to the potential surrender of the Letchworth Multi Storey Car Park.

2. RECOMMENDATIONS

- 2.1. That Cabinet approve the surrender of the lease for the Letchworth Multi Storey Car Park.
- 2.2. That, subject to recommendation 2.1, delegated authority is granted to the Director of Enterprise in consultation with the Executive Member for Enterprise to negotiate and approve the details of any surrender in line with the broad principles in this report.

3. REASONS FOR RECOMMENDATIONS

- 3.1. After undertaking a review of the current operation and long-term needs of this car park, the surrender of this lease provides a positive outcome to the Council and the conditions that have been negotiated ensures there will be improvements to the car park which will benefit the public and economic vitality of the town centre.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. Not to surrender the lease and to continue to operate the car park under the current lease agreement until April 2037. This would require investment for repair and maintenance by the Council of approximately £3.4m.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Members for Enterprise, Resources and Place have been kept regularly updated on this item and are supportive of the surrender of the lease.
- 5.2. Officers provided a report to Political Liaison Board (PLB) at its December 2025 meeting setting out the initial proposal from the Martin Group and the impacts of this.

- 5.3. All Letchworth Councillors were invited to a briefing that took place on 19 February 2026. Following the briefing an overview document was sent out to all. From those that attended, there was support of the surrender of the lease and no follow up questions were received from those that did not attend but received the overview document.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 19 December 2025.

7. BACKGROUND

- 7.1. The Martin Group hold the long lease of the Garden Square Shopping Centre and multi-storey car park from Letchworth Garden City Heritage Foundation. They acquired the long lease in 2021 and this has 161 years until expiry. The Martin Group underlet the car park to the Council under a lease expiring in April 2037.
- 7.2. The Martin Group are looking to undertake a regeneration of the Shopping Centre and are currently at the pre-application stage. As part of this they have contacted the Council and have asked if we would consider the surrender of the car park lease. If we were to surrender the lease, they would not impose dilapidation repairs that they have estimated to be approximately £750k and they would permit the Council to continue to have parking spaces (exact numbers and costs to be agreed). If we decide to continue with the leasehold, the Status Quo will remain and they would expect us to undertake the dilapidation repairs.
- 7.3. Officers have had a dilapidations survey undertaken and the estimated capital cost for immediate works is approximately £460k. However, if we retained the car park until the end of the lease, there would be further repair and maintenance (lifecycle refurbishment) work required which is estimated to be £3.4m, as set out in the finance section 10 below.

8. RELEVANT CONSIDERATIONS

- 8.1. Overview of car park:
- 8.2. The car park was built in (approximately) 1975, it contains 367 spaces, currently distributed as follows: 114 short stay (levels 1-3), 244 long stay (levels 4-9) disabled parking spaces, 1 motorcycle bay and 2 electric vehicle charging bays.
- 8.3. The Council holds a lease of the car park dated 4 January 1979 for a term ending in April 2037. It is a full repairing lease, therefore, the landlord can instruct for work to be undertaken if the leaseholder is not maintaining it to the correct standard. At the end of the lease the leaseholder must ensure the building is handed back in good condition. However, it is required to remove 'trade fixtures' would include the parking machines and electric charging points.
- 8.4. The cost of operating the car park based on the current level of repair and maintenance is a neutral position. This takes into account the income from car park users against the costs of running the car park (e.g. rent, rates, electricity, property compliance). It doesn't include any income from season tickets, as they aren't linked to a specific car park. Whilst some people may buy a season ticket specifically to use Letchworth Multi-storey, we don't think this will be significant.

- 8.5. Repair and Maintenance - significant works have been undertaken on the structure over the years, including deck repairs in 1999, 2012, and 2016, as well as a lift replacement in 2012 and full lighting replacement in 2013. These activities align with expected life cycle renewal and refurbishment standards. Ongoing maintenance and compliance costs are currently budgeted at £5k but often exceed that amount so the budget has been increased to £12k.
- 8.6. In 2023, a decision was made not to proceed with major refurbishment works due to uncertainty regarding the council's lease arrangements. Nevertheless, essential health and safety measures have been implemented, including the installation of fire doors, some lighting renewal, and localised brickwork repairs.
- 8.7. Public, commercial utilisation of the multi-storey is low. The number of paid transactions and the rate of parking turnover are – adjusted for their relative sizes – well below that achieved in other Council-managed car parks in and around the town centre including Hillshott and the Town Hall. Usage data shows an average of around 150 paid transactions per day, compared to more than double this number of spaces. Parking regulations are generally well complied with and Penalty Charge Notice (PCN) activity is also relatively low.
- 8.8. The car park is well used by staff and tenants of the District Council Officers, with free parking made available as a benefit, though use is mitigated by the Council's approach to hybrid working. A manual survey of usage over a fortnight period suggested, on average, around 65-70 staff and tenant permits are utilised on weekdays, peaking at around 85-90 permits. It is recognised that occasional events or meetings may see usage peak beyond these levels.
- 8.9. Negotiations
- 8.10. Officers presented a report to PLB at its December meeting setting out the Martin Group's initial proposals and the potential implications of the options. As an overview, the key issues are:
- Protection of parking for the public, staff and tenants of the 2nd and 3rd floor.
 - Economic impact on the town if parking tariffs aren't in keeping with the rest of the town
 - The cost of repair and maintenance if the landlord proceeded with the interim dilapidations claim
 - Ongoing repair and maintenance
 - General operating costs and parking enforcement of the car park.
- 8.11. PLB approved the recommendation, which was for officers to explore a conditional surrender of the leases with an aim to negotiate the conditions that deal with the issues that are set out above in 8.10.
- 8.12. Officers have had several meetings with the Martin Group to discuss the Council's concerns, and the following provides an overview of their proposal and officers observations: -
- a. Tariffs - the Martin Group recognise the need to ensure these are competitive with other local car parks.

- b. Car Park Enforcement - they will be introducing an automatic number plate recognition system. Therefore, all enforcement will be undertaken via this system. Based on this, the Council will deploy our Civil Enforcement Officers to other locations.
- c. Free staff and tenant parking until April 2028, for up to 100 spaces daily - If this exceeds 100 then the Council will be charged the daily rate. From April 2028 – March 2030 the Martin's Group have offered a 20% discount for tickets purchased and after that date it will be at the normal rate. The Council has the use of Hillshot car park and could introduce on-street parking if required to ensure we have sufficient capacity. Details of all finances are set out in section 10.
- d. Use of the 'rest room' (used by Civil Enforcement Officers at the start and end of their shifts and when on their breaks) - free of charge until April 2028, after that date there will be a charge, however this cost has not yet been agreed, but it is likely to be a nominal sum. Officers are confident there will be alternative locations if a cost can't be agreed.
- e. Storerooms – to be able to use these free of charge until April 2028. After 2028, the Council will hand these rooms back to the Martin Group.
- f. In terms of long-term proposed use of the car park the Martin Group have suggested the following breakdown (Numbers are approximates). Council and subtenants - 100 / Residential 150 / Shopping centre users 150. We (the Council) will utilise our spaces Monday to Friday which is the quieter times for the retail in the town. This gives full availability at the weekends. It should be noted that any residential use would not be in place until 2030 at the earliest. It is also expected that our requirement for parking might also reduce after April 2028, therefore, more parking could be available for public use.
- g. Opening Hours – The Martin Group would like to open discussions with key stakeholders around the potential to open 24 hours per day. They would be keen to understand how this would affect the use of the town centre, shopping centre, as they feel this would benefit it.
- h. Anti-social Behaviour - As part of any surrender the Martin Group propose to implement security in the shopping centre to ensure that the property is patrolled, and the car park feels safe and anti-social behaviour is kept to a minimum. As part of this overhaul, they also propose to increase the levels of cleanliness and lighting provision.

8.13. Based on the above officers would recommend the Council surrender this lease as the Martin Group will be improving the operation of this car park and ensure there is good access for the public and council users.

9. LEGAL IMPLICATIONS

- 9.1. By virtue of section 111 of the Local Government Act 1972, a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. Therefore, the Council is acting within its powers by agreeing to the surrender of the existing lease.
- 9.2. Local authorities are given powers under section 123 of The Government Act 1972 to dispose of land in any manner they wish, including the sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements.

- 9.3. In accordance with the constitution at 14.6.7 the Director for Enterprise holds the following delegated powers: The Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to: agreeing terms for and accepting the surrender of leases.

10. FINANCIAL IMPLICATIONS

- 10.1. The Council's budget for property costs for the car park (for 2025/26) is now £92k. That includes rent, rates, energy, BID levy, security and regular maintenance (£10k). Property compliance costs are met from a separate budget and these totals another £6k. Overall costs are therefore around £98k per year.
- 10.2. Income from car park ticket sales is forecast this year (2025/26) at £105k, net of VAT. There are also costs associated with the collection of that income, which are cash collection (around £5k), bank Charges (£1k) and pay by phone fees (£5k). Net income is therefore around £94k.
- 10.3. The cleaning of the car park is undertaken by a contractor, officers are currently agreeing the cost saving for this. Overall (with this included) there would a net revenue saving from surrendering the lease (amount TBC).
- 10.4. Property Services have estimated the additional revenue and capital costs associated with retaining the car park. These are irregular costs, and include costs identified in the latest dilapidations report, likely dilapidations costs at the end of the lease (2037), deck surface repairs, lift refurbishment and replacement lighting, Over the period (up to 2037) these could total £3.4 million, including provisions for inflation.
- 10.5. The negotiations with Martin Group mean that the Council will not incur any costs for use of parking provision or storage until April 2028. The use of the District Council Offices (DCO) from April 2028 onwards could be affected by the Local Government Reorganisation (LGR) process. Some of the savings from LGR are assumed to be as a result of property rationalisation. That could mean a reduced need for the DCO building, or the building is used closer to capacity, and it could mean that users of the building are more reliant on driving to get there. The Martin Group have offered a discount of 20% for the 2 years after April 2028. Based on current season ticket prices, the cost of 100 spaces (with estimated inflation and a 20% discount) would be around £63k in 2028/29 and £64k in 2029/30. The costs from 2030/31 onwards (without a 20% discount) would be estimated to start at £82k and increase to £92k by 2036/37. On that basis the total over the 9-year period would be £734k. These costs could be mitigated by use of alternative parking provision that the Council controls. They would also be netted off by the annual revenue saving detailed above. Therefore, the potential 9 year net cost would then reduce to around £TBCk (with inflation applied to the revenue savings).
- 10.6. There are potential one-off costs of removing existing parking machines and EV charging equipment. However, the requirement to do this (or not) will be dependent on the precise terms of any lease surrender and / or any associated transitional arrangements that might be agreed to allow Martin Group to make and install alternate arrangements. The pay machines are relatively new and there could be an opportunity to recoup costs by retaining these to replace or supplement any machines elsewhere in the District (i.e.

mitigating future acquisition, maintenance or replacement costs) or investigating their re-sale.

- 10.7. Some of the costs of the maintenance of the car park (if it is retained by the Council) could be capitalised. This would apply to costs that enhance or improve the car park (e.g. improved lighting or substantial deck works that extend the life). Capital costs can be spread over a longer period but do still form a cost to the taxpayer. The period that costs can be spread over may be limited to the remaining lease period as that is the period that the Council gets a benefit from owning the car park.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. The financial risk to the Council depends on the required use of car parking spaces beyond 2028, either by the Council (or subsequent Unitary Authority) or a future tenant/user of the building. The value of the building (either capital or revenue) could be affected by whether it has access to parking.
- 11.3. Initially there were concerns raised by councillors with regards the impact on the economic vitality of the town centre, however, these concerns have been addressed by the proposals put forward by the Martin Group. It should be noted though, that the success of proposed mitigating measures will be dependent on their ongoing implementation by the Martin Group.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There has not been an Equalities Impact Assessment carried out, as surrendering the lease has no equalities implications.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. There are no known Human Resource implications that apply to this report.

16. APPENDICES

16.1 None

17. CONTACT OFFICERS

17.1 Steve Crowley, Director – Enterprise steve.crowley@north-herts.gov.uk; ext 4211

17.2 Philip Doggett, Principal Estates Surveyor philip.doggett@north-herts.gov.uk; ext 4141

17.3 Ian Couper, Director – Resources ian.couper@north-herts.gov.uk; ext 4243

17.4 Nigel Smith, Director – Place nigel.smith@north-herts.gov.uk; ext 4847

17.5 Natasha Jindal, Legal Team Manager Natasha.Jindal@north-herts.gov.uk; ext 4430

17.6 Tim Everitt, Performance and Risk Officer Tim.everitt@north-herts.gov.uk; ext 4646

17.7 Reuben Ayavoo, Policy & Community Manager Reuben.ayavoo@north-herts.gov.uk; ext 4212

18. BACKGROUND PAPERS

18.1 None

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**OVERVIEW AND SCRUTINY COMMITTEE
24 MARCH 2026**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: Councillor Learning and Development Protocol

REPORT OF: Director – Governance

EXECUTIVE MEMBER: Cllr Daniel Allen – Governance

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

To consider the endorsement of the updated Councillor Learning and Development Protocol and the reporting process for completion of compulsory training.

2. RECOMMENDATIONS

- 2.1. That the Councillor Learning and Development Protocol, attached as Appendix A, be noted and endorsed.
- 2.2. That the Overview and Scrutiny Committee schedule an 'Annual Report on Councillor Training' onto their Work Programme for future years.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure that the Councillor Learning and Development Protocol is current, relevant and includes clear reporting on the completion rate of compulsory Member Training with accountability.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Learning and Development Member Champions (Councillors Val Bryant, Ruth Brown and Ralph Muncer) have provided comments on the updated protocol and changes to the policy have been made following this, where comments provided.
- 5.2. The protocol was presented to the Leadership Team on 16 March 2026 who provided comment on the document and have endorsed its contents.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Following a request from the Executive Member – Governance and Leader of Council, Councillor Val Bryant, the protocol on Councillor Learning and Development was reviewed to ensure that the information was still relevant and to include reference to where reports on completed compulsory training would be presented.
- 7.2. There are three appointed Councillor Learning and Development Member Champions. In recent years, the three appointed Members have been the three respective political Group Leaders. The role of the Champions is to identify specific learning and development requirements of Members and endorse the learning and development sessions offered during both formal induction and throughout the civic year and to promote attendance amongst group colleagues.

8. RELEVANT CONSIDERATIONS

- 8.1. There are several areas of learning and development which are considered compulsory for Councillors to complete. These are currently safeguarding, IT and data protection, anti-bribery and anti-fraud and Councillor code of conduct.
- 8.2. In recent audits, there has been concern raised regarding the completion of compulsory training by Members.
- 8.3. Therefore, it is proposed that the Overview and Scrutiny Committee take on responsibility for monitoring the completion of compulsory training by Councillors on an annual basis at the September (or nearest) meeting.
- 8.4. As part of this monitoring, the names of the Councillors who have not completed compulsory training will be included in the report to the Committee, to introduce a level of accountability and further encouragement to complete the compulsory training.
- 8.5. The Protocol also outlines the areas of learning and development that will be provided by the Council, when this will be provided and how this will be provided.
- 8.6. From May 2026, two dedicated in person sessions will be introduced for Councillors to complete the mandatory training, with relevant Officers in attendance to deliver and support Members with the training. IT will also be requested to be available at the commencement of both sessions so that any outstanding issues preventing access of the GROWZone can be resolved. Note that Councillors will only need to attend one of the following dates:
- a. Monday 11 May 2026, 2pm – 5.30pm
 - b. Thursday 14 May 2026, 6pm – 9.30pm
- 8.7. Mandatory training session for Members of the respective Committees will be held for Licensing and Regulation Committee and Planning Control Committee on:
- a. Licensing & Regulation Committee – Monday 18 May 2026, 7pm
 - b. Planning Control Committee – Tuesday 19 May 2026, 7pm

- 8.8. Member Development dates were incorporated into the Calendar of Meetings for 2025/26 civic year. The following Member Development dates have been scheduled into the calendar of meeting for 2026/27 civic year (subject to approval by Annual Council):
- a. Monday 6 July 2026, 7pm
 - b. Monday 7 September 2026, 7pm
 - c. Monday 9 November 2026, 7pm
 - d. Monday 11 January 2027, 7pm
 - e. Monday 8 March 2027, 7pm
- 8.9. The Protocol explains the process for attendance at a course/training event where a fee is incurred, and the need to get Group Leader authorisation for this payment prior to any commitment.

9. LEGAL IMPLICATIONS

- 9.1. Ensuring Councillors have completed compulsory training is important to ensure that decisions taken by the Council are in line with legislation and do not put the Council at risk of legal challenges.
- 9.2. As outlined under 6.2.7 (b) and (d) of the Constitution, the Overview and Scrutiny Committee have the power to review and scrutinise both Executive and non-Executive decisions. Therefore, it is important that training is monitored by the Committee to ensure that this is considered when scrutinising decisions.
- 9.3. Under 6.2.7 (y) of the Constitution, the Overview and Scrutiny Committee have the power consider reports on safeguarding responsibilities of the Council. Therefore, monitoring of completed safeguarding training will support with this work.
- 9.4. As part of the North Herts Council Councillor's Code of Conduct, it is necessary for Councillors to attend compulsory training provided by the authority. It will be compulsory if:
- a. Full Council, Cabinet or a Committee decide it is, or
 - b. Group Leaders agree that it should be compulsory with any of the Statutory Officers (Head of Paid Service; Section 151 Officer/Chief Finance Officer; Monitoring Officer/Chief Legal Officer); or
 - c. a Councillor is directed to attend training following a Councillor conduct complaint.
 - d. If a Councillor sits on the Planning Control or Licensing and Regulation Committee. [NB Councillors cannot participate in decision making at either Committee unless the compulsory training has been completed].

10. FINANCIAL IMPLICATIONS

- 10.1. There are no direct financial implications from this report. As part of the annual budget setting process Council allocates an amount for Councillor development which for the 2026/2027 financial year is £11,400 divided between the political groups according to the number of Councillors per group.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. The proposed Learning and Development Protocol is needed to ensure that Councillors are offered the learning provision and support required for their role. Failure to have this protocol in place may impact on the Council's ability to deliver our priorities and objectives.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. It is essential that Councillors receive up to date safeguarding training to ensure they meet their responsibilities under the Public Sector Equality Duty. Ongoing training enables Councillors to identify and address safeguarding concerns effectively, promoting a safe and inclusive environment for all members of the community. By remaining current with best practice and legal requirements, Councillors are better equipped to fulfil their duty to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no known HR implications from this report.

16. APPENDICES

- 16.1 Appendix A – Councillor Learning and Development Protocol 2026/27

17. CONTACT OFFICERS

17.1 James Lovegrove, Committee, Member and Scrutiny Manager
James.Lovegrove@north-herts.gov.uk, 01462 474204

17.2 Melanie Stimpson, Democratic Services Manager
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17.3 Rachel Cooper, Controls, Risk and Performance Manager
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17.4 Reuben Ayavoo, Policy and Community Manager
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18. BACKGROUND PAPERS

18.1 None.

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COUNCILLORS LEARNING AND DEVELOPMENT PROTOCOL

Contents

1. Introduction – Learning and Development Member Champions
2. Introduction – Officers
3. Approach to Councillor Development at North Herts Council
 - a. Compulsory Training
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 - c. Key Project Briefings and Workshops
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4. Delivery of Councillor Development at North Herts Council
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DRAFT - SUBJECT TO APPROVAL BY O&S

1. Learning and Development Member Champions – Introduction

As elected Councillors who have varied political careers, we appreciate the demands of the role of being a Councillor. We acknowledge that over the years the role of an elected Councillor has transformed and continues to evolve with ever changing demands from those that we are elected to represent. These are in addition to the various challenges local authorities continue to experience and the decisions we have to make. One way to support Councillors is by developing the Learning and Development Protocol which we as the Learning and Development Member Champions are delighted to endorse.

Each elected Councillor brings a variety of skills, knowledge and experience to the role. The Learning and Development Protocol details the learning provision and support that Councillors will be offered to help support them in their roles and to develop their knowledge as a result of issues such as new legislation or more local issues, whilst contributing to the delivery of the Council's priorities, objectives and ambitions.

Signed:

Cllr Val Bryant – Labour & Co-Operative Group Leader

Cllr Ruth Brown – Liberal Democrat Group Leader

Cllr Ralph Muncer – Conservative & Unionist Group Leader

2. Officer Introduction

We are pleased to present the North Hertfordshire Council Councillor Learning and Development Protocol, which outlines how we support you in your roles as elected representatives.

The Protocol provides a clear and consistent framework for identifying training needs, planning development activities, and ensuring all Members have access to the skills and knowledge required to carry out their responsibilities effectively.

North Herts Council is committed to offering a programme that is relevant, accessible, and aligned with both statutory requirements and the Council's priorities. This includes mandatory training, specific development and opportunities designed to strengthen decision-making, scrutiny and community engagement.

The Protocol also sets out the roles of Officers and the Learning and Development Member Champions, ensuring transparency in how training is prioritised, delivered and reviewed.

Our approach supports Members at every stage of their term – from induction through to ongoing development, recognising that effective governance depends on continuous learning and a shared understanding of the standards expected of us. As we progress through the Local Government Reorganisation journey, it will be more important for Members to attend training provided to understand how this will impact and change the role of Councillors, and the new skills required for this.

Signed:

James Lovegrove – Committee, Member and Scrutiny Manager

Melanie Stimpson – Democratic Services Manager

Isabelle Alajooz – Monitoring Officer

Anthony Roche – Chief Executive

3. Approach to Councillor Development at North Herts Council

Three Member Learning and Development Champions have been nominated and form a cross party steering group to assist with the identification of learning and development needs, planning and delivery of activities.

Two Member Champions meetings take place annually, including the three appointed Member Champions, the Committee, Member and Scrutiny Manager and the Learning and Development Manager. These meetings take place in September and March annually, with the September meeting to discuss the outcomes of the Councillor Skills Audit and any required actions from this and the March meeting to review the proposals for the Member Induction / Development week.

3a. Compulsory training

As part of the North Herts Council Councillor's Code of Conduct¹, it is necessary for Councillors to attend compulsory training provided by the authority. It will be compulsory if:

- Full Council, Cabinet or a Committee decide it is, or
- Group Leaders agree that it should be compulsory with any of the Statutory Officers (Head of Paid Service; Section 151 Officer/Chief Finance Officer; Monitoring Officer/Chief Legal Officer); or
- a Councillor is directed to attend training following a Councillor conduct complaint.
- If a Councillor sits on the Planning Control or Licensing and Regulation Committee. [NB Councillors cannot participate in decision making at either Committee unless the compulsory training has been completed].

Compulsory training currently includes:

- Safeguarding
- Data Protection
- Anti-bribery and Anti-Fraud
- Councillor Code of Conduct

It is understood that Councillors are busy and relevant officers will use their best endeavours to accommodate training flexibly, including the use of e-Learning modules where appropriate. In return, Councillors are expected to make every effort to attend and participate in any session to meet these requirements.

Reporting on Compulsory Training

An annual report on Compulsory Training will be presented to the Council's Overview and Scrutiny Committee in September (or nearest meeting available).

The annual report will also be provided to the Leadership Team, Group Leaders and the Political Liaison Board to provide key information on Councillor Development and ensure that compulsory training is being completed as required.

The report will detail the completion rate of required, compulsory training by Councillors and will detail those individuals who have not completed the specified training by the required date.

¹ As per the North Herts Council Councillor's Code of Conduct 8.1 – see Section 17 of the Constitution

3b. Specialised / other training

Outside of any compulsory training Councillors are encouraged to attend any specialised training or development events provided. These are designed to extend knowledge in matters such as planning and licensing law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to in the above and therefore support Councillors to carry out their role effectively.

If a Councillor is likely to be a Chair or Vice Chair, of any internal or public facing meeting, or has ambitions to become one, then Chairing skills training will be offered, and Councillors are encouraged to attend. Where Councillors are invited to annual refresher training, they should endeavour to attend.

There is also important training provided to Members on other topics, such as Environmental Sustainability and Equality, Diversity and Inclusion, which Members should engage with and complete required e-Learning or attend relevant events arranged.

3c. The GROWZone

The GROW Zone is the Council's Learning Management System which is designed to manage an individual's learning and development activities.

Learning reports on individual Councillors can be generated within the system of completed training and will be shared with external partners, such as the Shared Anti Fraud Service, for auditing purposes, or the Information Commissioners Office, in the event of a data breach.

4. Delivery of Member Development at North Herts Council

4a. New Councillor Welcome Pack

Following all out elections (or a by election), all Councillors will be issued with a New Councillor Welcome Pack. This pack will be provided both as a paper version, as well as electronic version sent to private email accounts. *(Note the private email account will only be used until the North Herts Council email is activated.)*

The pack will contain key information for new Councillors including the necessary paperwork to be completed once successfully elected.

Other useful information such as details of senior management and their areas of responsibility, Councillor role descriptions, guidelines for using social media, reference to other essential documents i.e. the Constitution, are provided within this pack.

4b. Member Induction Week

Following all out elections, a Member Induction Week will take place and will provide sessions for all Councillors to attend (new and returning) on general Council information, as well as specific training for meetings, such as Scrutiny, Licensing and Planning.

There is a significant amount of information to learn, particularly as a new Councillor. To assist, the Council will deliver a Councillors Induction Programme, which is endorsed annually by the Learning and Development Member Champions, Group Leaders, the Leadership Team, Monitoring Officer and other Senior Officers.

4c. Member Development Week

In the years where the Council does not have all out elections, a Member Development Week will take place instead of the Induction Week. Sessions provided in the Development Week will build on previous information and sessions provided, as well as address any specific needs identified through the Councillor Skills Audit responses and any specific requirements to support upcoming decisions.

4d. Member Development Sessions

Throughout each Civic Year a Councillor Development Programme will be formulated by the Learning and Development Member Champions with the assistance of the Committee, Member and Scrutiny Manager and the Learning and Development Team.

These ongoing sessions will address a general training need for Councillors, a specific decision related need or any other needs as identified within the Councillor Skills Audit. Some sessions may be directed at specific Councillors, depending on their role or Committees to which they are appointed.

The purpose of the Councillor Development Programme is to bring together all learning and development opportunities available to individuals, Committees and political leadership, which are considered and prioritised against specific needs and resources.

There are dates for these sessions included in the Calendar of Meetings, approved at Annual Council. However, further sessions are usually required throughout the year, for which additional dates are identified.

4e. Member Briefings

Throughout the year, as required by the relevant departments, briefings and / or workshops will be arranged.

Whilst these briefings / workshops are not compulsory for Councillors to attend (unless advised otherwise), it is important that Councillors endeavour to attend these, as they will provide key, up-to-date information on the topic, and will allow for open questions to be put to the relevant Officers.

Where possible, these will be recorded and uploaded to The GROWZone, alongside any slides from the briefing.

4f. Pre-Meeting Briefings

Some future business upcoming at a particular meeting may require Officers to arrange a specific pre-meeting briefing for Councillors. This is an informal session at which Officers will present information and allow Councillors the opportunity to ask questions in a private setting (ahead of the public meeting).

Subject to adoption of the process at Full Council in April 2026, for larger planning applications, a Member Briefing will be held ahead of consideration at the Planning Control Committee. Members and substitutes of the Planning Control Committee would be invited to attend and at least two Officers will be present. These will be recorded, where possible, and will be shared with all members and subs of the Planning Control Committee who were unable to attend.

It is important that at any pre-meeting briefing Councillors do not make any comments or express an opinion which could be considered as predetermination.

4g. External Attendance at Courses

Within the Budget setting process the Council allocates an amount for Councillor Development each year. All Political Groups (and Independent Members) are allocated a proportion of the overall Members Training Budget to spend on attendance at paid for courses, according to the number of Councillors per group.

Councillors should contact their Party Group Leader for approval to attend an external event, who should confirm that this can be booked to the Committee, Member and Scrutiny Manager, and the booking will be processed.

However, if the Council arranges for an external trainer to provide a general Councillor Group event, then this will be taken from the overall budget and the Political Group budgets, or individual independent Councillor amount shall be reduced accordingly.

Councillors are welcome to attend courses which are free of charge and any relevant courses will be promoted by the Committee Services Team through the Members Information Service.

5. Evaluation

5a. Feedback on Sessions

Following attendance at any training event, Councillors will be requested to offer feedback. This provides an opportunity for Councillors to highlight where there are any areas of improvement as well as the positive experiences, so that the learning and development programme can continue to develop. The results shall be collated and presented at the same time as the Annual Report.

5b. Councillor Skills Self Audit

A Councillor Skills Self Audit will take place annually in May or June and will be completed through an e-Form. This Audit will assess Councillors views on their own confidence, on a 1 to 5 scale, in specific areas of Council business, including, but not limited to:

- Committee Skills
- Communication
- Finance
- IT and Data Protection
- Scrutiny
- Planning
- Licensing

6. In Person / Remote Provision

The Council is committed to the principle of equality in the learning and development opportunities and activities for all Councillors.

It is acknowledged that Councillors have many conflicting demands on their time, so where possible development activities will be provided at different times to accommodate various needs. Whilst some training will be offered as hybrid / in-person, the preference for Councillor training will be to provide sessions remotely via Zoom or Teams, in line with the Climate Emergency declared by the Council. Officers arranging hybrid / in-person sessions will need to provide specific reasoning for this requirement.

Additionally, everyone has different learning preferences. Therefore, the Council will aim to provide development materials in a variety of formats and make training interactive and appealing.

Wherever possible internal training will be delivered by officers in partnership with relevant Councillors.

7. Councillor Buddying Arrangements

Those Councillors that have been elected for a number of years have a vast amount of knowledge and experiences which would be invaluable to less experienced Councillors. Buddying / mentoring by an experienced Councillor is another support mechanism, particularly for new Councillors or those aspiring to different roles. Political Group Leaders are asked to support mentoring arrangements and manage these directly within the Political Groups.

8. Links to Key Pages and Policies

[The GROW Zone Learning Management System](#)

9. Key Contacts

Committee, Member and Scrutiny Manager
James.Lovegrove@north-herts.gov.uk
01462 474204

Learning and Development Manager
Helen.Bylett@north-herts.gov.uk
01462 474619

Committee Services
Committee.Services@north-herts.gov.uk
01462 474655

HR: Hrhelp@north-herts.gov.uk

IT helpdesk: 01462 474444

Electronic Communication

Every Councillor is provided with a tablet device and/or a laptop which can access the intranet, Mod.Gov, The GROWZone and email, which enables Councillors to support the reduction in use of paper and quick access to important information.

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OVERVIEW AND SCRUTINY COMMITTEE
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24 March 2026

*PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') UPDATE AND ANNUAL REVIEW

REPORT OF: SERVICE DIRECTOR – GOVERNANCE / MONITORING OFFICER

EXECUTIVE MEMBER: COUNCILLOR DANIEL ALLEN

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES

1. EXECUTIVE SUMMARY

This Report provides an update on the Council's current use of RIPA and reports on the annual policy review. The Report also provides an update on the proposed amendments to the Council's RIPA Policies following its annual review.

2. RECOMMENDATIONS

That the Committee:

- 2.1. notes the content of the report; and
- 2.2. recommends to Cabinet the adoption of the amended RIPA Policy (Appendix A).

3. REASONS FOR RECOMMENDATIONS

- 3.1. The Council is required to ensure it has an up-to-date, compliant and operationally usable RIPA framework that reflects current legislation and codes of practice and supports effective governance and assurance.
- 3.2. Approval of the updated policy reduces legal, regulatory and reputational risk, supports lawful enforcement activity where required, and strengthens transparency and democratic oversight.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Internal consultation has been undertaken with relevant officers. External consultation is not required; however, the policy update has been informed by statutory Codes of Practice and inspection/assurance expectations applicable to all public authorities.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

7.1. The Regulation of Investigatory Powers Act 2000 (“RIPA”) enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with. The Investigatory Powers Act 2016 (“IPA”) is the main legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with.

7.2. The Council is required to have arrangements and a RIPA Policy in place. Full details of the RIPA requirements and compliance are set out in the Policy, with relevant documents and guidance document available to relevant officers via the intranet should they consider it necessary to seek to use these powers.

7.3. RIPA regulates the use of certain surveillance powers by public authorities, including: –

- Directed Surveillance (covert surveillance conducted as part of a specific investigation likely to result in obtaining private information about an individual), –
- Use of Covert Human Intelligence Sources (CHIS), and
- Access to communications data (e.g. details of subscribers to telephone numbers or email accounts)

7.4. The Council is a very rare user of these powers, although the Shared Anti-Fraud Service (‘SAFs’) does so (note below). It is important that it has sufficient oversight of its activities to ensure that any considered use is compliant with the subject’s human rights.

7.5. External Inspections are carried out from time-to-time by the Investigatory Powers Commissioner’s Office (‘IPCO’), so it is important that all documentation is properly completed and (where relevant) authorised to confirm that it is carried out on a lawful basis. The Council was last inspected by the IPCO in 2023. They were satisfied with the arrangements as reported through to the Committee in January 2024. The next inspection will not be due until 2026.

7.6. The Shared Anti-Fraud Service (‘SAFs’) does, utilise such powers and these are regulated through Herts County Council’s processes and attends our officer Corporate Enforcement meetings. Where relevant an officer(s) of NAFN (National Anti-Fraud Network) attends our quarterly corporate enforcement forum meetings and keep our enforcement officers and authorising officers up to date. Training is also provided via that forum by NAFN.

7.7. Members will also note that in accordance with good practice guidelines Members receive quarterly updates on the use of any powers via the Member Information Service.

7.8. In terms of Communications data, the IPA provided an updated framework for lawful acquisition of Communications Data, include the who, where, what, when and how a Local Authority can obtain communications and Communications Data (Entity and Events Data)

- 7.9. All such applications must be processed through the NAFN as the Single Point of Contact (SPoC), who will consider the application prior to submitting this for approval to the Office for Communications Data Authorisations (OCDA). All applications must be approved before Communications Data is acquired. The Investigatory Powers Commissioner oversees the use of the powers. All applications submitted to NAFN are completed via their online portal. The form is available for completion within that workflow system and reflects the current Home Office application form. NAFN does not accept application forms outside of the workflow system and any application queries go via the NAFN RIPA SPoC. This means there is an experienced person qualify controls and checks any applications considered / made by North Herts Council.

8. RELEVANT CONSIDERATIONS

- 8.1. The Council maintains a Regulation of Investigatory Powers Act (RIPA) Policy to ensure that any use of covert surveillance or covert human intelligence sources is lawful, necessary and proportionate and subject to appropriate authorisation and oversight.

The existing policy has served the Council well and remains broadly sound. However, as part of good governance and routine policy maintenance, a review has been undertaken to ensure that the document reflects current legislation, guidance and operational practice.

Nature of the amendments:

- 8.2. The amendments represent a targeted update and clarification of the existing policy rather than a fundamental change in approach.
- 8.3. The Council's position remains unchanged: the use of RIPA powers is expected to be rare and will only be considered where it is lawful, necessary and proportionate and where less intrusive options have been considered.
- 8.4. The revisions primarily focus on improving clarity, reflecting current practice and ensuring the policy continues to align with national guidance and expectations.

Governance and oversight

- 8.5. The updated policy provides clearer description of the governance framework that supports the use of investigatory powers.
- 8.6. This includes refreshed wording on the roles of the Senior Responsible Officer, Authorising Officers and supporting officers, and clearer reference to Member oversight and reporting.
- 8.7. These changes are intended to improve clarity and transparency and to ensure the policy reflects current expectations around governance and assurance.

Legislative framework and communications data

- 8.8. The revised policy provides clearer explanation of the relationship between RIPA and the Investigatory Powers Act 2016, particularly in relation to communications data.

- 8.9. This clarification helps ensure officers understand which legislative framework applies in different circumstances and supports correct and consistent application of the law.

Online investigations and social media

- 8.10. The policy has been updated to provide clearer guidance on the use of the internet and social media in investigations.
- 8.11. This reflects the increasing relevance of online information in enforcement activity and helps ensure officers understand when activity may require authorisation.
- 8.12. Necessity, proportionality and review arrangements
- 8.13. The updated policy provides additional clarity around the assessment of necessity and proportionality and reinforces the importance of regular review and timely cancellation of authorisations where appropriate.
- 8.14. These updates support consistency and good record keeping.

Joint working, record keeping and training

- 8.15. The policy has also been refreshed to provide clearer wording on joint working with other agencies, record keeping and retention, and training and awareness for relevant officers.
- 8.16. These updates ensure the policy remains aligned with current practice and guidance.

Summary

- 8.17. Overall, the amendments refresh and update the existing policy to ensure it remains clear, current and aligned with legislation, Codes of Practice and regulatory expectations.
- 8.18. The revisions do not change the Council's cautious approach to the use of RIPA powers but ensure the supporting governance framework remains up to date.

9. LEGAL IMPLICATIONS

- 9.1. The Overview and Scrutiny Committee's Terms of Reference in the Council's Constitution at paragraph 6.2.7(r) states that it shall be entitled to consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA).
- 9.2. The Overview and Scrutiny Committee are asked to consider this report and make a recommendation to Cabinet in line with its Terms of Reference. It is Cabinet's responsibility to adopt the RIPA Policy. Paragraph 5.6.1 of the Council's Constitution states that Cabinet may, by resolution, prepare and agree to implement policies and strategies other than those reserved to Council.
- 9.3. The Council is required to comply with the Regulation of Investigatory Powers Act 2000 ('RIPA') as amended in carrying out surveillance activities. Having an up-to-date policy ensures compliance with the statutory regime and empowers the Council to actively investigate matters if required to do so.

- 9.4. The updated policy supports the Council's ongoing legal compliance framework and helps ensure continued alignment with legislation and Codes of Practice.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no direct financial implications arising from approval of the updated policy.

11. RISK IMPLICATIONS

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. The primary risks addressed by this report are legal/regulatory and reputational risks arising from outdated or unclear policy.
- 11.3. The updated policy mitigates risk by strengthening governance, auditability, training, clarity on online activity, and alignment with data protection requirements.
- 11.4. Failure to maintain an up-to-date policy increases the risk of procedural errors, unlawful activity, evidential challenge and adverse inspection findings.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. Covert activity engages privacy rights and must be applied fairly, proportionately and without discrimination.
- 12.3. The updated policy strengthens safeguards around proportionality, decision-making and oversight, which supports fair and consistent application.
- 12.4. An Equality Impact Assessment is not considered necessary for this policy update as it strengthens procedural safeguards and does not change service access arrangements.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The updated policy includes strengthened training and awareness expectations which will be managed through existing management arrangements and induction/refresher programmes.

16. APPENDICES

16.1 Appendix A – Updated RIPA Policy (final clean version)

16.2 Appendix B – Tracked changes version of the RIPA Policy (for transparency/assurance).

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 None.

NORTH HERTFORDSHIRE DISTRICT COUNCIL
REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)
POLICY & PROCEDURES



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1 INTRODUCTION & BACKGROUND

1.1 This policy sets out how North Hertfordshire District Council will comply with the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 and associated Codes of Practice when carrying out covert surveillance, using covert human intelligence sources (CHIS) or acquiring communications data.

4.41.2 This policy provides the framework for the lawful and responsible use of investigatory powers by the Council. The Council recognises that covert surveillance can interfere with an individual's right to respect for private and family life under Article 8 of the Human Rights Act 1998. The Council therefore expects the use of RIPA powers to be exceptional and a last resort. This policy applies to all Council services and to any third parties undertaking investigations on the Council's behalf. The Investigatory Powers Act 2016 replaced Part I of RIPA and now governs the interception of communications and the acquisition of communications data. Part II of RIPA continues to regulate the use of directed surveillance and covert human intelligence sources. Officers must seek advice from Legal Services before seeking to obtain communications data to ensure the correct legislative framework is applied.

4.1.3 The use of covert investigatory powers by the Council is expected to be rare and will only take place where it is lawful, necessary and proportionate and where less intrusive methods have been considered and found to be unsuitable.

4.21.3 This Policy is the framework on which the Council applies the provisions of The Regulation of Investigatory Powers Act 2000 (RIPA) as it relates to covert surveillance. It incorporates the provisions of the Investigatory Powers Act 2016 (IPA) and the Police, Crime, Sentencing and Courts Act 2022 (PCSCA), which introduce updated powers for acquiring communications data and extracting electronic data. It must be read in conjunction with the statutory codes of practice issued by the Secretary of State and any additional guidance provided by Investigatory Powers Commissioner's Office (IPCO) and individual Directorates to deal with the specific issues of their service.

4.31.4 The Council is required to adhering to the statutory codes of practice issued under RIPA and IPA, including those on covert surveillance, use of covert human intelligence sources (CHIS), and communications data acquisition. This policy also incorporates recent guidance issued by the Investigatory Powers Commissioner's Office (IPCO), particularly on the use of social media for surveillance and proportionality assessments when handling electronic data.

4.41.5 For the avoidance of doubt, all references to the Home Office Codes of Practice relate to the latest versions which were issued in relation to covert surveillance and covert human intelligence sources; and in relation to the acquisition and disclosure of Communications Data. References to the Code of Practice and other relevant Guidance document relate to the latest version which was issued¹ .

4.51.6 The Human Rights Act ~~2000~~1998 requires the Council to have respect for the private and family life of citizens. However, in rare cases, it may be lawful, necessary and proportionate for the Council to act covertly in ways that may interfere with an individual's rights.

4.61.7 The rights conferred by Article 8 of the Human Rights Act 1998 are qualified, so it is still possible for a public authority to infringe those rights providing the following criteria are satisfied;

4.71.8 It is done in accordance with the law

4.81.9 **It is necessary:** Necessity means that in the particular circumstances of each enquiry there is no reasonably available overt method of obtaining the information that is being sought. This test will have to be applied to each case on its own merits but if there is a reasonable alternative to covert surveillance then the necessity test will probably not be satisfied.

4.91.10 **It is proportionate:** Judging proportionality will probably involve three considerations.

- Is the proposed method of surveillance excessive in relation to the seriousness of the matter that is being investigated? Is it proportional to the mischief under investigation?
- Is there a reasonable available alternative method of investigation that would be less intrusive of privacy rights? i.e. It is the only option, other overt means having been considered and discounted.
- Can collateral intrusion be avoided, and is the surveillance proportional to the degree of anticipated intrusion on the target and others? In addition to the subject there may be a possibility that the privacy rights of a third party may be infringed during surveillance.

¹ Home Office – Communications Data Code of Practice 2018

4.401.11 It is possible that unauthorised surveillance will be a breach of a person's right to privacy under Article 8. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords.

4.411.12 If the correct procedures are not followed:

- The authorisation will not take effect as it will not be approved by the Magistrates Court if there are not reasonable grounds
- Court proceedings that rely upon the information obtained by surveillance may be undermined
- A complaint of maladministration may be made to the Ombudsman
- The Council could be the subject of an adverse report by the Investigatory Powers Commissioner's Office
- A claim could be made leading to the payment of compensation by the Council

4.421.13 Through the application of authorisation procedures and Magistrates Court approval RIPA ensures that a balance is maintained between the public interest and the human rights of individuals.

4.431.14 RIPA does not;

- Make unlawful anything that is otherwise lawful
- Impose any new statutory duties (N.B. but see paragraphs 1.5 –1.7 on the possible consequences of non compliance)
- Prejudice or disapply any existing powers available to the Council to obtain information by any means not involving conduct that is governed by RIPA. (For example, it does not affect the Council's current powers to obtain information from the DVLA or the Land Registry).

4.441.15 If the RIPA procedures are followed correctly the conduct of an investigation will be deemed lawful for all purposes (section 27 RIPA). This protection extends to criminal and civil proceedings, and a complaint to either the Local Government Ombudsman or the Investigatory Powers Tribunal. It therefore provides protection both for the Council and any officer who may have been involved in an investigation.

4.151.16 It is important to note that the legislation does not only affect directly employed Council staff. Where external agencies are working for North Hertfordshire District Council, carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so. Therefore, work carried out by agencies on the Council's behalf should be properly authorised by one of the Council's designated Authorising Officers and requires Magistrates Court approval for applications and renewals. Authorisation for surveillance should not be sought on behalf of another statutory or other organisation or agency. The advice of the Senior Responsible Officer ('SRO') should be sought in the event of uncertainty.

4.161.17 Applications to the Magistrates' Court for approval of an authorisation must be made in accordance with the requirements of the Court.

4.171.18 The use of the powers conferred by RIPA is subject to scrutiny by the Investigatory Powers Commissioner's Office, which carries out periodic inspections of the Council's practices and procedures. Furthermore, RIPA also provides for the establishment of a Tribunal to determine complaints about the use of RIPA powers. It is therefore essential that surveillance is always carried out in compliance with RIPA, the policies and codes of practice referred to in this document and any advice or guidance that may be issued from time to time by the Director: Governance.

4.181.19 The Council is subject to inspection by the Investigatory Powers Commissioner's Office (IPCO). The Council is committed to maintaining robust governance arrangements, accurate record keeping and effective oversight of all investigatory powers exercised under RIPA and the Investigatory Powers Act 2016.

4.191.20 The Senior Responsible Officer (SRO) has overall responsibility for ensuring compliance with this policy, the relevant Codes of Practice and all statutory requirements. The SRO will ensure that any errors are reported to IPCO in accordance with the Codes of Practice and that periodic reports are provided to elected Members.

4.201.21 RIPA provides a means of authorising certain acts of covert surveillance for a variety of purposes. To fully understand the effects of RIPA, it is essential to understand the various types of activity that are covered, and those that are not permitted, and the purposes that will justify surveillance.

4.241.22 The provisions of RIPA that apply to Local Authorities provide a regulatory framework that permits;

- The use of Directed Surveillance (Part 3)
- The uUse of Covert Human Intelligence Sources (Part 4)
- The Acquisition and Disclosure of Communications Data (Part 5)

2 SURVEILLANCE

2.1 Local Authorities and the Police are permitted under RIPA to carry out covert directed surveillance and to use covert human intelligence sources the definitions for each being as follows;

2.2 “Surveillance” includes:

- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations or their other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; and
- Surveillance by, or with, the assistance of a surveillance device, which will include cameras, video, and listening or recording devices.

Surveillance can be either **overt** or **covert**.

2.3 Overt Surveillance

2.4 Most of the surveillance undertaken by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases officers will be going about Council business openly (e.g. a routine inspection by an Environmental Health Officer) or will have notified the subject of the investigation that they are likely to be under surveillance. In the latter case officers need to be particularly alert to the possibility that the proposed surveillance may entail collateral intrusion into the lives and activities of persons other than the subject of the investigation (e.g. a visitor to premises). If there is the slightest possibility of collateral intrusion a RIPA authorisation should be obtained before any surveillance is carried out.

- 2.5 Surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned that recordings will be made if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.
- 2.6 Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, an officer visiting a site to check whether a criminal offence had been committed). Repeated visits may amount to systematic surveillance however, and require authorisation: if in doubt, advice should be sought from the RIPA Monitoring Officer or the Senior Responsible Officer.
- 2.7 Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by enforcement officers as part of general observation does not need to be regulated by RIPA, if the systematic surveillance of an individual is not involved. However, if binoculars or cameras are used in relation to anything taking place on any residential premises, or in any private vehicle, the surveillance can be intrusive even if the use is only fleeting. Any such surveillance will be intrusive “if it consistently provides information of the same quality as might be expected to be obtained from a device actually present on the premises or in the vehicle”. The quality of the image obtained rather than the duration of the observation is what is determinative. It should be remembered that the council is not permitted to undertake intrusive surveillance.
- 2.8 Use of body worn cameras should be overt. Badges should be worn by officers stating body cameras are in use and it should be announced that recording is taking place. In addition, cameras should only be switched on when recording is necessary – for example, when issuing parking tickets.
- 2.9 Covert Surveillance**

Covert surveillance is covert where it is ‘carried out in a manner **calculated** to ensure that the person or persons subject to the surveillance are unaware that it is or may be taking place’.

RIPA requires the authorisation of two types of covert surveillance (directed surveillance and intrusive surveillance) plus the use of covert human intelligence sources (CHIS) or acquisition of Communications Data.

2.10 Covert Human Intelligence Source (CHIS)

2.11 A person is a covert human intelligence source if that person 'establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information or providing access to any information to another person, or they covertly disclose information obtained by the use of such a relationship'. Covert in this context means that it is calculated that the subject should be unaware of the purpose of the relationship.

2.12 A member of the public who volunteers information to the Council is not a covert human intelligence source.

2.13 The conduct or use of CHIS must be authorised in accordance with RIPA:

- **Conduct** of a CHIS: This is establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining or passing on information.
- **Use** of a CHIS: This includes inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.
- The use of a juvenile CHIS may only be authorised for four months at a time.

2.14 Members of the public who report allegations of anti social behaviour and are asked to keep a note of incidents will not normally be CHIS as they are not usually required to establish or maintain a covert relationship.

2.15 Noise

2.16 Persons who complain about excessive noise, and are asked to keep a noise diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information (if non-verbal noise such as music, machinery or an alarm), and therefore does not require authorisation. Recording sound with a DAT recorder or similar, could constitute covert surveillance, although if it can be heard from the street outside, may (as per the Code of Practice²) be regarded as having forfeited any claim to privacy. The easiest option is for this to be undertaken overtly – for example it will be possible to record sound if the noisemaker is warned that this will occur if the level of noise continues.

2.17 Test Purchases

Carrying out test purchases will not normally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information, and therefore the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product e.g. illegally imported wild meat, or using covert recording equipment is likely to require authorisation as a CHIS. Similarly, using hidden recording devices to record what is going on in the shop (e.g. a hidden CCTV Camera) may require authorisation as directed surveillance. A combined authorisation can be provided if a CHIS is carrying out directed surveillance.

~~**Note 251 of the OSC's 2016 Procedures & Guidance document states:**
251. A local authority may prefer to seek the assistance of the police or another public authority to manage its CHIS. In such a case a written protocol between the parties should be produced in order to ensure that an identified CHIS is properly managed (see CHIS Code of Practice 6.12). In the absence of such an agreement the local authority must be capable of fulfilling its statutory responsibilities.~~

2.18 Directed surveillance

Directed Surveillance is surveillance that is:

- covert but not intrusive surveillance; (see paragraph 3.2)

- undertaken for the purpose of a specific investigation or operation carried out in such a manner as is likely to result in the obtaining of private information about a person (whether one specifically identified for the purposes of the investigation or operation) and
- not carried out as an immediate response to events which would otherwise make seeking authorisation under RIPA unreasonable (e.g. spotting something suspicious and continuing to observe it).

2.19 Surveillance by way of an immediate response to events or circumstances where it would not be 'reasonably practicable' for an authorisation to be sought is not included within the provisions of RIPA.

2.20 Private Information

This phrase is defined in RIPA section 26(10) as including any information relating to a person's private or family life. The European Court of Human Rights has considered this definition and has found that private life is a broad term not susceptible to exhaustive definition. Aspects such as gender identification, name, sexual orientation and sexual life are important elements of the personal sphere protected by Article 8. The Article also protects a right to identity and personal development and the right to establish and develop relationships with other human beings and the outside world and it may include activities of a professional or business nature. There is therefore a zone of interaction of a person with others even in a public context, which may fall within the scope of "private life".

The fact that covert surveillance occurs in a public place or on business premises does not necessarily mean that it cannot result in the acquisition of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about them and others that they come into contact with or with whom they associate. Similarly, although the overt use of CCTV cameras does not normally require authorisation, if the camera is used for a particular purpose that involves the prolonged surveillance of a particular person, a RIPA authorisation will be required.

3 Exclusions

3.1 There are some instances where surveillance is not permissible in any circumstances:

3.2 Intrusive Surveillance

RIPA provides that the Council **cannot** authorise intrusive surveillance. This is covert surveillance carried out in relation to anything taking place on residential premises or in any private vehicle, whether by way of a person or device.

It will also be intrusive surveillance where a device placed outside consistently provides information of the same or equivalent quality and detail, as might be expected if it were in the premises or vehicle

Residential premises are any part of premises occupied for residential purposes or living accommodation, including hotel rooms or prison cells. However, it does not include common areas in blocks of flats and similar premises.

Private vehicle is a vehicle used primarily for private purposes by the owner or person entitled to use it.

Only the police or other law enforcement agencies are permitted to employ intrusive surveillance. Likewise, the council has no statutory powers to interfere with private property.

3.3 Use of Children to gather information about parent/ guardian

Authorisation may not be granted for the conduct or use of a source under the age of sixteen where it is intended that the purpose is to obtain information about their parent or any person who has parental responsibility for them.

3.4 Vulnerable Individuals

A vulnerable individual is a person who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. Where it is known or suspected that an individual may be vulnerable they will only be authorised as a CHIS in the most exceptional of circumstances.

3.5 Use of Third Parties and Contractors

Where surveillance activity is undertaken by contractors or partner agencies on behalf of the Council, the Council remains legally responsible for ensuring compliance with RIPA.

Appropriate written agreements must be in place and RIPA authorisation must be obtained by the Council.

4 Grounds for Surveillance

4.1 Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”) mean that a local authority can now only grant an authorisation under RIPA for the use of Directed Surveillance where the local authority is investigating criminal offences which attract a custodial sentence of a maximum term of at least 6 months' imprisonment, or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 [and as amended by subsequent legislation](#).

4.2 Even if the person granting the authorisation believes that the authorisation is necessary, they must also be satisfied that the authorised activity is proportionate to what is sought to be achieved by it. This requires the Authorising Officer to balance the need for surveillance with the level of intrusion into any person's privacy.

4.3 Consideration should be given to collateral intrusion, which is interference with the privacy of persons other than the subject(s) of the surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

4.4 Confidential information

Careful consideration is also needed when there is a risk of obtaining confidential information.

The Covert Surveillance and Property Interference³ defines this as:

“information held in confidence concerning an individual (whether living or dead) who can be identified from it, and the material in question relates to his or her physical or mental health or to spiritual counselling. Such information can include both oral and written communications. Such information as described above is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or any legal obligation of confidentiality. For example, confidential personal information might include consultations between a health professional and a patient, or information from a patient’s medical records”.

In cases where it is likely that confidential information will be acquired the authorisation must be granted by the Head of the Paid⁴ Service (or in their absence by an authorised Chief Officer).

- 4.5 An application for an authorisation must include a full assessment of the risk of any collateral intrusion or interference so that the Authorising Officer can consider this.
- 4.6 Authorising Officers must always consider the need for surveillance or CHIS and balance this against an individual’s right to privacy under the Human Rights Act 1998. An officer seeking an authorisation should always be able to justify why it is necessary and why other, less intrusive, forms of investigation are unsuitable or have previously been tried without success and thus the matter has escalated to the requirement for covert surveillance.

5 ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

~~4. — The Investigatory Powers Act 2016 [and as amended by the Investigatory Powers \(Amendment\) Act 2024](#) ('IPA') provides the statutory framework for the lawful acquisition of Communications Data. Local authority applications must be submitted via the National Anti-Fraud Network (NAFN) and approved by the Office for Communications Data Authorisations (OCDA) in accordance with the Act. ~~an updated framework for lawful acquisition of Communications Data, include the who, where, what, when and how a Local Authority can obtain communications and Communications Data. The IPA sets out the three powers, under sections 60A, 61 and 61A, which can be used to authorise the acquisition of Communications Data (CD), dependent on the statutory purpose and urgency. Only section 60A is relevant to local authorities, although a number of new~~~~

³ 2018 @ para 9.29.

⁴ Where any relevant legislation and or codes of practice refers to the Chief Executive, for interpretation purposes this is deemed to be the person who holds the role of Head of Paid Service or their Deputy.

~~offences would also apply in terms of unlawful acquisition and disclosure of Communications Data⁵.~~

5.1 Public Authorities can only apply if this is for ‘the applicable crime purpose’. This means the data has to be wholly or partly Events data, the purpose of preventing or detecting serious crime; or in any other case, the purpose of preventing or detecting crime or of preventing disorder.

5.2 The types of Communications Data that Local Authorities’ can access are Entity and Events Data, which are defined as:

Entity Data: means any data which is about —

- an entity, (ii) an association between a telecommunications service and an entity, or (iii) an association between any part of a telecommunication system and an entity,
- consists of or includes data which identifies or describes the entity (whether or not by reference to the entity's location) and is not events data.
- **Events Data:** any data which identifies or describes an event (whether or not by reference to its location) on, in or by means of a telecommunication system where the event consists of one or more entities engaging in a specific activity at a specific time. Where the purpose of the acquisition is to prevent or detect crime, and the data required is events data, the offence or conduct of the offence being investigated must meet at least one of the definitions of serious crime⁶.

5.3 The IPA has also removed the necessity for local authorities to seek Magistrates or Justice of the Peace approval to acquire Communications Data. Under the Investigatory Powers Act 2016, applications for communications data must be made to the Office for Communications Data Authorisations (OCDA) via the National Anti-Fraud Network (NAFN), who will consider the application prior to submitting this for approval to the OCDA. All applications must be approved before Communications Data is acquired. The Investigatory Powers Commissioner oversees the use of the powers (who with Judicial Commissioners have a role to approve authorisations to identify or confirm the identity of a journalist’s source). The application process has otherwise been made more efficient through the ability to submit these electronically⁷.

⁵ Sections 11 & 82 IPA 2016

⁶ Section 86(2A) of the Act this means: an offence for which an adult is capable of being sentenced to one year or more in prison; any offence involving violence, resulting in substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal; any offence committed by a body corporate; any offence which involves the sending of a communication or a breach of privacy; or an offence which involves, as an integral part of it, or the sending of a communication or breach of a person’s privacy

⁷ See local authority procedures set out in paragraphs 8.1 to 8.7 of the Communications Data Code of Practice.

5.4 Sections 37 to 44 of the Police, Crime, Sentencing & Courts Act 2022 (PCSCA) came into force on 8 November 2022. This provides public authorities with a further power to extract data held on electronic devices. It empowers public authorities to extract data from electronic devices where one of the following conditions is met:

- Preventing or detecting serious crime.
- Locating a missing person.
- Protecting a child or vulnerable adult from harm.

5.5 Before extracting electronic data, there must be:

- a reasonable belief that information stored on the device will be relevant to the investigative purpose,
- Ensure the extraction of the information is necessary and proportionate to achieve the objective,
- Comply with the statutory Code of Practice under the PCSCA, ensuring that risks to privacy are minimised.

5.6 As indicated in 5.5 above, the three scenarios provided under s37(2) are for the purpose of:

(a) preventing, detecting, investigating or prosecuting crime;

(b) helping to locate a missing person; or

(c) protecting a child or an at-risk adult from neglect or physical, mental or emotional harm.

5.7 To ensure any extraction of stored communication under s.37 remains lawful, it is essential that the criteria and procedures set out within the PCSCA and the association Code of Practice are fulfilled.

5.8 ~~A failure to follow these procedures correctly could result in a s.3 IPA offence (unlawful interception) being committed.~~ Failure to follow statutory procedures may result in unlawful acquisition of communications data and may expose the Council and individual officers to criminal liability under the Investigatory Powers Act 2016.

6 PROCEDURE TO OBTAIN A RIPA AUTHORISATION

- 6.1 Directed surveillance, the use of CHIS must be lawfully carried out in strict accordance with the terms of the relevant authorisation and Magistrates Court approval.
- 6.2 The Council will only very occasionally make use of CHIS so the applicant officer should consult the Senior Responsible Officer before making an application for a CHIS authorisation in order to ensure that the current statutory requirements and best practice are being observed.
- 6.3 Applications for Communications Data is as indicated above via NAFN.
- 6.4 All applications for authorisation must be sought and granted *before* any surveillance activity takes place. The decision whether or not to authorise an application must not be taken with the benefit of hindsight. This should be borne in mind when submitting an application to the Magistrates' Court under Paragraph 7 below.

6.5 Making the Application

- Before making an application for an authorisation the requesting officer must;
- read this policy document
- determine whether the activity that they are proposing to conduct involves directed surveillance or the use of a CHIS
- assess whether the activity will be in accordance with the law – is it governed by RIPA
- assess whether the activity is necessary and why
- assess whether the activity is proportionate.

If the activity could be conducted overtly or if a less intrusive option is available and practical use that option in preference to a RIPA authorisation.

- 6.6 The application form once completed by the applicant officer, must be submitted to an Authorising Officer, together with a health and safety risk assessment that should cover any potential risks to Council officers, or third parties, including members of the public.

6.7 The persons entitled to grant authorisations are designated in the Schedule of Authorising Officers, which is kept by the Senior Responsible Officer and is accessible on the Council's Intranet

6.8 The Authorising Officer should note:

- the date and time of grant or refusal;
- the reasons for that decision;
- the exact date on which the authorisation will be reviewed.

6.9 An application must describe:

- any conduct to be authorised;
- the purpose of the investigation and how long the situation has existed;
- why it is necessary;
- why it is proportionate;
- the intended subjects, if known;
- the intended product that the surveillance will provide;
- any potential collateral intrusion and the justification for this;
- details of any confidential information that may be obtained;

6.10 The Application Forms

6.10.1 The Home Office has published standard forms for the use by local authorities. These have been adopted by the Council and can be accessed through the Intranet under *Corporate – Forms - RIPA*. Every box in the application form must be completed or marked n/a where it is not appropriate.

6.10.2 Each operation/ investigation must be allocated a unique reference number (URN). This will be the next number in sequence taken from the Central RIPA Log, as identified by the Authorising Officer and should be entered on the form.

7. MAGISTRATES' COURT APPROVAL

7.1 All RIPA authorisations (other than Communications Data) will require Magistrates' Court approval in the form of an order to take effect. The court must be satisfied that reasonable grounds exist in relation to the authorisation. The Home Office issued guidance to all Magistrates' Courts in England and

Wales for a local authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice⁸.

- 7.1 Legal Services must be consulted on the form and content of the application to the Magistrates' Court for approval.
- 7.2 The types of offences for which RIPA authorisation can be obtained by the Council are outlined under section 4 above.

8 DURATION OF AUTHORISATIONS

- 8.1 It is no longer possible for urgent authorisations to be given orally. However, a Magistrate may consider an authorisation out of hours in exceptional circumstances.

8.2 Directed surveillance authorisations will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect.

8.28.3 Three months' is deemed for the purpose of this guidance to mean three calendar months/twelve weeks from the date of approval by the magistrate.

8.38.4 Authorisations for the conduct or the use of covert human intelligence sources will last for up to 12 months, beginning with the day on which the grant or renewal takes effect.

8.48.5 Authorisations relating to Communications Data last 1 month.

8.58.6 Review

8.5.18.6.1 The Authorising Officer must review Directed Surveillance authorisations frequently, at least monthly. The frequency of mid term reviews should be risk assessed based on the nature of the operation. If this is a CHIS authorisation, then ordinarily this would be every 3-4 months.⁹ CHIS authorisations must be reviewed at intervals determined by risk assessment and in accordance with the relevant Code of Practice.

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

⁹ [IPCO inspection 2020.](#)

8.5.28.6.2 RIPA application forms must be reviewed on or before the expiry date of the authorisation which will be the date stated in the application form. When a RIPA authorisation is reviewed the appropriate form should be completed and record:

- the date and time of that review
- confirmation as to whether the surveillance is to continue or not
- the reasons for that decision

8.5.38.6.3 Authorisations must be reviewed regularly and cancelled when no longer necessary. Records of reviews and outcomes must be maintained.

8.68.7 **Renewal**

8.78.8 If at any time before an authorisation would cease to have effect, it is necessary for the authorisation to continue for the purpose for which it was given, it may be renewed in writing for a further period of 3 calendar months, beginning with the day when the original authorisation would have expired. Magistrates Court approval is required before a renewal takes effect.

8.88.9 The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.

8.98.10 Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation and are approved by the Magistrates' Court.

8.108.11 Prior to renewal of an authorisation for the use or conduct of a covert human intelligence source, there must be a full review of the use made of that source, the tasks given to that source and the information so obtained.

8.118.12 **Cancellation**

8.128.13 The Authorising Officer must cancel an authorisation if they become satisfied that the surveillance is no longer required or appropriate.

8.138.14 Authorisations should not be allowed simply to lapse. The matter should be referred to an Authorising Officer via the same process as for the initial application and a form of cancellation must be completed:

- if the necessary evidence has been obtained; or
- it is decided at any time that the surveillance is unlikely to produce the evidence sought, then.

8.148.15 The Authorising Officer must then cancel the Application without delay. When cancelling the authorisation, the Authorising Officer is required to consider whether the surveillance was effective, necessary and met its objectives. Cancellations must be made using the cancellation form and should briefly detail what product(s) resulted from the surveillance.

8.158.16 When cancelling an authorisation, the Authorising Officer must ascertain what recorded material has been obtained using directed surveillance. The Authorising Officer should comment on the recorded material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any recorded material has been securely destroyed.

9 AUTHORISING OFFICERS

9.1 Authorisations may only be given by the Authorising Officers listed in Appendix B. Only the Head of Paid Service can authorise the use of a CHIS, or the acquisition of confidential information.

9.2 Applications for the acquisition of Communications Data can only be issued by a Home Office accredited single point of contact (SPoC). The Council has two SPoCs, Director: Customers and the Investigations Manager.

9.3 NAFN provides a SPoC service to local authorities. Local authorities using the NAFN SPoC service will still be responsible for scrutinising the application for Communications Data prior to contacting NAFN.

9.4 Determining an Application

The applicant officer must complete the application form in its entirety.

Authorisation under RIPA is quite separate from delegated authority to act under the Council's Scheme of Delegation. **RIPA authorisations are for specific investigations only and must be cancelled or renewed once the specific surveillance is complete, or about to expire.**

The Authorising Officer should not just "sign off" an authorisation, they must give **personal consideration** to the necessity and proportionality of the

proposed action prior to applying to the Magistrates Court for approval and must personally ensure that the surveillance is reviewed and cancelled.

Any rejected applications must be entered into the RIPA log held by the Director: Governance.

9.5 In the case of applications for authority to carry out **directed surveillance** the Authorising Officer should:

- consider the relevant Codes of Practice
- consider whether the specific operation or investigation has been adequately described
- be satisfied as to the reasons for the application¹⁰ (see 4.1 for grounds).
- be satisfied that the directed surveillance is **necessary** in the circumstances of the particular case.
- be satisfied that the surveillance is **proportionate** to the stated purpose and objectives
- be satisfied that the possibility of collateral intrusion has been avoided or minimised
- consider the likelihood of confidential information being acquired
- check that an appropriate review period has been listed on the application form.

If there is an alternative practicable means of carrying out the surveillance, which is less intrusive, then the surveillance is neither necessary nor proportionate and should not be authorised. The least intrusive method should be used

Additional Factors when Authorising a CHIS

In addition, when authorising the conduct or use of a CHIS the Authorising Officer must

- be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved.
- be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS.

¹⁰ S.I. 2010/521, see article 7A

- consider the likely degree of intrusion of all those potentially effected.
- consider any adverse impact on community confidence that may result from the use or conduct, or the information obtained.
- ensure **records** contain statutory particulars and are not available except on a need to know basis.
- ensure that authorisations relating to the use of a juvenile CHIS are only for four months at a time.
- be satisfied that a full risk assessment has been undertaken.

9.6 The role of Senior Responsible Officer (SRO) is undertaken by the Director: Governance. The role of RIPA Co-ordinating Officer is undertaken by the Service Director's PA.

The SRO is responsible for:

- the integrity of the process in place within the public authority for the management of CHIS and Directed Surveillance;
- compliance with Part 2 of the Act and with the Codes;
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the IPCO inspectors when they conduct their inspections, where applicable; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

9.7 The role of CHIS Handler will be allocated to either one of the Director: Place, Director: Customers, or Director: Regulatory, depending which directorate is using the CHIS. The CHIS Controller will be allocated to one of the other two heads of service by the Head of Paid Service.

The CHIS Handler is responsible for:

- dealing with the CHIS on behalf of the Council;
- directing the day to day activities of the CHIS;
- recording the information supplied by the CHIS; and
- monitoring the CHIS's security and welfare.

The CHIS Controller is responsible for management and supervision of the CHIS Handler, and general oversight of the use of CHIS.

10 WORKING WITH / THROUGH OTHER AGENCIES

10.1 The Council may work in conjunction with other public authorities and enforcement bodies, for example, the Police, the Department for Work and Pensions or agencies to carry out covert surveillance and to use CHIS's, eg police, DWP, Inland Revenue HM Revenue and Customs. (but does not include RSLs). ~~It is not necessary for each party to complete its own form of authorisation, and the Council can rely upon a duly authorised form completed by another agency providing that the Authorising Officer is made aware and it has been approved by the Magistrates' Court if required.~~

Where the Council participates in a joint operation, it must satisfy itself that appropriate authorisation is in place. The Council must obtain and retain a copy of any partner agency authorisation and ensure that the activity falls within its scope. If another agency chooses to rely on a RIPA authorisation from this Council the Authorising Officer must be made aware.

~~10.2~~

~~10.2~~ 10.2 A copy of another agency's authorisation should be obtained, and copies kept in the same manner as an authorisation granted by the Council. Officers should also ensure that review and renewal dates are noted and that copies of the appropriate forms are also obtained and kept appropriately.

~~10.4~~ 10.3 In the event that a member of staff has concerns that an authorisation, Magistrates' Court approval, review, or renewal completed by a partner agency does not comply with the law, codes of practice, or agreed arrangements for surveillance, they should refer the matter to an Authorising Officer of the Council for further action as necessary.

~~10.5~~ 10.4 When another agency (e.g. the Police, Inland Revenue etc), wish to use the Council's premises or facilities (other than CCTV) for their own RIPA action, officers should normally co-operate unless there are good operational or management reasons as to why the Council's facilities should not be used for the agency's activities. Suitable insurance or other indemnities may be sought from the agency in return for the Council's co-operation. In such cases the Council's RIPA forms should not be used if it is merely assisting and is not actually involved in the RIPA activity.

11 RECORD MANAGEMENT

11.1 The Council must keep a detailed record of all authorisations, Magistrates' Court approvals, reviews, renewals, and cancellations. Copies of all authorisations, Magistrates' Court approvals, records of oral authorisations, reviews, renewals, cancellations and refusals must be kept in a central register held by an Authorised Officer. In addition, all original authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations, refusals and other relevant documents must be sent to the RIPA Co-ordinating Officer, who maintains the central RIPA log (record of authorisations and rejections).

11.111.2 All information obtained during directed surveillance should be recorded in a surveillance log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.

11.211.3 Copies of all authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations and refusals should be kept for a period of 6 years after the conclusion of any Court proceedings arising for which the surveillance or use of the CHIS was relevant. If it is believed that the records could be relevant to pending or future criminal proceedings, the officer in charge of the investigation shall confirm that they should be retained for a suitable further period, subject to any subsequent review. The Council shall retain records for a minimum period of six years from the date of cancellation of the authorisation, or longer where required for legal proceedings or statutory purposes. prior to the expiry of the five-year period. This decision must be notified to the Director: Governance.

12 Records maintained in the Directorates and Centrally

- 12.1 Generally, all material (in whatever media) produced or obtained during the course of investigations subject to RIPA authorisation (whether authorised or not), should be processed, stored and destroyed in accordance with the requirements of the Data Protection Act 2018, General Data Protection Regulation (GDPR) (EU) 2016/679, the Freedom of Information Act 2000 and any other legal requirements, including those of confidentiality and the Council's policies and procedures regarding document retention. The following paragraphs give guidance on some specific situations, but advice should be sought from the Director: Governance, or the Data Protection and Freedom of Information Officer where appropriate. All documents must be retained securely, and electronic copies of documents must be password protected.
- 12.2 Copies of the following documents must be retained securely in the departments. Original documents must be sent to the Senior Responsible Officer within 5 working days. They should be submitted in a sealed envelope marked "Confidential RIPA forms".
- The application and the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
 - The application to the Magistrates' Court and any relevant approval/court order;
 - A record of the period over which the surveillance has taken place;
 - The frequency of reviews prescribed by the Authorising Officer;
 - A record of the result of each review of the authorisation;
 - Any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested and Magistrates' Court approval;
 - The date and time when any instruction was given by the Authorising Officer.
 - An electronic log is maintained centrally on a restricted public folder within G/drive. The Log is kept in a password-protected Excel spreadsheet, located in drive G/RIPA 2000/ RIPA Log. Only Authorising Officers can view it.
 - The Council shall retain records for a period of at least 6 years from the ending of the authorisation. The Investigatory Powers Commissioner's Office (IPCO) can review the Council's policies and procedures and individual authorisations. The IPCO usually provide notice before an inspection but can arrive unannounced.

Copies of authorisations, renewals and cancellations are discoverable in legal proceedings. If proper records are not maintained, evidence gathered may be inadmissible.

12.3 Records Relating to the CHIS:

12.3.1 All information obtained by the CHIS and by the officer responsible for recording the use of the CHIS should be recorded by means of a daily log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.

12.3.2 All information recorded in respect of authorisations, surveillance or the use of CHIS must only be disclosed for the purposes for which it was gathered at the time or for use in any future civil or criminal proceedings brought by or against the Council.

12.3.3 Records which reveal the name(s) of the CHIS should only be disclosed to persons to the extent that there is a need for access to them; if legally necessary; or if ordered by any Court.

12.3.4 When it is intended to employ a CHIS a record must be kept that records all the detail specified in Appendix 2. The officer in charge of maintaining a record of the use of each CHIS should record all these details. The way these records are kept is designed to try to keep the CHIS safe from discovery by the subjects and safe from any harm which could result from their disclosure and also to keep in the open any money or other benefits paid to a CHIS who is not an employee officer of an authorising body.

13 RECORDED MATERIAL OBTAINED DURING INVESTIGATIONS

- 13.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should not be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018, [UK General Data Protection Regulation \(UK GDPR\)](#)~~General Data Protection Regulation (GDPR) (EU) 2016/679~~, the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Senior Responsible Officer or the Information and Records Manager.
- 13.2 Where recorded material is obtained, which is not related to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to suspect that it will be relevant to any future civil or criminal proceedings, it should be destroyed immediately.
- 13.3 Recorded Material obtained in the course of an investigation may be used in connection with investigations other than the one that the relevant authorisation was issued for. However, the use or disclosure of such material outside the Council, unless directed by any court order, should only be considered in exceptional circumstances and in accordance with advice from the Senior Responsible Officer.
- 13.4 Where recorded material obtained is of a confidential nature, then the following additional precautions should be taken:
- Confidential recorded material should not be retained or copied unless it is necessary for a specified purpose;
 - Confidential recorded material should only be disseminated in accordance with legal advice that it is necessary to do so for a specific purpose;
 - Confidential recorded material which is retained should be marked with a warning of its confidential nature. Safeguards should be put in place to ensure that such recorded material does not come into the possession of any person where to do so might prejudice the outcome of any civil or criminal proceedings;
 - Confidential recorded material should be destroyed as soon possible after it is used for the specified purpose.
 - Confidential recorded material should be made available for the IPCO at the time of any Inspection.

13.5 If there is any doubt as to whether material is of a confidential nature, advice should be sought from the Senior Responsible Officer.

13.6 The Authorising Officer must ascertain what material has been obtained by the use of directed surveillance. The Authorising Officer should comment on the material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any material has been securely destroyed.

~~13.6~~13.7 All surveillance activity must comply with the Data Protection Act 2018 and UK GDPR. Information must be securely stored and retained only for as long as necessary and in accordance with the Council's retention policies.

14 SOCIAL NETWORKING SITES

14.1 The use of the internet and social media for investigative purposes must be conducted lawfully and in accordance with this policy.

Viewing information that is openly available to the public will not normally require RIPA authorisation. However, RIPA authorisation may be required where officers:

- undertake repeated monitoring of an individual
- create false or misleading online identities
- join closed or private online groups
- interact covertly with individuals online

Officers must seek advice from the RIPA Monitoring Officer before undertaking any covert online activity.

~~14.1~~14.2 Where privacy settings are available but not applied the data available on Social Networking Sites may be considered 'open source' and an authorisation is not usually required.

~~14.2~~14.3 Repeat viewing of 'open source' sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.

~~14.3~~14.4 To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Council Officers should be mindful of any relevant guidance and the Council's separate policy regarding the use of Social Networking Sites: Conduct of Investigations.

14.5 Officers must have regard to the latest version of the Covert Surveillance and Property Interference Code of Practice and any guidance issued by the Investigatory Powers Commissioner's Office relating to online covert activity.

~~The Home Office Revised Code of Practice on Covert Surveillance and Property Interference, published in August 2018, provides the following guidance in relation to online covert activity:~~

~~'The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and engaging with the public they serve. It is important that public authorities are able to make full and lawful use of this information for their statutory purposes. Much of it can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.~~

~~The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).~~

~~In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.~~

~~As set out below, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.~~

~~Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.~~

~~Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online.'~~

14.4.14.6 Officers must consider the privacy implications of using social media for investigations. While initial reconnaissance on open profiles may not engage RIPA, systematic monitoring or repeated collection of data will likely require a Directed Surveillance authorisation.

14.5.14.7 Officers must adhere to the IPCO Code of Practice (2023) on online covert activity, including:

- Avoiding persistent monitoring unless authorisation is obtained.
- Documenting the necessity and proportionality of using online platforms.
- Taking additional precautions when engaging with private accounts or restricted content.

14.6.14.8 Use of covert human intelligence sources (CHIS) in online platforms must be pre-authorised in line with RIPA and IPA requirements.

15 TRAINING

15.1 Training on RIPA and the procedures set out in this policy document will be given or authorised by the Director: Governance. Any officer who wishes to undertake surveillance or employ a CHIS and all Authorising Officers must receive and maintain suitable training before signing any RIPA authorisations.

- 15.2 A Central Register of all officers who have received training on RIPA will be maintained by the Service Director: [Legal and Community Governance](#).
- 15.3 As part of the periodic review of this Policy and Procedures the Senior Responsible Officer will determine any ongoing training needs both for Authorising Officers and applicant officers. Refresher courses will be held as necessary.
- 15.4 The responsibility for ensuring that staff receive appropriate training in connection with RIPA lies with Service Directors.
- 15.5 The purpose of the training will be to ensure that both applicant and Authorising Officers are not only familiar with the law governing RIPA regulated activities, but also receive practical advice on the making and consideration of applications. In particular the training will be aimed at familiarising officers with the evidence that is needed to show that a covert operation is necessary, proportionate and likely to be conducted in a manner that will minimise collateral intrusion.
- 15.6 The training will also emphasise the need for Authorising Officers to state clearly the nature of the covert activity that they are authorising and the parameters of that activity i.e. what, where, when, how and against whom.
- 15.7 The importance of setting and observing review, cancellations and renewal dates will form part of the training.
- 15.8 The Senior Responsible Officer will invite pertinent officers to a biannual forum to discuss RIPA and issues relating to enforcement. The forum should aim to benchmark best practice.

16. ELECTED MEMBER INVOLVEMENT

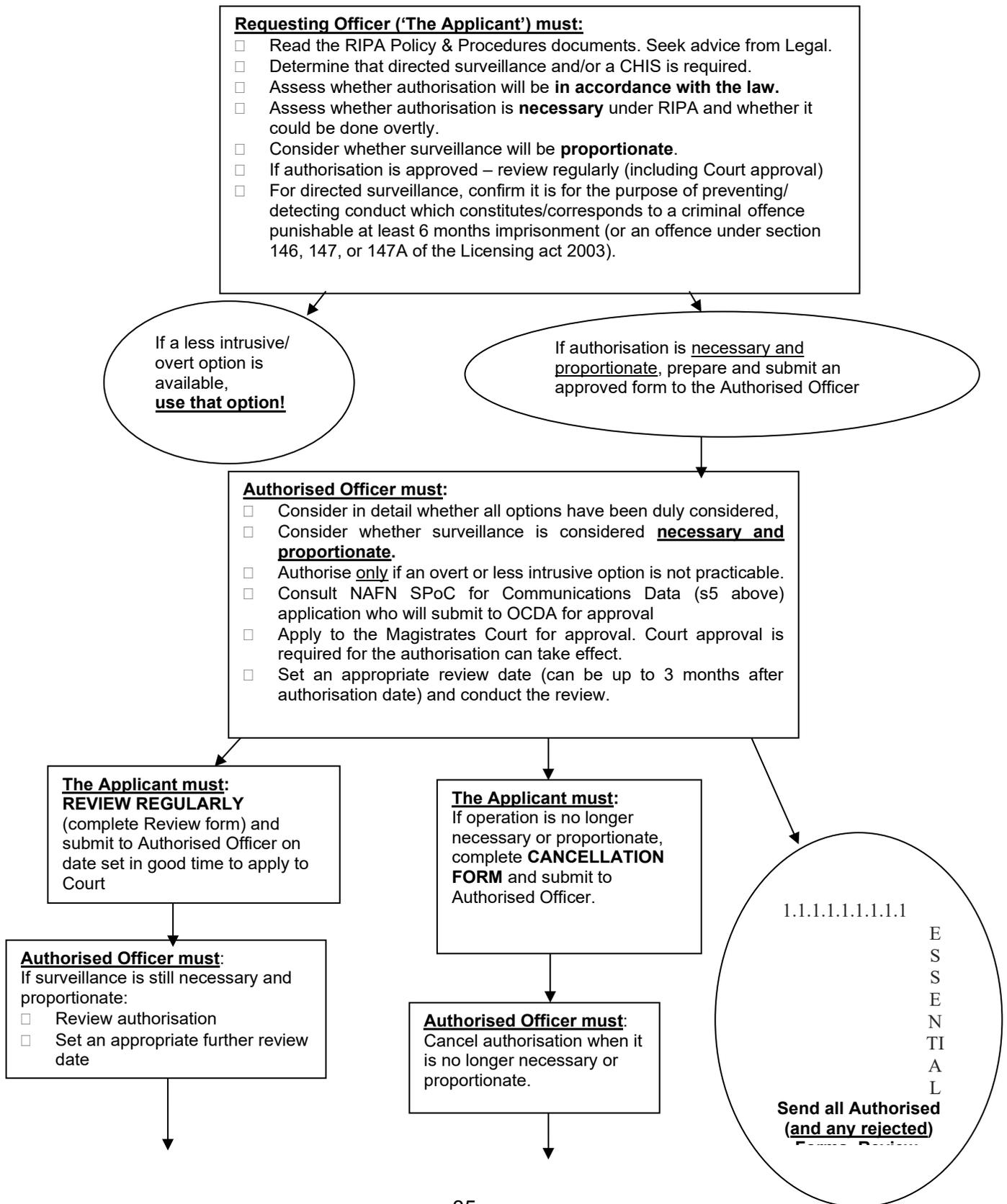
- 16.1 Two new Codes of Practice came into effect on 6 April 2010:
- Regulation of Investigatory Powers (Covert Human Intelligence Source: Code of Practice) Order 2010
 - Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010
- 16.2 The Codes of Practice state that elected members should:
- Set the RIPA policy at least once a year
 - Review the local authority's use of RIPA
 - Consider internal reports on the use of RIPA on at least a quarterly basis
- 16.3 The Terms of Reference for Cabinet in the Council's Constitution state that Cabinet is:

“To prepare and agree to implement policies and strategies other than those reserved to Council.”

The setting of the RIPA policy annually is therefore a role for Cabinet. The Partnerships Scrutiny Sub Committee will consider the Policy annually and make recommendations to Cabinet.

- 16.4 The requirement for members to review the local authority’s use of RIPA and consider internal reports on the use of RIPA on at least a quarterly basis is to be undertaken by the Overview and Scrutiny Committee in accordance with the terms of reference for that Committee contained in the Council’s constitution.

4.6.1.1.1.1.2 FLOW CHART OF RIPA PROCESS



- Send all Quarterly Returns to the Service Director: Governance Legal and Community's PA.
- The Codes of Practice state that elected members should:
 - Set the RIPA policy at least once a year
 - Review the local authority's use of RIPA
 - Consider internal reports on the use of RIPA on at least a quarterly basis (these are covered by in a Member Information Note or other appropriate notification).

APPENDIX B

AUTHORISING OFFICERS AND RESPONSIBLE OFFICERS

RIPA Authorising Officers	Head of Paid Service (Chief Executive), or in their absence someone acting as a Deputy Director: Customers, Director: Regulatory Director: Environment Director: Place
Authorising operations where confidential information may be obtained	Head of Paid Service only
CHIS Authorising Officer	Head of Paid Service only
CHIS Controller/Handler	Director: Environment Director: Customers Director: Place
Senior Responsible Officer	Director: Governance and Monitoring Officer
RIPA Co-ordinating Officer	PA to Director: Governance

Please note:

- Where use of a CHIS is authorised, the head of the directorate carrying out the activity shall usually act as the CHIS Handler, with the CHIS Controller role being allocated by the Head of Paid Service.
- Authorising Officers must be “an assistant chief officer or investigations manager” or above.
- The Authorising Officers should not be directly involved in the investigation.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL
REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)
POLICY & PROCEDURES



www.north-herts.gov.uk

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1 INTRODUCTION & BACKGROUND

- 1.1 This policy sets out how North Hertfordshire District Council will comply with the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 and associated Codes of Practice when carrying out covert surveillance, using covert human intelligence sources (CHIS) or acquiring communications data.
- 1.2 This policy provides the framework for the lawful and responsible use of investigatory powers by the Council. The Council recognises that covert surveillance can interfere with an individual's right to respect for private and family life under Article 8 of the Human Rights Act 1998. The Council therefore expects the use of RIPA powers to be exceptional and a last resort. This policy applies to all Council services and to any third parties undertaking investigations on the Council's behalf. The Investigatory Powers Act 2016 replaced Part I of RIPA and now governs the interception of communications and the acquisition of communications data. Part II of RIPA continues to regulate the use of directed surveillance and covert human intelligence sources. Officers must seek advice from Legal Services before seeking to obtain communications data to ensure the correct legislative framework is applied.
- 1.3 The use of covert investigatory powers by the Council is expected to be rare and will only take place where it is lawful, necessary and proportionate and where less Intrusive methods have been considered and found to be unsuitable.
- 1.4 This Policy is the framework on which the Council applies the provisions of The Regulation of Investigatory Powers Act 2000 (RIPA) as it relates to covert surveillance. It incorporates the provisions of the Investigatory Powers Act 2016 (IPA) and the Police, Crime, Sentencing and Courts Act 2022 (PCSCA), which introduce updated powers for acquiring communications data and extracting electronic data. It must be read in conjunction with the statutory codes of practice issued by the Secretary of State and any additional guidance provided by Investigatory Powers Commissioner's Office (IPCO) and individual Directorates to deal with the specific issues of their service.
- 1.5 The Council is required to adhere to the statutory codes of practice issued under RIPA and IPA, including those on covert surveillance, use of covert human intelligence sources (CHIS), and communications data acquisition. This policy also incorporates recent guidance issued by the Investigatory Powers Commissioner's Office (IPCO), particularly on the use of social media for surveillance and proportionality assessments when handling electronic data.

- 1.6 For the avoidance of doubt, all references to the Home Office Codes of Practice relate to the latest versions which were issued in relation to covert surveillance and covert human intelligence sources; and in relation to the acquisition and disclosure of Communications Data. References to the Code of Practice and other relevant Guidance document relate to the latest version which was issued¹ .
- 1.7 The Human Rights Act 1998 requires the Council to have respect for the private and family life of citizens. However, in rare cases, it may be lawful, necessary and proportionate for the Council to act covertly in ways that may interfere with an individual's rights.
- 1.8 The rights conferred by Article 8 of the Human Rights Act 1998 are qualified, so it is still possible for a public authority to infringe those rights providing the following criteria are satisfied;
- 1.9 It is done in accordance with the law
- 1.10 **It is necessary:** Necessity means that in the particular circumstances of each enquiry there is no reasonably available overt method of obtaining the information that is being sought. This test will have to be applied to each case on its own merits but if there is a reasonable alternative to covert surveillance then the necessity test will probably not be satisfied.
- 1.11 **It is proportionate:** Judging proportionality will probably involve three considerations.
- Is the proposed method of surveillance excessive in relation to the seriousness of the matter that is being investigated? Is it proportional to the mischief under investigation?
 - Is there a reasonable available alternative method of investigation that would be less intrusive of privacy rights? i.e. It is the only option, other overt means having been considered and discounted.
 - Can collateral intrusion be avoided, and is the surveillance proportional to the degree of anticipated intrusion on the target and others? In addition to the subject there may be a possibility that the privacy rights of a third party may be infringed during surveillance.
- 1.12 It is possible that unauthorised surveillance will be a breach of a person's right to privacy under Article 8. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords.

¹ Home Office – Communications Data Code of Practice 2018

- 1.13 If the correct procedures are not followed:
- The authorisation will not take effect as it will not be approved by the Magistrates Court if there are not reasonable grounds
 - Court proceedings that rely upon the information obtained by surveillance may be undermined
 - A complaint of maladministration may be made to the Ombudsman
 - The Council could be the subject of an adverse report by the Investigatory Powers Commissioner's Office
 - A claim could be made leading to the payment of compensation by the Council
- 1.14 Through the application of authorisation procedures and Magistrates Court approval RIPA ensures that a balance is maintained between the public interest and the human rights of individuals.
- 1.15 RIPA does not;
- Make unlawful anything that is otherwise lawful
 - Impose any new statutory duties (N.B. but see paragraphs 1.5 –1.7 on the possible consequences of non compliance)
 - Prejudice or disapply any existing powers available to the Council to obtain information by any means not involving conduct that is governed by RIPA. (For example, it does not affect the Council's current powers to obtain information from the DVLA or the Land Registry).
- 1.16 If the RIPA procedures are followed correctly the conduct of an investigation will be deemed lawful for all purposes (section 27 RIPA). This protection extends to criminal and civil proceedings, and a complaint to either the Local Government Ombudsman or the Investigatory Powers Tribunal. It therefore provides protection both for the Council and any officer who may have been involved in an investigation.
- 1.17 It is important to note that the legislation does not only affect directly employed Council staff. Where external agencies are working for North Hertfordshire District Council, carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so. Therefore, work carried out by agencies on the Council's behalf should be properly authorised by one of the Council's designated Authorising Officers and requires Magistrates Court approval for applications and renewals. Authorisation for surveillance should not be sought on behalf of another statutory or other organisation or agency. The advice of the Senior Responsible Officer ('SRO') should be sought in the event of uncertainty.
- 1.18 Applications to the Magistrates' Court for approval of an authorisation must be made in accordance with the requirements of the Court.

- 1.19 The use of the powers conferred by RIPA is subject to scrutiny by the Investigatory Powers Commissioner's Office, which carries out periodic inspections of the Council's practices and procedures. Furthermore, RIPA also provides for the establishment of a Tribunal to determine complaints about the use of RIPA powers. It is therefore essential that surveillance is always carried out in compliance with RIPA, the policies and codes of practice referred to in this document and any advice or guidance that may be issued from time to time by the Director: Governance.
- 1.20 The Council is subject to inspection by the Investigatory Powers Commissioner's Office (IPCO). The Council is committed to maintaining robust governance arrangements, accurate record keeping and effective oversight of all investigatory powers exercised under RIPA and the Investigatory Powers Act 2016.
- 1.21 The Senior Responsible Officer (SRO) has overall responsibility for ensuring compliance with this policy, the relevant Codes of Practice and all statutory requirements. The SRO will ensure that any errors are reported to IPCO in accordance with the Codes of Practice and that periodic reports are provided to elected Members.
- 1.22 RIPA provides a means of authorising certain acts of covert surveillance for a variety of purposes. To fully understand the effects of RIPA, it is essential to understand the various types of activity that are covered, and those that are not permitted, and the purposes that will justify surveillance.
- 1.23 The provisions of RIPA that apply to Local Authorities provide a regulatory framework that permits;
- The use of Directed Surveillance (Part 3)
 - The use of Covert Human Intelligence Sources (Part 4)
 - The Acquisition and Disclosure of Communications Data (Part 5)

2 SURVEILLANCE

- 2.1 Local Authorities and the Police are permitted under RIPA to carry out covert directed surveillance and to use covert human intelligence sources the definitions for each being as follows;

- 2.2 “Surveillance” includes:
- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations or their other activities or communications;
 - Recording anything monitored, observed or listened to in the course of surveillance; and
 - Surveillance by, or with, the assistance of a surveillance device, which will include cameras, video, and listening or recording devices.

Surveillance can be either **overt** or **covert**.

2.3 Overt Surveillance

- 2.4 Most of the surveillance undertaken by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases officers will be going about Council business openly (e.g. a routine inspection by an Environmental Health Officer) or will have notified the subject of the investigation that they are likely to be under surveillance. In the latter case officers need to be particularly alert to the possibility that the proposed surveillance may entail collateral intrusion into the lives and activities of persons other than the subject of the investigation (e.g. a visitor to premises). If there is the slightest possibility of collateral intrusion a RIPA authorisation should be obtained before any surveillance is carried out.
- 2.5 Surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned that recordings will be made if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.
- 2.6 Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, an officer visiting a site to check whether a criminal offence had been committed). Repeated visits may amount to systematic surveillance however, and require authorisation: if in doubt, advice should be sought from the RIPA Monitoring Officer or the Senior Responsible Officer.

2.7 Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by enforcement officers as part of general observation does not need to be regulated by RIPA, if the systematic surveillance of an individual is not involved. However, if binoculars or cameras are used in relation to anything taking place on any residential premises, or in any private vehicle, the surveillance can be intrusive even if the use is only fleeting. Any such surveillance will be intrusive “if it consistently provides information of the same quality as might be expected to be obtained from a device actually present on the premises or in the vehicle”. The quality of the image obtained rather than the duration of the observation is what is determinative. It should be remembered that the council is not permitted to undertake intrusive surveillance.

2.8 Use of body worn cameras should be overt. Badges should be worn by officers stating body cameras are in use and it should be announced that recording is taking place. In addition, cameras should only be switched on when recording is necessary – for example, when issuing parking tickets.

2.9 Covert Surveillance

Covert surveillance is covert where it is ‘carried out in a manner **calculated** to ensure that the person or persons subject to the surveillance are unaware that it is or may be taking place’.

RIPA requires the authorisation of two types of covert surveillance (directed surveillance and intrusive surveillance) plus the use of covert human intelligence sources (CHIS) or acquisition of Communications Data.

2.10 Covert Human Intelligence Source (CHIS)

2.11 A person is a covert human intelligence source if that person ‘establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information or providing access to any information to another person, or they covertly disclose information obtained by the use of such a relationship’. Covert in this context means that it is calculated that the subject should be unaware of the purpose of the relationship.

2.12 A member of the public who volunteers information to the Council is not a covert human intelligence source.

- 2.13 The conduct or use of CHIS must be authorised in accordance with RIPA:
- **Conduct** of a CHIS: This is establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining or passing on information.
 - **Use** of a CHIS: This includes inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.
 - The use of a juvenile CHIS may only be authorised for four months at a time.
- 2.14 Members of the public who report allegations of anti social behaviour and are asked to keep a note of incidents will not normally be CHIS as they are not usually required to establish or maintain a covert relationship.

2.15 Noise

- 2.16 Persons who complain about excessive noise, and are asked to keep a noise diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information (if non-verbal noise such as music, machinery or an alarm), and therefore does not require authorisation. Recording sound with a DAT recorder or similar, could constitute covert surveillance, although if it can be heard from the street outside, may (as per the Code of Practice²) be regarded as having forfeited any claim to privacy. The easiest option is for this to be undertaken overtly – for example it will be possible to record sound if the noisemaker is warned that this will occur if the level of noise continues.

2.17 Test Purchases

Carrying out test purchases will not normally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information, and therefore the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product e.g. illegally imported wild meat, or using covert recording equipment is likely to require authorisation as a CHIS. Similarly, using hidden recording devices to record what is going on in the shop (e.g. a hidden CCTV Camera) may require authorisation as directed surveillance. A combined authorisation can be provided if a CHIS is carrying out directed surveillance.

2.18 Directed surveillance

Directed Surveillance is surveillance that is:

- covert but not intrusive surveillance; (see paragraph 3.2)
- undertaken for the purpose of a specific investigation or operation carried out in such a manner as is likely to result in the obtaining of private information about a person (whether one specifically identified for the purposes of the investigation or operation) and
- not carried out as an immediate response to events which would otherwise make seeking authorisation under RIPA unreasonable (e.g. spotting something suspicious and continuing to observe it).

2.18.1 Surveillance by way of an immediate response to events or circumstances where it would not be 'reasonably practicable' for an authorisation to be sought is not included within the provisions of RIPA.

2.19 Private Information

This phrase is defined in RIPA section 26(10) as including any information relating to a person's private or family life. The European Court of Human Rights has considered this definition and has found that private life is a broad term not susceptible to exhaustive definition. Aspects such as gender identification, name, sexual orientation and sexual life are important elements of the personal sphere protected by Article 8. The Article also protects a right to identity and personal development and the right to establish and develop relationships with other human beings and the outside world and it may include activities of a professional or business nature. There is therefore a zone of interaction of a person with others even in a public context, which may fall within the scope of "private life".

The fact that covert surveillance occurs in a public place or on business premises does not necessarily mean that it cannot result in the acquisition of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about them and others that they come into contact with or with whom they associate. Similarly, although the overt use of CCTV cameras does not normally require authorisation, if the camera is used for a particular purpose that involves the prolonged surveillance of a particular person, a RIPA authorisation will be required.

3 Exclusions

3.1 There are some instances where surveillance is not permissible in any circumstances:

3.2 Intrusive Surveillance

RIPA provides that the Council **cannot** authorise intrusive surveillance. This is covert surveillance carried out in relation to anything taking place on residential premises or in any private vehicle, whether by way of a person or device. It will also be intrusive surveillance where a device placed outside consistently provides information of the same or equivalent quality and detail, as might be expected if it were in the premises or vehicle

Residential premises are any part of premises occupied for residential purposes or living accommodation, including hotel rooms or prison cells. However, it does not include common areas in blocks of flats and similar premises.

Private vehicle is a vehicle used primarily for private purposes by the owner or person entitled to use it.

Only the police or other law enforcement agencies are permitted to employ intrusive surveillance. Likewise, the council has no statutory powers to interfere with private property.

3.3 Use of Children to gather information about parent/ guardian

Authorisation may not be granted for the conduct or use of a source under the age of sixteen where it is intended that the purpose is to obtain information about their parent or any person who has parental responsibility for them.

3.4 Vulnerable Individuals

A vulnerable individual is a person who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. Where it is known or suspected that an individual may be vulnerable they will only be authorised as a CHIS in the most exceptional of circumstances.

3.5 Use of Third Parties and Contractors

Where surveillance activity is undertaken by contractors or partner agencies on behalf of the Council, the Council remains legally responsible for ensuring compliance with RIPA.

Appropriate written agreements must be in place and RIPA authorisation must be obtained by the Council.

4 Grounds for Surveillance

- 4.1 Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”) mean that a local authority can now only grant an authorisation under RIPA for the use of Directed Surveillance where the local authority is investigating criminal offences which attract a custodial sentence of a maximum term of at least 6 months' imprisonment, or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 and as amended by subsequent legislation.
- 4.2 Even if the person granting the authorisation believes that the authorisation is necessary, they must also be satisfied that the authorised activity is proportionate to what is sought to be achieved by it. This requires the Authorising Officer to balance the need for surveillance with the level of intrusion into any person's privacy.
- 4.3 Consideration should be given to collateral intrusion, which is interference with the privacy of persons other than the subject(s) of the surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

4.4 Confidential information

Careful consideration is also needed when there is a risk of obtaining confidential information.

The Covert Surveillance and Property Interference³ defines this as: “information held in confidence concerning an individual (whether living or dead) who can be identified from it, and the material in question relates to his or her physical or mental health or to spiritual counselling. Such information can include both oral and written communications. Such information as described above is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or any legal obligation of confidentiality. For example, confidential personal information might include consultations between a health professional and a patient, or information from a patient's medical records”.

In cases where it is likely that confidential information will be acquired the authorisation must be granted by the Head of the Paid⁴ Service (or in their absence by an authorised Chief Officer).

- 4.5 An application for an authorisation must include a full assessment of the risk of any collateral intrusion or interference so that the Authorising Officer can consider this.

³ 2018 @ para 9.29.

⁴ Where any relevant legislation and or codes of practice refers to the Chief Executive, for interpretation purposes this is deemed to be the person who holds the role of Head of Paid Service or their Deputy.

- 4.6 Authorising Officers must always consider the need for surveillance or CHIS and balance this against an individual's right to privacy under the Human Rights Act 1998. An officer seeking an authorisation should always be able to justify why it is necessary and why other, less intrusive, forms of investigation are unsuitable or have previously been tried without success and thus the matter has escalated to the requirement for covert surveillance.

5 ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

The Investigatory Powers Act 2016 and as amended by the Investigatory Powers (Amendment) Act 2024 ('IPA') provides the statutory framework for the lawful acquisition of Communications Data. Local authority applications must be submitted via the National Anti-Fraud Network (NAFN) and approved by the Office for Communications Data Authorisations (OCDA) in accordance with the Act.

- 5.1 Public Authorities can only apply if this is for 'the applicable crime purpose'. This means the data has to be wholly or partly Events data, the purpose of preventing or detecting serious crime; or in any other case, the purpose of preventing or detecting crime or of preventing disorder.
- 5.2 The types of Communications Data that Local Authorities' can access are Entity and Events Data, which are defined as:

Entity Data: means any data which is about:

- (ii) an association between a telecommunications service and an entity, or
- (iii) an association between any part of a telecommunication system and an entity, and
- (iii) consists of or includes data which identifies or describes the entity (whether or not by reference to the entity's location) and is not events data.

Events Data: any data which identifies or describes an event (whether or not by reference to its location) on, in or by means of a telecommunication system where the event consists of one or more entities engaging in a specific activity at a specific time. Where the purpose of the acquisition is to prevent or detect crime, and the data required is events data, the offence or conduct of the offence being investigated must meet at least one of the definitions of serious crime⁵.

⁵ Section 86(2A) of the Act this means: an offence for which an adult is capable of being sentenced to one year or more in prison; any offence involving violence, resulting in substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal; any offence committed by a body corporate; any offence which involves the sending of a communication or a breach of privacy; or an offence which involves, as an integral part of it, or the sending of a communication or breach of a person's privacy

- 5.3 The IPA has also removed the necessity for local authorities to seek Magistrates or Justice of the Peace approval to acquire Communications Data. Under the Investigatory Powers Act 2016, applications for communications data must be made to the Office for Communications Data Authorisations (OCDA) via the National Anti-Fraud Network (NAFN), who will consider the application prior to submitting this for approval to the OCDA. All applications must be approved before Communications Data is acquired. The Investigatory Powers Commissioner oversees the use of the powers (who with Judicial Commissioners have a role to approve authorisations to identify or confirm the identity of a journalist's source). The application process has otherwise been made more efficient through the ability to submit these electronically⁶.
- 5.4 Sections 37 to 44 of the Police, Crime, Sentencing & Courts Act 2022 (PCSCA) came into force on 8 November 2022. This provides public authorities with a further power to extract data held on electronic devices. It empowers public authorities to extract data from electronic devices where one of the following conditions is met:
- Preventing or detecting serious crime.
 - Locating a missing person.
 - Protecting a child or vulnerable adult from harm.
- 5.5 Before extracting electronic data, there must be:
- a reasonable belief that information stored on the device will be relevant to the investigative purpose,
 - Ensure the extraction of the information is necessary and proportionate to achieve the objective,
 - Comply with the statutory Code of Practice under the PCSCA, ensuring that risks to privacy are minimised.
- 5.6 As indicated in 5.5 above, the three scenarios provided under s37(2) are for the purpose of:
- (a) preventing, detecting, investigating or prosecuting crime;
 - (b) helping to locate a missing person; or
 - (c) protecting a child or an at-risk adult from neglect or physical, mental or emotional harm.
- 5.7 To ensure any extraction of stored communication under s.37 remains lawful, it is essential that the criteria and procedures set out within the PCSCA and the association Code of Practice are fulfilled.
- 5.8 Failure to follow statutory procedures may result in unlawful acquisition of communications data and may expose the Council and individual officers to criminal liability under the Investigatory Powers Act 2016.

⁶ See local authority procedures set out in paragraphs 8.1 to 8.7 of the Communications Data Code of Practice.

6 PROCEDURE TO OBTAIN A RIPA AUTHORISATION

6.1 Directed surveillance, the use of CHIS must be lawfully carried out in strict accordance with the terms of the relevant authorisation and Magistrates Court approval.

6.2 The Council will only very occasionally make use of CHIS so the applicant officer should consult the Senior Responsible Officer before making an application for a CHIS authorisation in order to ensure that the current statutory requirements and best practice are being observed.

6.3 Applications for Communications Data is as indicated above via NAFN.

6.4 All applications for authorisation must be sought and granted *before* any surveillance activity takes place. The decision whether or not to authorise an application must not be taken with the benefit of hindsight. This should be borne in mind when submitting an application to the Magistrates' Court under Paragraph 7 below.

6.5 Making the Application

- Before making an application for an authorisation the requesting officer must;
- read this policy document
- determine whether the activity that they are proposing to conduct involves directed surveillance or the use of a CHIS
- assess whether the activity will be in accordance with the law – is it governed by RIPA
- assess whether the activity is necessary and why
- assess whether the activity is proportionate.

If the activity could be conducted overtly or if a less intrusive option is available and practical use that option in preference to a RIPA authorisation.

6.6 The application form once completed by the applicant officer, must be submitted to an Authorising Officer, together with a health and safety risk assessment that should cover any potential risks to Council officers, or third parties, including members of the public.

6.7 The persons entitled to grant authorisations are designated in the Schedule of Authorising Officers, which is kept by the Senior Responsible Officer and is accessible on the Council's Intranet

6.8 The Authorising Officer should note:

- the date and time of grant or refusal;
- the reasons for that decision;
- the exact date on which the authorisation will be reviewed.

- 6.9 An application must describe:
- any conduct to be authorised;
 - the purpose of the investigation and how long the situation has existed;
 - why it is necessary;
 - why it is proportionate;
 - the intended subjects, if known;
 - the intended product that the surveillance will provide;
 - any potential collateral intrusion and the justification for this;
 - details of any confidential information that may be obtained;

6.10 The Application Forms

- 6.10.1 The Home Office has published standard forms for the use by local authorities. These have been adopted by the Council and can be accessed through the Intranet under *Corporate – Forms - RIPA*. Every box in the application form must be completed or marked n/a where it is not appropriate.
- 6.10.2 Each operation/ investigation must be allocated a unique reference number (URN). This will be the next number in sequence taken from the Central RIPA Log, as identified by the Authorising Officer and should be entered on the form.

7. MAGISTRATES' COURT APPROVAL

- 7.1 All RIPA authorisations (other than Communications Data) will require Magistrates' Court approval in the form of an order to take effect. The court must be satisfied that reasonable grounds exist in relation to the authorisation. The Home Office issued guidance to all Magistrates' Courts in England and Wales for a local authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice⁷.
- 7.2 Legal Services must be consulted on the form and content of the application to the Magistrates' Court for approval. The types of offences for which RIPA authorisation can be obtained by the Council are outlined under section 4 above.

8 DURATION OF AUTHORISATIONS

- 8.1 It is no longer possible for urgent authorisations to be given orally. However, a Magistrate may consider an authorisation out of hours in exceptional circumstances.
- 8.2 Directed surveillance authorisations will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect.

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

- 8.3 Three months' is deemed for the purpose of this guidance to mean three calendar months/twelve weeks from the date of approval by the magistrate.
- 8.4 Authorisations for the conduct or the use of covert human intelligence sources will last for up to 12 months, beginning with the day on which the grant or renewal takes effect.
- 8.5 Authorisations relating to Communications Data last 1 month.

8.6 **Review**

- 8.6.1 The Authorising Officer must review Directed Surveillance authorisations frequently, at least monthly. The frequency of mid term reviews should be risk assessed based on the nature of the operation. If this is a CHIS authorisation, then ordinarily this would be every 3-4 months. CHIS authorisations must be reviewed at intervals determined by risk assessment and in accordance with the relevant Code of Practice.
- 8.6.2 RIPA application forms must be reviewed on or before the expiry date of the authorisation which will be the date stated in the application form. When a RIPA authorisation is reviewed the appropriate form should be completed and record:
- the date and time of that review
 - confirmation as to whether the surveillance is to continue or not
 - the reasons for that decision
- 8.6.3 Authorisations must be reviewed regularly and cancelled when no longer necessary. Records of reviews and outcomes must be maintained.

8.7 **Renewal**

- 8.8 If at any time before an authorisation would cease to have effect, it is necessary for the authorisation to continue for the purpose for which it was given, it may be renewed in writing for a further period of 3 calendar months, beginning with the day when the original authorisation would have expired. Magistrates Court approval is required before a renewal takes effect.
- 8.9 The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.
- 8.10 Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation and are approved by the Magistrates' Court.
- 8.11 Prior to renewal of an authorisation for the use or conduct of a covert human intelligence source, there must be a full review of the use made of that source, the tasks given to that source and the information so obtained.

8.12 Cancellation

- 8.13 The Authorising Officer must cancel an authorisation if they become satisfied that the surveillance is no longer required or appropriate.
- 8.14 Authorisations should not be allowed simply to lapse. The matter should be referred to an Authorising Officer via the same process as for the initial application and a form of cancellation must be completed:
- if the necessary evidence has been obtained; or
 - it is decided at any time that the surveillance is unlikely to produce the evidence sought, then.
- 8.15 The Authorising Officer must then cancel the Application without delay. When cancelling the authorisation, the Authorising Officer is required to consider whether the surveillance was effective, necessary and met its objectives. Cancellations must be made using the cancellation form and should briefly detail what product(s) resulted from the surveillance.
- 8.16 When cancelling an authorisation, the Authorising Officer must ascertain what recorded material has been obtained using directed surveillance. The Authorising Officer should comment on the recorded material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any recorded material has been securely destroyed.

9 AUTHORISING OFFICERS

- 9.1 Authorisations may only be given by the Authorising Officers listed in Appendix B. Only the Head of Paid Service can authorise the use of a CHIS, or the acquisition of confidential information.
- 9.2 Applications for the acquisition of Communications Data can only be issued by a Home Office accredited single point of contact (SPoC). The Council has two SPoCs, Director: Customers and the Investigations Manager.
- 9.3 NAFN provides a SPoC service to local authorities. Local authorities using the NAFN SPoC service will still be responsible for scrutinising the application for Communications Data prior to contacting NAFN.
- 9.4 **Determining an Application**
- i. The applicant officer must complete the application form in its entirety.
 - ii. Authorisation under RIPA is quite separate from delegated authority to act under the Council's Scheme of Delegation. **RIPA authorisations are for specific investigations only and must be cancelled or renewed once the specific surveillance is complete, or about to expire.**
 - iii. The Authorising Officer should not just "sign off" an authorisation, they must give **personal consideration** to the necessity and proportionality of the proposed

action prior to applying to the Magistrates Court for approval and must personally ensure that the surveillance is reviewed and cancelled.

Any rejected applications must be entered into the RIPA log held by the Director: Governance.

9.5 In the case of applications for authority to carry out **directed surveillance** the Authorising Officer should:

- consider the relevant Codes of Practice
- consider whether the specific operation or investigation has been adequately described
- be satisfied as to the reasons for the application⁸ (see 4.1 for grounds).
- be satisfied that the directed surveillance is **necessary** in the circumstances of the particular case.
- be satisfied that the surveillance is **proportionate** to the stated purpose and objectives
- be satisfied that the possibility of collateral intrusion has been avoided or minimised
- consider the likelihood of confidential information being acquired
- check that an appropriate review period has been listed on the application form.

If there is an alternative practicable means of carrying out the surveillance, which is less intrusive, then the surveillance is neither necessary nor proportionate and should not be authorised. The least intrusive method should be used

Additional Factors when Authorising a CHIS

In addition, when authorising the conduct or use of a CHIS the Authorising Officer must

- be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved.
- be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS.
- consider the likely degree of intrusion of all those potentially effected.
- consider any adverse impact on community confidence that may result from the use or conduct, or the information obtained.
- ensure **records** contain statutory particulars and are not available except on a need to know basis.

⁸ S.I. 2010/521, see article 7A

- ensure that authorisations relating to the use of a juvenile CHIS are only for four months at a time.
- be satisfied that a full risk assessment has been undertaken.

9.6 The role of Senior Responsible Officer (SRO) is undertaken by the Director: Governance. The role of RIPA Co-ordinating Officer is undertaken by the Service Director's PA.

The SRO is responsible for:

- the integrity of the process in place within the public authority for the management of CHIS and Directed Surveillance;
- compliance with Part 2 of the Act and with the Codes;
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the IPCO inspectors when they conduct their inspections, where applicable; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

9.7 The role of CHIS Handler will be allocated to either one of the Director: Place, Director: Customers, or Director: Regulatory, depending which directorate is using the CHIS. The CHIS Controller will be allocated to one of the other two heads of service by the Head of Paid Service.

The CHIS Handler is responsible for:

- dealing with the CHIS on behalf of the Council;
- directing the day to day activities of the CHIS;
- recording the information supplied by the CHIS; and
- monitoring the CHIS's security and welfare.

The CHIS Controller is responsible for management and supervision of the CHIS Handler, and general oversight of the use of CHIS.

10 WORKING WITH / THROUGH OTHER AGENCIES

- 10.1 The Council may work in conjunction with other public authorities and enforcement bodies, for example, the Police, the Department for Work and Pensions or HM Revenue and Customs. Where the Council participates in a joint operation, it must satisfy itself that appropriate authorisation is in place. The Council must obtain and retain a copy of any partner agency authorisation and ensure that the activity falls within its scope. If another agency chooses to rely on a RIPA authorisation from this Council the Authorising Officer must be made aware.
- 10.2 A copy of another agency's authorisation should be obtained, and copies kept in the same manner as an authorisation granted by the Council. Officers should also ensure that review and renewal dates are noted and that copies of the appropriate forms are also obtained and kept appropriately.
- 10.3 In the event that a member of staff has concerns that an authorisation, Magistrates' Court approval, review, or renewal completed by a partner agency does not comply with the law, codes of practice, or agreed arrangements for surveillance, they should refer the matter to an Authorising Officer of the Council for further action as necessary.
- 10.4 When another agency (e.g. the Police, Inland Revenue etc), wish to use the Council's premises or facilities (other than CCTV) for their own RIPA action, officers should normally co-operate unless there are good operational or management reasons as to why the Council's facilities should not be used for the agency's activities. Suitable insurance or other indemnities may be sought from the agency in return for the Council's co-operation. In such cases the Council's RIPA forms should not be used if it is merely assisting and is not actually involved in the RIPA activity.

11 RECORD MANAGEMENT

- 11.1 The Council must keep a detailed record of all authorisations, Magistrates' Court approvals, reviews, renewals, and cancellations. Copies of all authorisations, Magistrates' Court approvals, records of oral authorisations, reviews, renewals, cancellations and refusals must be kept in a central register held by an Authorised Officer. In addition, all original authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations, refusals and other relevant documents must be sent to the RIPA Co-ordinating Officer, who maintains the central RIPA log (record of authorisations and rejections).
- 11.2 All information obtained during directed surveillance should be recorded in a surveillance log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.
- 11.3 Copies of all authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations and refusals should be kept for a period of 6 years after the conclusion of any Court proceedings arising for which the surveillance or use of the CHIS was relevant. If it is believed that the records could be relevant to pending or future criminal proceedings, the officer in charge of the investigation shall confirm that they should be retained for a suitable further period, subject to any subsequent review. The Council shall retain records for a minimum period of six years from the date of cancellation of the authorisation, or longer where required for legal proceedings or statutory purposes.. This decision must be notified to the Director: Governance.

12 Records maintained in the Directorates and Centrally

- 12.1 Generally, all material (in whatever media) produced or obtained during the course of investigations subject to RIPA authorisation (whether authorised or not), should be processed, stored and destroyed in accordance with the requirements of the Data Protection Act 2018, General Data Protection Regulation (GDPR) (EU) 2016/679, the Freedom of Information Act 2000 and any other legal requirements, including those of confidentiality and the Council's policies and procedures regarding document retention. The following paragraphs give guidance on some specific situations, but advice should be sought from the Director: Governance, or the Data Protection and Freedom of Information Officer where appropriate. All documents must be retained securely, and electronic copies of documents must be password protected.
- 12.2 Copies of the following documents must be retained securely in the departments. Original documents must be sent to the Senior Responsible Officer within 5 working days. They should be submitted in a sealed envelope marked "Confidential RIPA forms".
- The application and the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
 - The application to the Magistrates' Court and any relevant approval/court order;
 - A record of the period over which the surveillance has taken place;
 - The frequency of reviews prescribed by the Authorising Officer;
 - A record of the result of each review of the authorisation;
 - Any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested and Magistrates' Court approval;
 - The date and time when any instruction was given by the Authorising Officer.
 - An electronic log is maintained centrally on a restricted public folder within G/drive. The Log is kept in a password-protected Excel spreadsheet, located in drive G/RIPA 2000/ RIPA Log. Only Authorising Officers can view it.
 - The Council shall retain records for a period of at least 6 years from the ending of the authorisation. The Investigatory Powers Commissioner's Office (IPCO) can review the Council's policies and procedures and individual authorisations. The IPCO usually provide notice before an inspection but can arrive unannounced.

Copies of authorisations, renewals and cancellations are discoverable in legal proceedings. If proper records are not maintained, evidence gathered may be inadmissible.

12.3 Records Relating to the CHIS:

- 12.3.1 All information obtained by the CHIS and by the officer responsible for recording the use of the CHIS should be recorded by means of a daily log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.
- 12.3.2 All information recorded in respect of authorisations, surveillance or the use of CHIS must only be disclosed for the purposes for which it was gathered at the time or for use in any future civil or criminal proceedings brought by or against the Council.
- 12.3.3 Records which reveal the name(s) of the CHIS should only be disclosed to persons to the extent that there is a need for access to them; if legally necessary; or if ordered by any Court.
- 12.3.4 When it is intended to employ a CHIS a record must be kept that records all the detail specified in Appendix 2. The officer in charge of maintaining a record of the use of each CHIS should record all these details. The way these records are kept is designed to try to keep the CHIS safe from discovery by the subjects and safe from any harm which could result from their disclosure and also to keep in the open any money or other benefits paid to a CHIS who is not an employee officer of an authorising body.

13 RECORDED MATERIAL OBTAINED DURING INVESTIGATIONS

- 13.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should not be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018, UK General Data Protection Regulation (UK GDPR), the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Senior Responsible Officer or the Information and Records Manager.
- 13.2 Where recorded material is obtained, which is not related to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to suspect that it will be relevant to any future civil or criminal proceedings, it should be destroyed immediately.
- 13.3 Recorded Material obtained in the course of an investigation may be used in connection with investigations other than the one that the relevant authorisation was issued for. However, the use or disclosure of such material outside the Council, unless directed by any court order, should only be considered in exceptional circumstances and in accordance with advice from the Senior Responsible Officer.
- 13.4 Where recorded material obtained is of a confidential nature, then the following additional precautions should be taken:
- Confidential recorded material should not be retained or copied unless it is necessary for a specified purpose;
 - Confidential recorded material should only be disseminated in accordance with legal advice that it is necessary to do so for a specific purpose;
 - Confidential recorded material which is retained should be marked with a warning of its confidential nature. Safeguards should be put in place to ensure that such recorded material does not come into the possession of any person where to do so might prejudice the outcome of any civil or criminal proceedings;
 - Confidential recorded material should be destroyed as soon possible after it is used for the specified purpose.
 - Confidential recorded material should be made available for the IPCO at the time of any Inspection.
- 13.5 If there is any doubt as to whether material is of a confidential nature, advice should be sought from the Senior Responsible Officer.
- 13.6 The Authorising Officer must ascertain what material has been obtained by the use of directed surveillance. The Authorising Officer should comment on the material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any material has been securely destroyed.

- 13.7 All surveillance activity must comply with the Data Protection Act 2018 and UK GDPR. Information must be securely stored and retained only for as long as necessary and in accordance with the Council's retention policies.

14 SOCIAL NETWORKING SITES

- 14.1 The use of the internet and social media for investigative purposes must be conducted lawfully and in accordance with this policy.

Viewing information that is openly available to the public will not normally require RIPA authorisation. However, RIPA authorisation may be required where officers:

- undertake repeated monitoring of an individual
- create false or misleading online identities
- join closed or private online groups
- interact covertly with individuals online

Officers must seek advice from the RIPA Monitoring Officer before undertaking any covert online activity.

- 14.2 Where privacy settings are available but not applied the data available on Social Networking Sites may be considered 'open source' and an authorisation is not usually required.
- 14.3 Repeat viewing of 'open source' sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.
- 14.4 To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Council Officers should be mindful of any relevant guidance and the Council's separate policy regarding the use of Social Networking Sites: Conduct of Investigations.
- 14.5 Officers must have regard to the latest version of the Covert Surveillance and Property Interference Code of Practice and any guidance issued by the Investigatory Powers Commissioner's Office relating to online covert activity.

- 14.6 Officers must consider the privacy implications of using social media for investigations. While initial reconnaissance on open profiles may not engage RIPA, systematic monitoring or repeated collection of data will likely require a Directed Surveillance authorisation.
- 14.7 Officers must adhere to the IPCO Code of Practice (2023) on online covert activity, including:
- Avoiding persistent monitoring unless authorisation is obtained.
 - Documenting the necessity and proportionality of using online platforms.
 - Taking additional precautions when engaging with private accounts or restricted content.
- 14.8 Use of covert human intelligence sources (CHIS) in online platforms must be pre-authorised in line with RIPA and IPA requirements.

15 TRAINING

- 15.1 Training on RIPA and the procedures set out in this policy document will be given or authorised by the Director: Governance. Any officer who wishes to undertake surveillance or employ a CHIS and all Authorising Officers must receive and maintain suitable training before signing any RIPA authorisations.
- 15.2 A Central Register of all officers who have received training on RIPA will be maintained by the Service Director: Governance.
- 15.3 As part of the periodic review of this Policy and Procedures the Senior Responsible Officer will determine any ongoing training needs both for Authorising Officers and applicant officers. Refresher courses will be held as necessary.
- 15.4 The responsibility for ensuring that staff receive appropriate training in connection with RIPA lies with Service Directors.
- 15.5 The purpose of the training will be to ensure that both applicant and Authorising Officers are not only familiar with the law governing RIPA regulated activities, but also receive practical advice on the making and consideration of applications. In particular the training will be aimed at familiarising officers with the evidence that is needed to show that a covert operation is necessary, proportionate and likely to be conducted in a manner that will minimise collateral intrusion.
- 15.6 The training will also emphasise the need for Authorising Officers to state clearly the nature of the covert activity that they are authorising and the parameters of that activity i.e. what, where, when, how and against whom.
- 15.7 The importance of setting and observing review, cancellations and renewal dates will form part of the training.

- 15.8 The Senior Responsible Officer will invite pertinent officers to a biannual forum to discuss RIPA and issues relating to enforcement. The forum should aim to benchmark best practice.

16. ELECTED MEMBER INVOLVEMENT

- 16.1 Two new Codes of Practice came into effect on 6 April 2010:

- Regulation of Investigatory Powers (Covert Human Intelligence Source: Code of Practice) Order 2010
- Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010

- 16.2 The Codes of Practice state that elected members should:

- Set the RIPA policy at least once a year
- Review the local authority's use of RIPA
- Consider internal reports on the use of RIPA on at least a quarterly basis

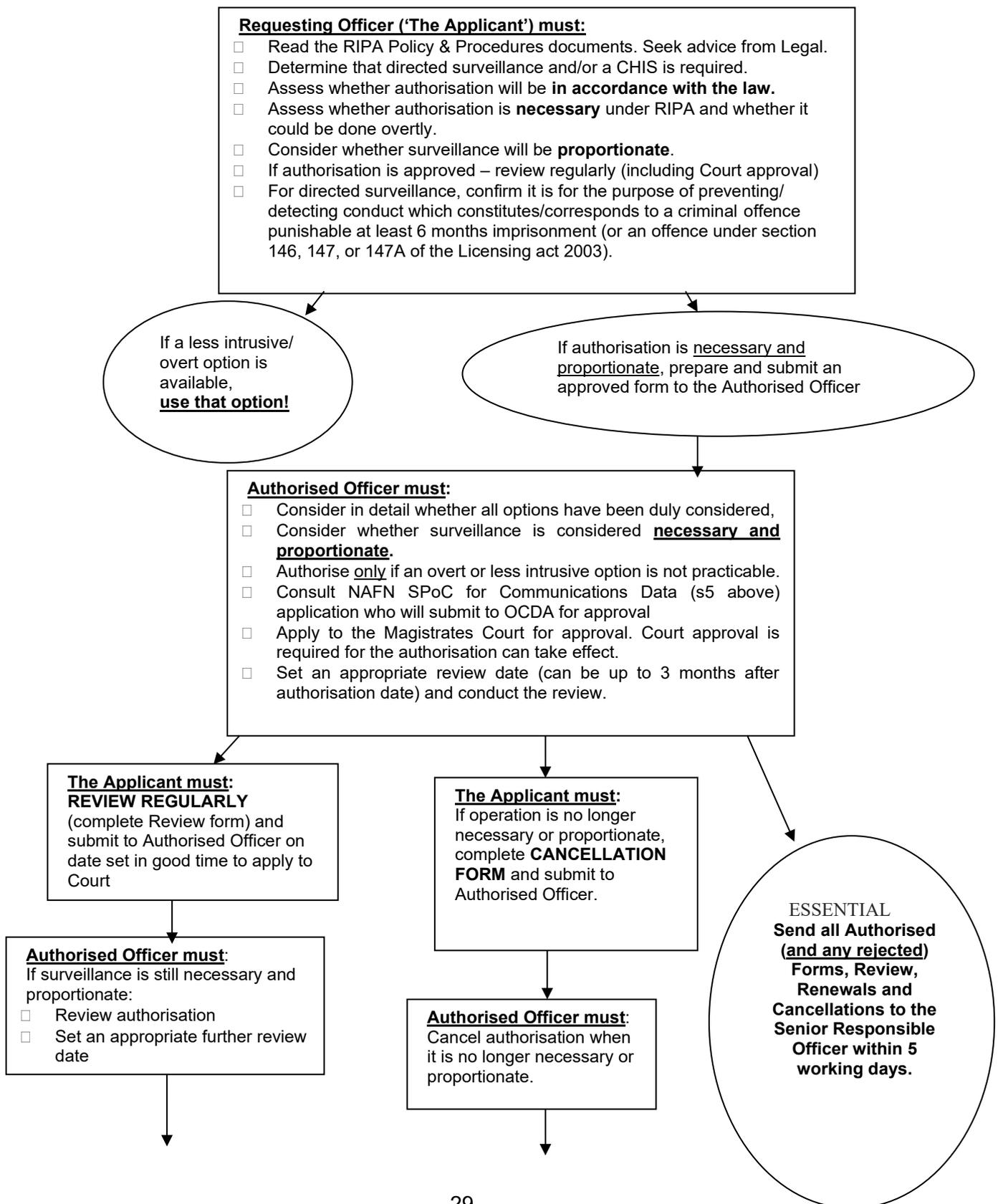
- 16.3 The Terms of Reference for Cabinet in the Council's Constitution state that Cabinet is:

"To prepare and agree to implement policies and strategies other than those reserved to Council."

The setting of the RIPA policy annually is therefore a role for Cabinet. The Partnerships Scrutiny Sub Committee will consider the Policy annually and make recommendations to Cabinet.

- 16.4 The requirement for members to review the local authority's use of RIPA and consider internal reports on the use of RIPA on at least a quarterly basis is to be undertaken by the Overview and Scrutiny Committee in accordance with the terms of reference for that Committee contained in the Council's constitution.

APPENDIX A
FLOW CHART OF RIPA PROCESS



- Send all Quarterly Returns to the Service Director: Governance PA.
- The Codes of Practice state that elected members should:
 - Set the RIPA policy at least once a year
 - Review the local authority's use of RIPA
 - Consider internal reports on the use of RIPA on at least a quarterly basis (these are covered by in a Member Information Note or other appropriate notification).

APPENDIX B

AUTHORISING OFFICERS AND RESPONSIBLE OFFICERS

RIPA Authorising Officers	Head of Paid Service (Chief Executive), or in their absence someone acting as a Deputy. Director: Customers Director: Regulatory Director: Environment Director: Place
Authorising operations where confidential information may be obtained	Head of Paid Service only
CHIS Authorising Officer	Head of Paid Service only
CHIS Controller/Handler	Director: Environment Director: Customers Director: Place
Senior Responsible Officer	Director: Governance and Monitoring Officer
RIPA Co-ordinating Officer	PA to Director: Governance

Please note:

- Where use of a CHIS is authorised, the head of the directorate carrying out the activity shall usually act as the CHIS Handler, with the CHIS Controller role being allocated by the Head of Paid Service.
- Authorising Officers must be “an assistant chief officer or investigations manager” or above.
- The Authorising Officers should not be directly involved in the investigation.

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OVERVIEW AND SCRUTINY COMMITTEE
24 MARCH 2026

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: SECTION 106 TASK AND FINISH GROUP REPORT

REPORT OF THE SECTION 106 TASK AND FINISH GROUP

EXECUTIVE MEMBER: NOT APPLICABLE

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

The report details the Task and Finish Group's review of North Herts' application of the Section 106 (s106) mechanism for securing developer contributions from new development and provides an overview of the assessment undertaken and recommendations identified.

2. RECOMMENDATIONS

- 2.1. That the Overview and Scrutiny Committee note the content of the report and its recommendations.
- 2.2. That the Overview and Scrutiny Committee comment on the proposed recommendations and confirm which of these should be considered by Cabinet.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To enable the Overview and Scrutiny Committee the opportunity to scrutinise the s106 Task and Finish Group report and recommendations.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. This report has been brought to the Committee and details the findings of the investigation undertaken.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Director: Place and the Development and Conservation Manager at North Herts Council held a s106 member briefing on s106 Obligations and Planning Enforcement.

- 5.2 Surveys and statement requests were sent to stakeholders, including Parish Councils, Housing Developers, Housing Associations, Statutory Consultees for Planning Applications and others as outlined in the report, for their view and comments on the North Herts s106 mechanism.
- 5.3 Members of the Task and Finish Group reviewed the survey and statement responses to identify further information requirements.
- 5.4 Senior Officers from the Growth and Infrastructure, Highways and Education teams at Hertfordshire County Council were invited to attend an in-person consultation, where members of the Task and Finish Group asked follow on questions from the statement response received.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 S.106 of the Town and Country Planning Act 1990 provides that planning obligations (commonly known as s106 Agreements) can be imposed by local authorities upon developers to make a development proposal acceptable, that otherwise would not be acceptable. They are usually focussed on site specific mitigation on the impact of a development and therefore it is important that s106 Agreement contributions are spent as intended. The work of the task and finish group is assessing the effectiveness of s106 Agreement contributions is in keeping with the spirit of the Town and Country Planning Act 1990.
- 7.2 At its meeting on [Tuesday 3 September 2024](#), the Overview and Scrutiny Committee discussed that a Task and Finish Group should be established to investigate and ensure the Section 106 mechanism provides the best outcomes for communities in North Hertfordshire.
- 7.3 Councillors had concerns that s106 commitments and contributions were not being delivered or spent and allocations of money were not put into community and social infrastructure for existing and new development within North Herts. It should also be considered whether another mechanism, such as a Community Infrastructure Levy (CIL), would deliver better outcomes for communities in North Herts prior to the adoption of the Local Plan.
- 7.4 With the Local Plan (adopted 2022) now being implemented, concerns have been exacerbated amongst Councillors, local residents and other stakeholders, as development is perceived to be taking place without appropriate levels of community infrastructure (such as, but not limited to Education, Healthcare and Highways Infrastructure) being delivered in order to mitigate the negative impacts of development and provide services to new and existing communities and residents in North Herts.

- 7.5 Regular updates on s106 had been requested at Planning Control Committee, but a further in-depth look at the overall process by the Overview and Scrutiny Committee was agreed.
- 7.6 Following discussions with the Chair and Vice Chair of the Committee, Cllr Muncer volunteered to develop the scoping documents for the Task and Finish Group to investigate the s106 process at North Herts Council.
- 7.7 The s106 Scoping document was approved by the Overview and Scrutiny Committee at their meeting on [Tuesday 12 November 2024](#).
- 7.8 The Panels first meeting was an informal meeting on Wednesday 30 April 2025, followed by its first formal meeting which took place on Wednesday 16 July 2025.
- 7.9 On completion of the investigation, the details of the groups assessment for desired outcomes were noted as recommendations. These were shared with Internal Officers, who provided service response for each of the recommendation as set out in Appendix A.

8. RELEVANT CONSIDERATIONS

- 8.1 The report of the Task and Finish Group, including the recommendations themselves, as well as commentary on the opportunities of these recommendations and responses from service areas, are included at Appendix A.
- 8.2 Paragraph 6.2.7(u) of the Council's Constitution enables the Overview and Scrutiny Committee: To appoint time limited task and finish groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet/Council/relevant Executive Member.
- 8.3 In 2020 the Committee approved the Task and Finish Group which sets out the process to be followed for the establishment of task and finish groups.
- 8.4 The Corporate Peer Action Plan 2020 at part 57 recommends that the Committee "Use the task and finish programme to support early engagement and involvement with policy making."
- 8.5 The Committee, Member and Scrutiny Manager contacted the Group Leaders seeking nominations for the Task and Finish Group. The principle of political proportionality was applied and agreed with the Group Leaders. Members of a Task and Finish Group do not have to be a Member of the Overview and Scrutiny Committee.
- 8.6 A lead officer was appointed by the authority and to act as support to ensure only that factual/legal guidance is given to and discussed by the Task and Finish Group.
- 8.7 All drafts of the scope, report and recommendations were shared with the lead officer/Leadership Team so that a parallel report could be produced by them in whatever

format they see fit. This is crucial to ensure that informed decisions that are taken also consider the advice and guidance of senior officers.

9. LEGAL IMPLICATIONS

- 9.1 Overview and Scrutiny Committees were established by the Local Government Act 2000 (s.9) (amended by the Localism Act 2011).
- 9.2 Section 6 of the Council's Constitution set out the Council's obligations with regard to scrutiny.
- 9.3 A task and finish group is an informal group, which undertakes scrutiny work, but is not covered by legislation. Section 6.2.7(u) of the Council's Constitution, however, permits the Overview and Scrutiny Committee to: appoint time limited task and finish groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet.
- 9.4 S.106 of the Town and Country Planning Act 1990 provides that planning obligations (commonly known as s106 Agreements) can be imposed by local authorities upon developers to make a development proposal acceptable, that otherwise would not be acceptable. They are usually focussed on site specific mitigation on the impact of a development and therefore it is important that s106 Agreement contributions are spent as intended. The work of the task and finish group is assessing the effectiveness of s106 Agreement contributions is in keeping with the spirit of the Town and Country Planning Act 1990.

10. FINANCIAL IMPLICATIONS

- 10.1 Depending on how they are applied in practice, the scope of the recommendation presented in Section 7 and 8 have the potential to be wide reaching. As detailed in Section 14: Human Resource Implications, the wider the reach, the more significant the impact on Officer time in terms of report writing, data analysis, and committee meeting attendance. Given recent funding pressures and the consequent reduction in Officer numbers, significant requests for scrutiny work will limit officer time available to spend on activities such as identifying and delivering cost reductions, income generation and project management.
- 10.2 Although not significant, a committee attendance allowance of £25.17 per Officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu or overtime as an alternative.

11. RISK IMPLICATIONS

- 11.1 Effective overview and scrutiny of policy, administrative, service delivery, and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and timeframe for scrutiny interventions should be considered in light of the

potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at the right time.

12. EQUALITIES IMPLICATIONS

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no direct equality implications arising from this report. Effective scrutiny is an essential part of ensuring the local government remains transparent, accountable and open which ensures that the delivery of public services benefits all aspects of the community, where practical.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1 While the process of the Task and Finish Group report does not have direct implications on the environment, the recommendations for s106 spend will likely have impacts on the environment which will be picked up through the Environmental Impact Assessment process

15. HUMAN RESOURCE IMPLICATIONS

15.1 The widening of the remit of the Community Partnerships Officers has the potential to significantly impact on officer time in terms of the reprioritisation of already agreed projects, their scope or timetabling or resources. There is also likely to be training required to ensure that Community Partnerships Officers are aware of the relevant considerations when supporting Parish Councils

16. APPENDICES

16.1 Appendix 1 – Section 106 Task and Finish Group Report

17. CONTACT OFFICERS

17.1 Jeevan Mann, Scrutiny Officer, Jeevan.Mann@north-herts.gov.uk

17.2 James Lovegrove, Committee, Member and Scrutiny Manager, James.Lovegrove@north-herts.gov.uk

18. BACKGROUND PAPERS

- 18.1 Minutes of Overview and Scrutiny Meeting on Tuesday 3 September 2024, at which the Section 106 Task and Finish group was discussed - [Agenda, decisions and Minutes from Overview and Scrutiny Committee - Tuesday, 3rd September, 2024 7.30 pm](#)
- 18.2 Minutes of Overview and Scrutiny Meeting on Tuesday 12 November 2024, at which the Section 106 Task and Finish group scope was approved - [Agenda, decisions and Minutes from Overview and Scrutiny Committee on Tuesday, 12th November, 2024, 7.30 pm | North Herts Council](#)



**North
Herts**
Council

Section 106 Task and Finish Report

To investigate the effectiveness of Section 106; and to examine whether it is the best mechanism to deliver community infrastructure.

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Section 106 Task and Finish Group Chair's Foreword

The North Hertfordshire Local Plan makes provision for over 13,000 new homes across the district, with the Planning Reforms implemented by Government leaving our communities more vulnerable to speculative development.

Representing a number of communities which have seen development take place, with more homes set to be built, I know a key concern for many across our district is that development is being imposed on communities without adequate infrastructure to support and mitigate the negative impacts of that development.

Without appropriate infrastructure, development is unsustainable and unsustainable development leaves our communities worse off and does a disservice to our residents both old and new.

Too often communities feel that development is being done to them, as opposed to local people and communities being at the centre of the process and what this inquiry has concluded, is that within the Section 106 process in North Hertfordshire there is a disconnect between the infrastructure priorities of the community and the infrastructure which is ultimately delivered through developer contributions.

In this report, we have set out eight key recommendations to improve the Section 106 process in North Hertfordshire.

These recommendations would not only close the gap between our communities and the Councils which serve them but seek to ensure that local people are able to fully benefit from development, with infrastructure schemes funded through Section 106 contributions being grounded in those communities impacted by development.

During the course of our inquiry, we did consider the possibility of recommending that the Community Infrastructure Levy (CIL) be introduced in North Hertfordshire. However, we concluded that this policy change would result in less money being collected from developers to be spent on community infrastructure improvements when compared to the current Section 106 regime, we therefore are not recommending that CIL be adopted in North Hertfordshire.

The planning landscape is constantly evolving and for that reason, reviewing how best to secure and deliver community infrastructure through developer contributions is something that should be an ongoing priority for this Council as we look to the future.

This has been a significant piece of work undertaken by Members and Officers at North Hertfordshire District Council and I would like to thank my colleagues for their invaluable contributions and engagement, Jeevan Mann and James Lovegrove for their assistance and support, as well as all those who took the time to provide crucial evidence, including Nigel Smith and Shaun Greaves, which has enabled my colleagues and I to produce a number of recommendations which if adopted, would help to address the concerns of thousands of people across our towns and villages.

**Councillor Ralph Muncer
Chair of Section 106 Task and Finish Group**

1. Background

Planning obligations under section 106 of the Town and Country Planning Act 1990 ([Town and Country Planning Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk)), are the mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable.

They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'developer contributions' along with highway contributions and the Community Infrastructure Levy.



Following the review of the North Hertfordshire Local Plan in November 2022, communities across the District have seen Planning Applications for sites identified within the Local Plan being given permission and development taking place.

At its meeting on [Tuesday 3 September 2024](#), the Overview and Scrutiny Committee discussed that a Scrutiny Task and Finish Group should be established to investigate and ensure the Section 106 mechanism provides the best outcomes for communities in North Hertfordshire.

Following approval of the Task and Finish Group, political group leaders were asked to nominate Members to sit on the panel, adhering to political proportionality.

A lead officer was appointed by the authority and to act as support to ensure only that factual/legal guidance is given to and discussed by the Task and Finish Group. All drafts of the scope, report and recommendations were shared with the lead officer/Leadership Team so that a parallel report could be produced by them in whatever format they see fit. This is crucial to ensure that informed decisions that are taken also consider the advice and guidance of senior officers.

The Panels first meeting was an informal meeting on Wednesday 30 April 2025, followed by its first formal meeting which took place on Wednesday 16 July 2025. The Panel concluded its business at its final meeting on Thursday 29 January 2026.

The report sets out the recommendations and underpinning evidence to support these. The Panel wishes to thank all stakeholders, witnesses and officers for the assistance provided with its work.

2. Recommendations and Service Responses

Eight recommendations were identified as part of the Task and Finish group consultation; these have been RAG rated by the group for prioritisation and complexity. The key below provides details for each RAG rating:

Prioritisation:

High	Must Have Critical requirements that are vital for success
Medium	Should Have Important but not vital High-value and should be included if possible
Low	Could Have Desirable To be implemented if time and resources permit

Complexity:

High	Complex to implement. Requires additional resource. Cost implications Other associated risks
Medium	May require change to existing policies/ procedures Requires external collaboration Lengthy timescale
Low	Easy to implement May be something currently being developed

Please refer to section 7 for a detailed breakdown of each recommendation.

A service response has been provided for each recommendation from the corresponding stakeholder.

Recommendation 1: Development of ‘Community Infrastructure Priorities’

- Parish Councils within North Hertfordshire develop a list of Community Infrastructure Priorities.
- In unparished areas of the District, we recommend Community Forums assume responsibility for developing these priorities.
- Recommend work is undertaken to investigate the feasibility of formalising this process as part of the updated North Hertfordshire Local Plan.

PRIORITY	COMPLEXITY
High	Medium

Service Response: Director of Place

The Government is proposing reforms to the planning system that will introduce *Neighbourhood Priority Statements (NPS)*.

These will give Parish and Town Councils—and possibly other local groups—a simpler, less resource-intensive way to set out planning priorities for their area, compared with the current Neighbourhood Plan process.

We are waiting for the Government to publish the secondary legislation needed to implement the new planning system. Once this is in place, we will be able to begin work on the Local Plan review and start engaging with stakeholders.

During the *Early Scoping* stage, expected in Spring/Summer 2026, we will consult Parish Councils and other key stakeholders. This will include highlighting the new option to prepare an NPS. We will also look at whether we can provide a straightforward template to help with this.

Any NPS—or other relevant feedback—will help shape the Local Plan and will be considered in discussions on planning applications. Future site allocation work may also draw on these priority statements.

We have provided support to Parish Councils (and other bodies) that have produced a formal Neighbourhood Plan for their area and encouraged the identification of local priorities in these documents.

Service Response: Policy and Community Manager

Community forums are informal meetings to increase public engagement and do not limit public speaking in the same manner as formal committee meetings. The constitution would have to be amended, and the Terms of Reference would need to be amended for the forums to take on this additional responsibility and delegation of decision making. The impact of the additional consideration of s106 obligation may increase the length of the meetings or reduce the participation of the public.

Recommendation 2: Utilisation of Community Partnership Officers

- Community Partnership Officers are trained and utilised to support Parishes in the completion of the Section 106 consultation form and act as a bridge between Parish Councils and the District Council as the Planning Authority.
- See also detail included under Recommendation 3 below.

PRIORITY	COMPLEXITY
High	Medium

Service Response: Director of Place

We previously offered this type of support through our Community Partnership function, but it was discontinued several years ago. As a result, the expertise and capacity needed for this work no longer exist. There is currently no dedicated resource or funding for this, and this would need to be addressed.

We support the principle of helping local communities. However, any reintroduction of this service would need to be carefully designed to ensure clear boundaries between Council roles and to manage risk. Officers may be asked for advice that is subject to legal constraints, which could create legal or reputational risks for the Council if expectations are not met.

Appropriate training and internal processes would be essential.

With the right safeguards and resources in place, the relevant Director would be supportive.

Service Response: Policy and Community Manager

Community Partnership Officers are not planning professionals and therefore do not operate or have detailed knowledge of the Planning framework (S106 obligations as set out in the Community Infrastructure Levy Regulations 2010). Advising on planning matters requires an in-depth understanding of the statutory requirements of the legislation.

Recommendation 3: S106 Training for Parish Councils

- In unparished areas, Community Partnership Officers work with the Chair and Members of Community Forums to complete the Section 106 consultation form.
- As part of the annual planning training offered to Parish Councils, greater emphasis is placed on S106 process and how Parishes can fully engage with the consultation.

PRIORITY	COMPLEXITY
Medium	Low

Service Response: Director of Place

See response to Recommendation 2 above.

Attendance from parish council representatives at previous training sessions was very low and resulted in this being discontinued. Given the large number of parishes in the District, there is not enough staff capacity for officers to visit individual Town and Parish Council meetings.

However, annual online training for all parish councils (and / or sharing of the recordings of this) could be delivered within existing staff resources. More frequent sessions could also be offered if additional funding were available to bring in external support.

Service Response: Policy and Community Manager

There needs to be careful consideration as to expectation of Community Partnership (CP) officers complete the s106 consultation form. The completion by a CP officer does not guarantee that a request will be successful and this needs to be clearly articulated and needs to avoid any perception of bias or predetermination. The exact role of the CP officer needs to be determined very clearly to avoid reputation risk, the correct interpretation of planning legislation and acting within their professional competence, if this is to be implemented. Currently CP officers only signpost to the website and relevant Planning officers for advice on s106 applications.

Recommendation 4: Improvement of Communication and Reporting

- North Hertfordshire District Council Section 106 webpage is updated to include, but not limited to, details of what community projects have been delivered and where, frequently asked questions, an overview of the process and the timeframes which should be expected, restrictions on what Section 106 contributions cannot be spent or and a named contact for more information on Section 106 in North Hertfordshire.
- Reinstatement of the Section 106 report for each area of the District (Southern Rural, Hitchin, Letchworth Garden City, Baldock and Villages and Royston and Villages).

PRIORITY	COMPLEXITY
High	Low

Service Response: Director of Place

Infrastructure Funding Statements (IFS), which already cover many of the issues raised in the recommendation, are now published on our website in line with Government requirements. We will share links to ensure people know what information is currently available.

Work is already underway to improve the website, including clearer navigation to relevant pages and guidance on how to request S106 funding.

The IFS remains a developing document. We have focused first on meeting statutory reporting requirements, but we also intend to make the report more engaging by highlighting specific projects delivered through S106 funding.

Previously, area reports were produced because this level of information was not publicly accessible. With the improvements above—and by increasing awareness of the available content among Councillors and Parish Councils—we believe this approach is the most effective way to meet the recommendation. Introducing additional committee reporting would place further pressure on staff resources. However, we support continued discussion to ensure appropriate access to information and scrutiny.

It may also be helpful to provide further training on how S106 contributions are phased and triggered, and how mitigation schemes are identified and delivered. This would improve understanding of the process and help manage expectations about what can be delivered immediately when development begins and what normally follows later.

Recommendation 5: Improvement of County Councillor Engagement

- That the Executive Member for Place in conjunction with the Chair of the Task and Finish Group, write to Hertfordshire County Council to request that their practices for Section 106 funding for developments in North Hertfordshire include engagement with the relevant County Councillor for the division impacted.

PRIORITY	COMPLEXITY
High	Medium

Service Response: Director of Place

Support that HCC's attention is drawn to this matter. Any response is an operational matter for relevant HCC officers and Councillors to consider.

Recommendation 6: Circulation of Hertfordshire County Council Infrastructure Prospectus

- That the Executive Member for Place in conjunction with the Chair of the Task and Finish group, write to Hertfordshire County Council to request that the distribution of the Infrastructure Prospectus includes relevant Members and Officers at North Hertfordshire District Council

PRIORITY	COMPLEXITY
Medium	Low

Service Response: Director of Place

Support that HCC's attention is drawn to this matter. Any response is an operational matter for relevant HCC officers and Councillors to consider.

Recommendation 7: Developer Engagement with Communities

- There is an expectation that developers engage and consult with the community as early in the planning process as possible, including at the pre-application stage, and following this engagement developers should clearly demonstrate to the District Council either as part of a planning application or supplementary document, the feedback received from the community and the amendments, if any, that have been made in response to this feedback. We also recommend this expectation is formalised as part of the updated North Hertfordshire Local Plan.

PRIORITY	COMPLEXITY
High	High

Service Response: Director of Place

The Council is legally required to produce a Statement of Community Involvement (SCI) to explain how the public will be involved in planning matters. Our SCI was updated in 2023 following adoption of the Local Plan. It encourages developers to engage with local groups and residents at the pre-application stage through letters, public exhibitions and direct contact with immediate neighbours.

A draft legal agreement is required for validation of all Major housing applications. Developments of 50 or more homes must include an application-specific Statement of Community Involvement.

Local Plans cannot set formal policies that require pre-application engagement; we cannot refuse to consider a planning application that is valid. However, we will continue to use the tools available under the new plan-making system to reinforce the expectations set out above.

Recommendation 8: Developer Contributions paid for 9 properties or less

- That as part of the updated North Hertfordshire Local Plan, a mechanism is developed to ensure developers are liable to pay a contribution towards community infrastructure and/or improvements for those developments of 9 homes or less.

PRIORITY	COMPLEXITY
Medium	High

Service Response: Director of Place

The general principle that an accumulation of small developments can impact upon overall infrastructure capacity is recognised. We have recently commissioned viability work to support the Local Plan review. This will assess a range of development scenarios and identify what contributions can reasonably be required from new development.

Government policy is generally moving toward reducing regulatory burdens on smaller schemes. However, there is currently nothing that specifically prevents this approach from being considered. We would need to consider, with infrastructure providers, how to most efficiently proceed with this as it would potentially require them to respond to a significantly higher number of applications.

We will continue to monitor national policy and explore suitable options through the Local Plan, in line with the Task and Finish Group’s recommendation.

3. Scope of Review

The Overview and Scrutiny Committee agreed to undertake a review of the Council's planning obligations Section 106, as part of the 2024-25 Work Programme.

The review was raised to determine if Section 106 contributions are being used effectively to mitigate the impact of new development on existing communities and provide appropriate levels of infrastructure to support new development.

Regular updates on the Section 106 obligations have been requested at Planning Control Committee, but an in-depth look at the overall process was agreed by the Overview and Scrutiny Committee, to ensure that Section 106 was the best option for North Hertfordshire Council or to alternatively identify another mechanism that would deliver better outcomes for the local communities.



The scrutiny review supported the Corporate Priorities of Thriving Communities, Responsible Growth, Sustainability and Accessible Services, whilst ensuring that planning contributions are being allocated for appropriate levels of community infrastructure and provide services to new, existing communities and residents in North Herts.

The aim of the review was:

To investigate the effectiveness of Section 106 and to examine whether it is the best mechanism to deliver community infrastructure.

The objectives agreed were:

- To understand how does the S106 funding system currently operate in North Hertfordshire.
- To ensure that Section 106 funding in North Hertfordshire is effective in providing community and social infrastructure for existing and new development.
- To access what the alternatives are available to Section 106 funding.
- To access if alternatives to Section 106 funding would deliver better outcomes for residents in North Hertfordshire.
- To identify if the Section 106 funding system continue in North Hertfordshire or should it be reformed.

The key issues identified for investigation included:

- 1) Rules governing S106 agreements (legal framework and policy)
 - a) To identify how the mechanism for S106 works – current legal and policy framework
- 2) How the current mechanism operates in North Hertfordshire
 - a) To understand and assess how the S106 regime has been implemented at North Hertfordshire – perspectives from County Council, local communities, NHS and developers
 - b) To understand how S106 funding is being allocated to provide community and social infrastructure for existing and new developments (limitations and benefits) – County and NHS allocation process
- 3) Issues/ concerns with the current mechanism
 - a) To identify how effectively the current S106 contributions are being allocated to deliver social and community infrastructure in a timely manner – identify if any problems are arising, understand if such issues could have been foreseen and highlight any specific characteristics such projects have in common.
- 4) Improvements or alternative mechanisms
 - a) To identify if there are any opportunities to enhance the current S106 mechanism to address any limitations.
 - b) To identify and examine alternative available mechanisms and their benefits/ limitations.
 - c) Comparison of S106 and alternative mechanisms.

A full list of the stakeholder groups can be found in Appendix 1

The Task and Finish Group committee comprised the following Members:

- Councillor Ralph Muncer (Chair)
- Councillor Ruth Brown
- Councillor Paul Ward
- Councillor Ian Mantle
- Councillor Daniel Wright-Mason

Support to the Committee was provided by the Scrutiny Officer, Jeevan Mann and Committee, Member and Scrutiny Manager, James Lovegrove.



4. Methodology

The Task and Finish group panel met on 7 occasions to consider the scope of the review, discuss key issues, review the evidence gathered and identify recommendations.

At its first meeting on Wednesday 30th April 2025, the Task and Finish Group developed the objectives and project plan for the review.

The Task and Finish group sought evidence in the way of:

- Internal enquiries to assess the Councils existing S106 mechanism, by way of a member briefing, background documents (Section 9) and interview with the Director of Place and Development and Conservation Manager.
- Internal enquiries to understand CIL and its application, by ways of background documents (Section 9) and interview with Director of Place and Development and Conservation Manager.
- An investigation and evaluation of stakeholder feedback on the councils S106 mechanism, by way of Survey and request for Statements (Appendix 2).



Summaries of the work undertaken at each meeting of the Panel are set out below:

Meeting	Date	Scope
1. Informal Meeting – Scope Review	April 2025	Develop objectives for the Task and Finish Group
2. Initial Planning Meeting	April 2025	High level planning meeting
3. Engagement Planning Meeting	July 2025	Identify Stakeholders and develop questions for the consultation
4. Consultation of NHDC Planning Officers	September 2025	Interview with North Hertfordshire Council Director of Place and Development and Conservation Manager
5. Consultation Analysis	November 2025	Analysis of feedback from consultation survey and statement
6. Consultation of HCC Planning Officers	December 2025	Interview with Hertfordshire County Council s Planning and Education Officers
7. Review of consultation and identification of recommendations	January 2026	Identify and draw out recommendation based on evidence gathered from the consultation

5. Evidence

The following section outlines the evidence that was gathered to address each of the Objectives set out in the Task and Finish group scope:

1) Rules governing S106 agreements (legal framework and policy)

Objective:

- a) To identify how the mechanism for S106 works – current legal and policy framework

Method:

- A briefing was received from North Herts Council Planning Officers and the Development and Conservation Manager to better understand the rules governing the use of the Section 106 Agreement
- The Director of Place provided background papers which had previously been submitted to Cabinet (Section 9) as well as an unpublished comparison report on CIL versus Section 106.

Evidence:

Members received a Briefing on S106 Obligations from Planning Officers and the Development and Conservation Manager, which included the following:

Enforcement

- Principles of planning enforcement.
- Identification of the enforcement powers and tools available to address the application of discretion and expedience in the exercise of those powers.
- Identification of some of the common issues relating to planning enforcement sand the involvement of elected members with enforcement matters within their community.

S106 Obligations

- Outline of the Section 106 process, procedures and limitations of S106 obligations. Including when and what is sought in terms of financial contributions and the involvement of elected members, parish/town councils and other parties in this process.

2) How the current mechanism operates in North Hertfordshire

Objective:

- a) To understand and assess how the S106 regime has been implemented at North Hertfordshire – perspectives from County Council, local communities, NHS and developers

Method:

- A short statement request was sent to stakeholders to understand how developer contributions from North Herts District Council are determined, allocated and spent.

Evidence:

Stakeholders provided responses to the following questions:

Statement requests 1

Hertfordshire County Council Planning and Education Officers, Herts and West Essex Integrated Care Board (ICB)

- How does your funding request process work?
- How are contribution amounts determined? (How do you work out how much you need to request)
- What is the internal process for allocating contributions?
- How much community engagement is carried out before making a request?
- How are the priorities for allocation identified?
- How is the spend of funding communicated back to North Herts Council?
- What do you do with the money once you receive it?
- What is your experience with communicating and dealing with North Herts Council?

Statement requests 2

Developers

- How do you find the process?
- Do you have any suggestion for improvements from a developer perspective and reasons for this?
- How do dealings with North Herts District Council compare to local authorities?

Copies of the responses received can be found at Appendix 2.

2) How the current mechanism operates in North Hertfordshire

Objective:

- b) To understand how S106 funding is being allocated to provide community and social infrastructure for existing and new developments (limitations and benefits) – County and NHS allocation process

Method:

- A short survey request was sent to Parishes, Community and Developer to provide them with an opportunity to feedback on the current North Herts S106 mechanism.

Evidence:

Stakeholders provided responses to the following questions:

- Do you know what “Section 106”, often referred to as S106, funding is?
- Do you know how to make a request for something to be paid for through developer contributions at North Herts Council?
- Have you requested or been involved in S106 funding requests at North Herts Council? How did you find the process to complete the S106 request?
- Do you understand the process after submitting your request?
- What if any challenges did you encountered with the S106 process?
- Do you feel that you received adequate feedback/communication following your request?
- Are you aware of any examples in your local area where developer contributions have been spent on a specific project for the community benefit?
- Please select from the available options how the contributions were spent
- Do you feel engaged on how developer contribution decisions are made?
- Do you feel engaged of how developer contributions were spent?
- How should developer contributions be prioritised and spent?
- Would you like to raise any comments regarding the current S106 development contribution mechanism.
- Please note this is not a chance to make a formal request for S106 funding.

Copies of the responses received can be found at Appendix 2.

3) Issues/ concerns with the current mechanism

Objective:

- a) To identify how effectively the current S106 contributions are being allocated to deliver social and community infrastructure in a timely manner – identify if any problems are arising, understand if such issues could have been foreseen and highlight any specific characteristics such projects have in common.

Method:

- A meeting was held by the Task and Finish group to analyse responses received from all stakeholder survey and statements.

Evidence:

Members of the Task and Finish group analysed the survey and statement responses to identify key themes for further investigation, these included:

- A lack of transparency with the S106 process
- Parish Councils, even if they understood S106, said the process to follow was hard
- A lack of understanding when to engage in the S106 process
- No wish list of projects
- Not enough expertise in Parishes
- Parish and District not working closely enough together
- Issues with requirements of finding schemes to be requested funds for
- Parishes not informed of what is left over for local schemes
- Understanding of realistic amounts to request
- Understanding that contributions are for local mitigations, not for general Council needs
- Parish Councils – reluctance to ask for S106
- More engagement early on with non-statutory bodies to outline the process

Following the analysis, it was identified that further investigations would be required and a face-to-face consultation was arranged with Hertfordshire County Council to delve into the issues and concerns identified.

4) Improvements or alternative mechanisms

Objective:

- a) To identify if there are any opportunities to enhance the current S106 mechanism to address any limitations.

Method:

- A meeting was held by the Task and Finish group to analyse responses received from the Hertfordshire County Council Planning and Education Officers and cross reference these against the outputs and analysis from the survey and statement responses that had been received.

Evidence:

An analysis was undertaken to identify key themes, gaps and opportunities for improvements, thereby drawing out recommendations.

The outputs of this activity are captured as recommendations in sections 2 and 7 of this report.

4) Improvements or alternative mechanisms

Objective:

- b) To identify and examine alternative available mechanisms and their benefits/limitations.
- c) Comparison of S106 and alternative mechanisms.

Method:

- North Hertfordshire Planning and Education Officer provided face-to-face statements to assist the Task and Finish Group in understanding the current S106 process and options for alternative mechanism – CIL and S106

Evidence:

Planning and Education Officers answered group member questions regarding S106 Planning Obligations.

6. Analysis

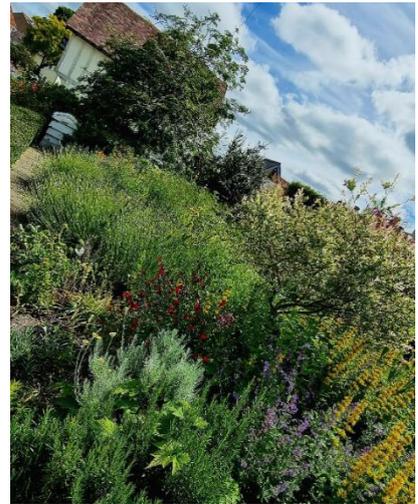
The following section details how the evidence gathered was analysed and used to drive out recommendations.

Three key determiners were used as part of the analysis and include:

Issue: Details the weaknesses / areas for improvement identified

Impact: Details the consequences of the issue

Opportunity: Identifies shifts that can be exploited to achieve benefits



Analysis	Opportunity
<p><u>Issue</u>: Parishes do not have the skills/ capacity to complete the S106 forms to request obligation monies for community projects.</p> <p><u>Impact</u>: Parishes are missing opportunities to influence/ request monies to mitigate development impacts within their community.</p>	<p>Train and utilise Community Partnership Officers to Support Parishes in the completion of S106 obligations forms and act as a link/ bridge between Parishes and local authority:</p> <ul style="list-style-type: none"> The Community Partnership Officers are close to the community and some already support this process. <p>Narrative: Reprioritisation of priorities may be required to facilitate this</p>
<p><u>Issue</u>: Parishes/ Unparished areas currently do not maintain a list of local community needs to put forward as part of S106 requests.</p> <p><u>Impact</u>: Parishes/ Unparished areas cannot react to S106 requests in a timely and detailed manner, thereby missing opportunities to request relevant monies for local community projects/ needs.</p>	<p>Encourage Parishes to maintain a Community Infrastructure Priorities list which can then be feed into the Neighbourhood Planning Process. This list should be regularly reviewed, prioritised and filed with the District Council to be referred to when development is imminent.</p> <ul style="list-style-type: none"> Formalise the process as part of the local plan review.

Analysis	Opportunity
<p><u>Issue:</u> Parishes do not have the skills to complete the S106 forms to request obligation monies for community projects.</p> <p><u>Impact:</u> Parishes are missing opportunities to influence/ request monies to mitigate development impacts within their community.</p>	<p>NHDC Planning Officers to provide annual training to Parish Councils/ Clerks, including:</p> <ul style="list-style-type: none"> • Understanding of the end-to-end process • How to complete key documents <p>Members will need to encourage Parishes to attend the training on an annual basis.</p> <ul style="list-style-type: none"> • Members to be part of the process to ensure that their communities are in the best possible position to secure infrastructure.
<p><u>Issue:</u> Communities and Parishes do not have sight of where S106 monies have been spent within local communities and what remains outstanding.</p> <p><u>Impact:</u> Communities are unable to prioritise or reallocate monies for local community infrastructure projects as they have no sight of the status of S106 obligations for their communities.</p>	<p>Develop/ expand on North Herts S106 webpage to include:</p> <ul style="list-style-type: none"> • Details of what community projects have been delivered and where • FAQ's / case studies • Overview of Process • Process and decision timeframes • Restrictions • Who to contact for S106 information <p>Reinstate the area-by-area S106 spend report.</p>
<p><u>Issue:</u> Hertfordshire County Council do not consult with County Members as part of the pre decision on S106 submissions.</p> <p><u>Impact:</u> Members are unable to feed in community priorities as part of decision making and are also unaware of the basis of decisions to feedback to communities once a decision has been made.</p>	<p>County member input to be incorporated into S106 pre decision process for:</p> <ul style="list-style-type: none"> • Transparency of decision making • Prioritisation of local community infrastructure needs • Feedback of decision making to communities.

Analysis	Opportunity
<p><u>Issue:</u> The HCC Infrastructure Prospectus is not distributed to district members/ officers.</p> <p><u>Impact:</u> District members do not have sight of the wider infrastructure plans for the County and are unable to influence/ feed into this for their local communities.</p>	<p>HCC to include District members in the distribution of the Infrastructure Prospects to enable:</p> <ul style="list-style-type: none"> • District members have an up-to-date view of the infrastructure delivery and can feedback any concerns to District S106 Officers
<p><u>Issue:</u> Not all developers conduct community engagement to consult the public on planned developments/ impacts and mitigations.</p> <p><u>Impact:</u> Communities where development takes place do not feel consulted. Impacts because of the development may not be appropriately prioritised and mitigated through the S106 process.</p>	<p>Developers are expected to engage with the community as early in the planning process as possible, including, at the pre-application stage and following this should stipulate their plans because of the local engagement:</p> <ul style="list-style-type: none"> • Highlight the outputs of this to the District Council • Included in the Local Plan under community engagement
<p><u>Issue:</u> Developers with less than 9 houses are not currently required to contribute towards S106.</p> <p><u>Impact:</u> Developers take the less than 9 rule as an opportunity to split out planned developments into several smaller developments to prevent the S106 obligations.</p>	<p>A mechanism is required to ensure that developers are truly developing less than 9 house because of the advantages it will provide to the local communities and not to avoid the need for S106 payments.</p>

7. Recommendation details

The main points from the consultation have been analysed and the committee has put together 8 recommendations based on opportunities identified, which will assist the Council in improving the Section 106 mechanism at North Hertfordshire Council.

Recommendation 1: Development of 'Community Infrastructure Priorities'

It is not normal practice for Parish Councils to maintain a list of potential projects that could be funded through Section 106 contributions, which limits the ability of these authorities to provide timely and detailed responses to the District Council when consulted as part of the Section 106 process. This has the potential to allow for communities to miss out on opportunities to request relevant monies for local community projects and needs.

Therefore, **we recommend that Parish Councils within North Hertfordshire develop a list of Community Infrastructure Priorities** which would provide local residents and Councils with greater clarity as to the infrastructure aspirations within our communities. **In unparished areas of the District, we recommend Community Forums assume responsibility for developing these priorities.** Community Infrastructure Priorities should be regularly reviewed by either Parish Councils or Community Forums and this document should be filed with the District Council to ensure planning officers are aware of the infrastructure priorities of communities impacted by future development.

Additionally, **we recommend work is undertaken to investigate the feasibility of formalising this process as part of the updated North Hertfordshire Local Plan** so that give greater weight is given to the infrastructure priorities of communities when planning applications are assessed by the District Council.

Recommendation 2: Utilisation of Community Partnership Officers

Please see recommendation three for detail.

Recommendation 3: S106 Training for Parish Councils

Parishes within North Hertfordshire often have a single member of staff, the Parish Clerk, who manages the business and operations of the Parish Council. Concerns have been raised about both the capacity and the expertise required to engage with the Section 106 process, particularly during the consultation phase, and there is a risk that because of these issues, Parishes are missing out on opportunities to influence and request monies to mitigate the impact of development within their communities.

Therefore, **we recommend that Community Partnership Officers are trained and utilised to support Parishes in the completion of the Section 106 consultation form and act as a bridge between Parish Councils and the District Council as the Planning Authority. In unparished areas, we recommend Community Partnership Officers work with the Chair and Members of Community Forums to complete the Section 106 consultation form**, ensuring these communities do not miss out on funding for local infrastructure projects. Whilst we acknowledge this recommendation may require reprioritisation within the Community Partnership Team, having looked at alternative options, we believe this responsibility should ultimately lie with the team, not least because Community Partnership Officers are close and in touch with communities across North Hertfordshire, with some already providing similar support to Parish Councils. In order to address the concerns which have been highlighted regarding the expertise required to partake in the Section 106 process, **we recommend that as part of the annual planning training offered to Parish Councils, greater emphasis is placed on S106 process and how Parishes can fully engage with the consultation** to ensure these authorities can secure infrastructure for the communities they serve. District Councillors have an important role in raising awareness of this training and should encourage Parish Councillors and Clerks to attend.

Recommendation 4: Improvement of Communication and Reporting

Communities and Parish Councils struggle to identify where Section 106 monies have been spent within local communities impacted by development, as well as what monies and/or projects remain outstanding. As such, communities are unable to prioritise or reallocate monies for local community infrastructure projects and therefore, **we recommend the North Hertfordshire District Council Section 106 webpage is updated to include, but not limited to, details of what community projects have been delivered and where, frequently asked questions, an overview of the process and the timeframes which should be expected, restrictions on what Section 106 contributions cannot be spent on and a named contact for more information on Section 106 in North Hertfordshire.**

We also recommend the reinstatement of the Section 106 report for each area of the District (Southern Rural, Hitchin, Letchworth Garden City, Baldock and Villages and Royston and Villages).

Recommendation 5: Improvement of County Councillor Engagement

The experience of the County Councillors taking part in this enquiry (Cllr Brown and Cllr Muncer) is that Hertfordshire County Council does not consult with County Members prior to the authority engaging with or submitting their proposals for schemes funded through developer contributions. This limits the opportunity for County Members to engage with County Officers, ensuring Officers are aware of the priorities within the community and take this information into account as part of the decision-making process. County Members also are unaware of the basis on which decisions have been made, presenting challenges with providing feedback and information to communities following a decision having been made by the authority to prioritise certain schemes.

Therefore, **we recommend Hertfordshire County Council review their pre-decision process for Section 106 funding for developments in North Hertfordshire to include engagement with County Councillors** to increase the transparency of decision making, ensure local community infrastructure needs are prioritised and that County Members are able to provide greater feedback to communities as to the decision-making process.

Recommendation 6: Circulation of Hertfordshire County Council Infrastructure Prospectus

Hertfordshire County Council produce an Infrastructure Prospectus; however, this prospectus is not shared with District Councillors or Officers which limits the ability of District Members to have a wider understanding of the strategic infrastructure plans for both the District and the County. This also means District Members are limited in their ability to influence this plan and the schemes that are proposed within it which may have an impact on the communities they represent.

Therefore, **we recommend that Hertfordshire County Council include Members and Officers of North Hertfordshire District Council in the distribution of the Infrastructure Prospectus** to support District Members in having an up-to-date view of infrastructure proposals and delivery, as well as ensuring that feedback can be given and/or concerns raised by District Members to District Section 106 Officers regarding specific projects.

Recommendation 7: Developer engagement with Communities

Some, but not all developers conduct pre-application consultation and engagement with the community regarding proposed developments, and the mitigations developers propose to put in place to address concerns surrounding pressures on local infrastructure. Where this engagement does not take place, communities do not feel they have been listened too or that their concerns have been addressed. Early community engagement is crucial not only to ensure that communities are able to suggest infrastructure improvements to a scheme but can also support placemaking which helps to ground development proposals in the communities they seek to be a part of.

Therefore, **we recommend there is an expectation that developers engage and consult with the community as early in the planning process as possible, including at the pre-application stage, and following this engagement developers should clearly demonstrate to the District Council either as part of a planning application or supplementary document, the feedback received from the community and the amendments, if any, that have been made in response to this feedback. We also recommend this expectation is formalised as part of the updated North Hertfordshire Local Plan.**

Recommendation 8: Developer Contributions paid for developments of 9 properties or less

Currently, developments in North Hertfordshire of 9 properties or less are not required to make a financial contribution for improvements to community infrastructure. This situation means that some developers could take the opportunity to split planned developments into several smaller developments in order to avoid Section 106 obligations which would have a detrimental impact on the communities impacted by these developments. However, we recognise the work of Planning Officers at North Herts Council to ensure that such proposals are identified, with the relevant policies and requirements being applied to ensure that developer contributions are paid on the total quantum of development.

Across North Hertfordshire, we have a significant number of smaller, rural communities, where development of 9 homes or less, has a more pronounced impact on local community infrastructure than if such development were to be proposed in a more urban setting.

Therefore, **we recommend that as part of the updated North Hertfordshire Local Plan, a mechanism is developed to ensure developers are liable to pay a contribution towards community infrastructure and/or improvements for those developments of 9 homes or less.**

8. Conclusion

Following concerns being raised by members of the Council surrounding the effectiveness of the S106 process in North Hertfordshire, the Overview and Scrutiny Committee determined that this matter was of significant importance to warrant further detailed scrutiny and investigation in examining whether the Section 106 regime is the best mechanism to deliver community infrastructure.

What this inquiry has concluded, is that within the Section 106 process in North Hertfordshire there are a number of issues, not least a disconnect between the infrastructure priorities of the community and the infrastructure which is ultimately delivered through developer contributions, which if left unchecked could lead to communities facing determinantal impacts as a result of local development taking place.

Therefore, we have made the recommendations contained within this report, which if adopted, would allow communities to be more engaged with the planning process and ensure that community infrastructure aspirations are prioritised. However, we recognise that the planning landscape is constantly evolving and that some of the recommendations set out in this report would require changes to legislation and regulation that can only be affected by Parliament.

Following the responses received to the recommendations in section two of this report, we also appreciate that some progress is being made by the District Council towards improving the current process, although moving forward it will be crucial to ensure these matters are monitored and continuously reviewed to enable our communities to fully benefit from developer contributions.

9. Appendices

Appendix 1: Stakeholders

Stakeholders asked to respond to survey/ statement requests:

- Conservators of Therfield Heaths and Greens
- 14 Developers
- Hertfordshire County Council Education
- Hertfordshire County Council Growth & Infrastructure
- Hertfordshire County Council Highways
- Herts and West Essex Integrated Care Board
- 23 Housing associations
- Natural England
- North Herts Council Housing
- North Herts Council Legal
- North Herts Council Leisure
- North Herts Council Museums
- North Herts Council Open Space
- North Herts Council Waste
- 27 Parishes in North Hertfordshire
- Sport England

North Herts stakeholders engaged during the review:

- Director – Place
- Development and Conservation Manager

Appendix 2: Stakeholder Consultation results

- 2.1 Stakeholder responses to short survey
- 2.2 Sports England and Others Questionnaire Results
- 2.3 Developer Questionnaire Results
- 2.4 HWE ICBs Response to NHDC Section 106 Statement request
- 2.5 HCC Response to NHDC Section 106 Statement request

10. Background Papers

- 9.1. Background Paper to members 30012025 (*included below*)
- 9.2. [Cabinet December 2018](#) Strategic Planning Matters - [Report](#)
- 9.3. [Cabinet January 2020](#) Draft Developer Contributions SPD - [Report](#)
- 9.4. [Cabinet March 2021](#) Local Plan Implementation - [Report](#)
- 9.5. [Cabinet November 2023](#) Strategic Planning Matters - [Report](#) (Levelling Up and Regeneration Act 2023)
- 9.6. Hertfordshire County Council Case Studies of S106 spend North Herts (*included below*)

BACKGROUND PAPER
TASK AND FINISH GROUP
EFFECTIVENESS OF SECTION106 FUNDING

1. Introduction

- 1.1 This background paper sets out matters relating to an investigation of the effectiveness of Section 106 obligations in delivering community infrastructure. The paper seeks to provide the Chair of Overview & Scrutiny with sufficient information to enable a Task & Finish Group to be established.

2. Key Issues

- The legal framework and policy governing S106 agreements
- How the current mechanism operates in North Hertfordshire
- Issues or concerns that have been expressed with the current mechanism
- Alternative mechanisms and whether they would enable better outcomes for communities within the District.

3. Legal Framework and Policy

Legislation

- 3.1 S106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally binding agreement or planning obligation with a landowner as part of the granting of planning permission. The obligation is termed a Section 106 agreement. Developers may also submit a Unilateral Undertaking (UU), which is a simplified version of a Section106 agreement where developers submit a legal deed that covenants to perform planning obligations.
- 3.2 Other relevant legislation includes:
- The Community Infrastructure Levy (CIL) Regulations 2010 (as amended)
- 3.3 The common use of a planning obligation is to secure affordable housing, on-site infrastructure or a financial contribution to provide infrastructure off-site. Regulation 122 of the CIL Regulations (as amended) sets out three tests for Planning Obligations. These are:
- a. Necessary to make the development acceptable in planning terms
 - b. Directly related to the development; and
 - c. Fairly and reasonably related in scale and kind to the development.

Policy

- 3.4 There are local and national planning policies relating to S106 obligations. The Council adopted the North Hertfordshire Local Plan in November 2022.

Following that the Developer Contributions Supplementary Planning Document (SPD) was adopted in January 2023.

- 3.5 The following Local Plan Policies are important to the consideration of applications for planning permission and Planning Obligations.

Policy SP7: Infrastructure requirements and developer contributions

- 3.6 Requires development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development. We will:

- a) Require developers to provide finance and/or contribute towards provision which is fairly and reasonably related in scale and kind to development including:
 - i. On site and/or off site improvements and infrastructure necessary as a result of the development in order to:
 - Ensure appropriate provision of facilities and infrastructure for new residents;
 - contribute toward addressing cumulative impacts that might arise across multiple developments;
 - avoid placing unreasonable additional burdens on the existing community of existing infrastructure;
 - mitigate adverse impacts where appropriate; and/or
 - enhance critical assets or make good their loss or damage; and
 - ii. maintenance and/or operating costs of any such new provision.
- b) Ensure essential new infrastructure to support new development will be operational no later than the completion of development for during the phase in which it is needed, whichever is earliest;
- c) Refuse planning permission where appropriate agreements of process ensuring criteria (a) and (b) can be met are not in place;
- d) Have regard to relevant national guidance or requirements in relation to planning obligations and any Community Infrastructure Levy or successor funding tariff which may be introduced by the Council;
- e) Work with landowners, developers and other agencies in facilitating the delivery of sites identified in the Local Plan and associated infrastructure and seek to overcome known obstacles ; and
- f) Need robust evidence to be provided where developers consider that viability issues impact upon the delivery of key infrastructure and/or mitigation measures. This evidence will be used to determine whether an appropriate and acceptable level of contribution and/or mitigation can be secured.

Policy HS2: Affordable housing.

- 3.7 Stipulates that planning permission for new homes will be granted provided that affordable housing is provided in accordance with identified targets (e.g. 40% for developments of 25 or more dwellings) subject to viability.
- 3.8 Whilst the delivery of affordable housing can be controlled by a planning condition attached to a planning permission, there is a preference from affordable housing providers that this matter is controlled by a S106 agreement.

Developer Contributions SPD January 2023

- 3.9 This supplementary planning document sets out detailed guidance on the type and scale of developer contributions that will be sought to support new development in our area and is a material consideration to which significant weight should be attached when determining planning applications. This document is used as guidance when securing obligations, whether by S106 agreements or UU.

Government Policies and Guidance

- 3.10 The National Planning Policy Framework (NPPF December 2024) repeats the statutory tests for S106 Planning Obligations at paragraph 58 (see 3.3 above). Paragraph 59 of the NPPF confirms that *“it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case....”*

All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs and should be made publicly available.”

- 3.11 Detailed guidance is provided on the use of S106 Planning Obligations and CIL in the National Planning Practice Guidance.

4. How the current mechanism operates in North Hertfordshire

- 4.1 When an application for planning permission is submitted, an applicant may submit what are called draft Heads of Terms. These are a list of planning obligations that the applicant proposes. There may have been pre-application consultations with the Council, the County Council and the local community which would have informed the applicant as to what planning obligations may be sought. The applicant should also review and consider our adopted Developer Contributions SPD, as well as national guidance.

- 4.2 Planning obligations are normally sought for housing development of 10 or more units and affordable housing is sought for developments of 11 units or more in accordance with Local Plan Policy HS2.
- 4.3 On the receipt of an application for planning permission for 10 dwellings or more, Parish Councils are provided with a form to complete setting out details of the financial contributions or other obligations that they are seeking to address the impacts of that development.
- 4.4 The planning case officer will consider the draft Heads of Terms and following consultation with parties including Parish Councils will seek to agree the Heads of Terms with the applicant and instruct legal services relating to the production of a draft S106 agreement or review of a draft UU submitted by the applicant.
- 4.5 Parish Councils may seek assistance from the planning case officer to act as their advisor or planning consultant during this process with regard to seeking s106 funding. However, that is not the officer's role and providing such advice to a third party may constitute a conflict of interest. It is the role of the planning case officer to consider any submissions by third parties and not advise them on what they should submit.
- 4.6 The planning case officer considers any submissions received against legislation and planning policies. If planning obligations sought by Parish Councils or other parties, such as other NHDC departments and the County Council, are found to meet the relevant legislation and planning policies then these are requested from the applicant.
- 4.7 Requests from other Council departments usually lack detail and justification and again it is not the role of the planning case officer to act as advisor or planning consultant for other departments. However, further information can be requested and general guidance on the process can be provided.
- 4.8 Following negotiations with the applicant and agreement of Heads of Terms and the production of a Draft S106 agreement/UU, an application will be considered and the content of the agreed Heads of Terms or provisions within the draft agreement or UU will be set out in the officer report. In most cases developments of a scale requiring a S106 agreement will be reported to the Planning Control Committee. A resolution will be made either to refuse planning permission or grant subject to the applicant entering into a S106 agreement or submitting a completed and signed UU.
- 4.9 Once an obligation has been signed, information is recorded by the Council's Section 106 Monitoring Officer within the Conservation and Enforcement Team. The following information is recorded:
- Planning application reference number and location of development
 - Date of the S106 agreement
 - Whether S106 agreement or UU
 - Obligation type: such as open space, sustainable transport, healthcare, community, waste & recycling etc.

- Details of the obligation due, whether index linked and trigger for payment
 - Clawback period
 - Developer detail
- 4.10 The Council currently have a part-time S106 Monitoring and Planning Compliance officer. The demands on this role will increase as more of the Local Plan allocated sites come forward through the development management process. Monitoring fees are required and form part of the provisions of a S106 agreement and it is anticipated that these fees will fund additional staff resource in the future to ensure that there is effective monitoring.
- 4.11 An Infrastructure Funding Statement (IFS) will be made available shortly on the Council's website. This will set out the following details of all S106 obligations:
- Obligations secured – whether the trigger point for contributions has been met and whether a contribution is now due
 - Obligations received – relevant monies received by the Council.
 - Allocated monies – monies that have been allocated to a specific project as outline in the legal agreement or UU
 - Spent contributions – monies that have been spent on a purpose specified in the S106 legal agreement or UU.
 - Returned contributions – monies that have been returned to a developer
- 4.12 The IFS will be updated regularly, and this will be available for anyone to view the above information.

5. Issues or concerns that have been expressed with the current mechanism

- 5.1 The issues or concerns that officers are aware of are as follows:
- Parish Councils have difficulty in understanding and fully engaging in the process due to an absence of time and/or expertise;
 - That there are limitations to what and when planning obligations may be sought;
 - Whether S106 contributions are being allocated and spent in a timely manner;
 - Time taken to sign legal agreements once a resolution to grant planning permission has been taken;
 - What improvements can be made to the current mechanism; and
 - Awareness of funding.

Parish Council requests

- 5.2 Training was undertaken on 13 January 2025 for NHC Members and Parish Councillors and the issues raised relating to requests from Parish Councils were discussed.

- 5.3 Parish Council's objecting to proposals may be reluctant to engage in the process of seeking Planning Obligations due to the concern that this may be misconstrued as support for a proposal or dilute objections to a proposal. However, officers always encourage engagement as the local authority may not be the determining body, for example in the case of an appeal. Also, any requests are without prejudice to opposition to a proposed development.
- 5.4 A form is supplied for completion by Parish Council's and this form confirms the CIL tests set out above. Parish Councils may have difficulty in understanding these tests and in providing sufficient detail to enable the planning case officer to consider the submission and put these to the applicant.
- 5.5 There is therefore a gap in the current process in terms of obligations that are sought by Parish Council's. This matter could be addressed by allocating resources for independent advice to Parish Councils. The impact, both in time and financial costs, of allocating such a resource from within NHC given current resources are likely to be prohibitive. A more sustainable solution would likely be the regular training for all or a select group of Parish Councillors who can then share their knowledge within the Parishes. This approach could then also address some of the issues discussed below.

Limitations to what and when obligations may be sought

- 5.6 The CIL tests place limitations upon what can be sought. Contributions must address the impacts of a proposed development and not existing shortfalls in infrastructure, facilities or services. The contributions sought must be reasonable and related in scale and kind to the development.
- 5.7 Obligations must be sought during the process of considering the application for planning permission. A legal agreement must specify what contributions may be used for. This cannot be changed later if a recipient such as a Parish Council wishes to spend funds on something else not specified within an agreement.
- 5.8 When contributions are received then they are released on receipt of a duly completed form. The request is assessed against the provisions of the S106 agreement.
- 5.9 There is usually a trigger point for obligations to be paid by the developer and contributions, and they are set out in the legal agreement or UU and contributions must usually be spent within a specified period, this is usually within 10 years of payment otherwise funds must be returned (this is not the case with UU).
- 5.10 Monies are usually paid to this Council where a third party is not a signatory, such as Parish Councils. We monitor the trigger points and receipt of funding requests. It is not within the control of planning officers when requests are received for funds.

- 5.11 The County Council is a signatory to a S106 agreement where they are requesting developer contributions, and such contributions are paid directly to the County Council who are then responsible for monitoring and spending the contributions within the prescribed period.
- 5.12 Issues have arisen with Parish Councils seeking contributions after the negotiation process with the developer has been completed and even after the S106 agreement has been completed and planning permission granted. It is then too late in the process to seek contributions.
- 5.13 Issues have also arisen with Parish Councils seeking agreement to spend allocated funds on a different matter than that specified in a S106 agreement. However, funds received and held can only be released and spent on those matters set out within the S106 agreement.

Are S106 Contributions being allocated and spent in a timely manner?

- 5.14 Contributions towards infrastructure, services and facilities provided by the County Council are monitored and spent by them. This is outside the control North Herts Council.
- 5.15 Developments are monitored in terms of trigger points and contributions are sought from developers at the relevant trigger point.
- 5.16 Monitoring fees are sought which will assist in staff resourcing as more housing is delivered.
- 5.17 Monies are allocated in accordance with the provisions of the relevant S106 agreement or UU.
- 5.18 There is a process in place for funding requests and they are considered in a timely manner in line with the current process. The release of funds requires the approval of the Development and Conservation Manager or the Service Director, Regulatory.
- 5.19 It is a matter for the relevant organisation or Council department to request funds in advance of them being required, and with sufficient information to enable assessment against the relevant provisions of the S016 agreement.

Time taken to sign legal agreements once a resolution to grant planning permission has been taken

- 5.20 The time taken to negotiate S106 agreements before and following the resolution to grant planning permission delays the process of determining applications for planning permission for housing development and consequently the delivery of housing.
- 5.21 Whilst the developer funds the Council's reasonable legal costs, there is limited staff resources available within NHC legal services and at the County Council.

NHC has been forced to outsource some section 106 agreements, in order to prevent delays to the process; but this requires the developer to fund these costs.

- 5.22 There are several signatories to a legal agreement and negotiations are tripartite between the developer, the County Council and North Herts Council. This can be a long and involved process involving many versions of a draft legal agreement before it is finally agreement by all the parties involved in the process.

Awareness of Funding

- 5.23 The current situation with regard s106 funding, availability and spend, was previously communicated once a year at meetings of the previous Area Committees by the Development and Conservation Manager. However, the IFS, which will be available online shortly, will provide greater awareness of what funds are available for infrastructure projects as it is publicly available and regularly updated.

Summary of what improvements can be made to the current mechanism?

- Improvements to the engagement of Parish Council's and Council departments through training both in the process of seeking planning obligations and also in the request for provision of funds.
- Improvements in the resourcing of legal support in the negotiation of S106 agreements, noting that recruitment for a permanent planning lawyer to the legal team has been ongoing since 2020 (and been unsuccessful). This was to replace one of the roles in the team and in the interim (until September 2022), that role was largely undertaken by the Legal Team Leader. When that person left, temporary staff have been employed in succession via agencies as the planning lawyer. It is also worth noting that the increasing numbers of developments within the adopted Local Plan, place additional pressures upon many teams – including Legal. Effectively the planning lawyer role is expected (as others do) to absorb that additional workload (including s106/ UU), and that is not feasible for one role in the longer term.

6. Alternative mechanisms and whether they would enable better outcomes for communities within the District

Community Infrastructure Levy

- 6.1 CIL captures financial contributions for infrastructure requirements resultant from proposed developments. It is a non-negotiable tax and is charged per square metre of chargeable development. A charging schedule is created in draft and consulted upon, at which point it is then examined by an independent inspector.

- 6.2 In setting rates in a charging schedule, the charging authority must strike a balance between the desirability of funding actual and expected infrastructure cost to support those developments, and the economic viability of those developments.
- 6.3 There are exemptions from CIL and processes in place to control that, such as the exemption for affordable housing. Contributions can be reduced through the submission of viability evidence.

Past consideration of CIL

- 6.4 CIL has been considered previously in July 2013, December 2018, January 2020 and on 16 March 2021 when it was resolved by Cabinet not to pursue CIL. The last report to Cabinet in 2021 set out the points for and against CIL.
- 6.5 The matters identified as weighing in favour are:
1. Greater certainty and consistency for developers, the Council and the community;
 2. A reduced need for complex negotiation for individual legal agreements – particularly those that require contributions to the County Council, such as education and highways; and
 3. Capturing contributions for smaller developments.
I would also add exemptions for affordable housing assisting in the delivery of affordable housing where there are viability issues.
- 6.6 Weighing against, the following were identified when last reported to Cabinet:
1. The Council would need to forward fund these given that the relief of administration costs can only commence once the CIL is implemented and collected
 2. Other considerations include that the largest sites (which form the significant majority of anticipated future development in terms of dwelling numbers, albeit from a relatively small number of planning applications) would still require s106 legal agreements even if a CIL were pursued and that CIL can be set at 'risk averse' levels.
 3. The time and resource implications of meeting the statutory implementation requirements and developing the necessary administrative infrastructure.
- 6.7 When this matter is viewed in isolation, officer analysis comes down in favour of introducing CIL reflecting the arguments above. However, when considering the matter in March 2021 the recommendation was accepted that at that time that CIL should not be pursued but that the matter should be revisited once the programme of works set out at that time relating to the implementation of the Local Plan and production of Supplementary Planning Documents is

substantially progressed, thereby freeing up officer resource and when there should be greater clarity on the Governments proposals for the possibility replacement of CIL.

6.8 The Local Plan Review has commenced with the timetable adopted by Cabinet in January 2025, and this matter will be considered as part of that review process.

6.9 The Government's long-term proposals for funding infrastructure through development remain unclear. The previous Government proposed to replace the current system of developer contributions with a mandatory and locally determined Infrastructure Levy. A framework for this was included in the Levelling Up & Regeneration Act. However, in December 2024, the current Government stated:

"We want to deliver the much-needed affordable housing local communities need and the wider infrastructure that will mitigate the impacts of new development. We believe the best way to achieve this will be to focus on improving the existing system of developer contributions, which means the Government is not implementing the Infrastructure Levy as introduced in the Levelling-up and Regeneration Act 2023".

As such, it seems reasonable to await Government direction on where it sees the future of funding.

Shaun Greaves
Development & Conservation Manager
28 January 2025

Case Study: Codicote Primary School

In 2019, the enlargement of Codicote Church of England Primary School by 1 form of entry was approved by Hertfordshire County Council. The need for expansion was largely as a result of the proposed housing developments in and around the village, and the funding for the scheme was to be predominantly from S106 funds. Specific reference to this mitigation project was identified and included within the adopted North Hertfordshire Local Plan, which also included details of the sequencing of development sites to facilitate delivery of the school expansion at the right time.

Four allocated housing development sites in the village were identified within the adopted North Hertfordshire Local Plan, and the S106 legal agreements linked to the planning permissions included proportionate contributions specifically to be allocated to the expansion of the school. The S106 financial contributions which were sought from these development sites were based on bespoke project costs. The County Council agreed to forward fund the expansion so that the places would be available for children as they moved into the village, with the remaining amount funded by Basic Need Grant. This approach was agreed on the basis that S106 monies would still be secured from subsequent development sites.

The enlargement of the school was completed in September 2023, costing £4.6m to deliver. So far, £2.4m of S106 funding has been collected and used for this project, from development sites at the Land adjacent to Oaklea and south of Cowards Lane (local plan allocation CD1), Codicote Garden Centre (local plan allocation CD2), and the Land south of Heath Lane (local plan allocation CD5). Further funding is still being collected as sites are developed and trigger points for payment of S106 monies are reached.

Case Study: Hitchin library

In 2022 there was a major project to expand the floorspace of Hitchin Library. The library was built in the 1960s with a large staff space on the upper floor. This was reconfigured, moving workroom space from the ground floor and freeing up space downstairs. This enabled additional capacity to be provided in the library in order to mitigate the growth in the area.

A creator Space facility was installed, using the increase in public floorspace and enhancing service provision to meet the needs of new residents. Additional resources to encourage digital creativity were included, and enhanced IT provision was installed.

Contributions from 11 different development sites, collected over the previous 8 years, were all used to contribute to the cost of this project, £133,100, which was exclusively funded by S106 contributions.

Case Study: High Street Graveley/North Road Junction Improvements

This project, completed in May 2024, was to address a long running, high accident rate involving traffic turning from the B197 Graveley road into North Road, whilst also providing the necessary infrastructure for residential and light industrial developments in North Stevenage.

The junction was signalised, whilst the walking routes between Graveley and Stevenage were also improved, including future proofing for shared cycle use, with new continuous street lighting installed to and from the A1M Junction 8.

S106 was provided from 2 sites, one in north Stevenage, and one in Graveley itself, amounting to £248,549. The total cost was £910,312, with the rest of the funding provided from Integrated Transport Plan grant funding.

ID	1
In what capacity are you responding to this	Town/Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	NO
Have you requested or been involved in S106	NO
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Healthcare Community Facilities
Do you feel engaged on how planning	NO
Do you feel engaged on how planning	NO
How should planning contributions be prioritised and spent?	P1 Community Facilities
	P2 Healthcare
	P3 Open Space, Play Areas and Sports Facilities
	P4 Education
	P5 Highways
	P6 Transport infrastructure
	P7 Waste and Recycling
	P8 Affordable Housing
	P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

ID	2
In what capacity are you responding to this	Housing Association
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	NO
Have you requested or been involved in S106	NO
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Affordable Housing
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Affordable Housing
	P2 Healthcare
	P3 Transport infrastructure
	P4 Education
	P5 Community Facilities
	P6 Open Space, Play Areas and Sports Facilities
	P7 Waste and Recycling
	P8 Highways
	P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

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ID	3
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	Lack of communication, unsure what is not accepted
Do you feel that you received adequate	No
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities
	P2 Healthcare
	P3 Highways
	P4 Transport infrastructure
	P5 Waste and Recycling
	P6 Community Facilities
	P7 Public realm
	P8 Education
	P9 Affordable Housing
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

ID	4
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	NO
Do you know how to make a request for	
Have you requested or been involved in S106	
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Affordable Housing
	P2 Healthcare
	P3 Highways
	P4 Education
	P5 Waste and Recycling
	P6 Transport infrastructure
	P7 Open Space, Play Areas and Sports Facilities
	P8 Community Facilities
	P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

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ID	5
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	Before the Feb 2023 SPD s106 claims by our parish council were based on a tariff system that was straightforward. After Feb 2023 NHC no longer accepted this approach. Ashwell Parish Council made contact with NHC in order to clarify how the s106 claim process should work in the future. There was a considerable degree of uncertainty about this on NHC's part - though it did seem that NHC's planning officers were making best efforts to help in a situation where the new process was unclear. After Feb 2023 Ashwell Parish Council did make a s106 claim that was acceptable to NHC as part of its agreement with the developer but it did involve a considerable amount of research in order to put it together. Having gone through the process Ashwell Parish Council is now much more confident about making claims but at the time it was working very much in the dark.
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Open spaces, Play Areas and Sports Facilities Transport
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities
	P2 Affordable Housing
	P3 Waste and Recycling
	P4 Healthcare
	P5 Community Facilities
	P6 Public realm
	P7 Education
	P8 Highways
	P9 Transport infrastructure
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	More communication about the acceptability and progress of s106 claims would be helpful to Ashwell Parish Council. Regarding this survey... Prioritization: please note that Ashwell Parish Council is not able to prioritize the categories listed in the previous section. Priorities will vary depending on the specific needs created by a planning application for which s106 funds are claimed. Prioritization will also vary from time to time, will depend on projects scheduled and how funds from previous s106 claims have been applied. Yes/No answers: for many questions the survey requires simple 'Yes' or 'No' answers. In some, if not all, cases neither option allows an accurate response. It would have been helpful to have an additional comments box.

ID	6
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	Time scale of the response
Do you feel that you received adequate	Yes
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Open spaces, Play Areas and Sports Facilities Community Facilities Highways
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities P2 Healthcare P3 Community Facilities P4 Education P5 Waste and Recycling P6 Affordable Housing P7 Public realm P8 Highways P9 Transport infrastructure
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	There needs to be full and open transparency as soon as S106 has been agreed. On new developments the local community have little initial input.

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ID	7
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Very Hard
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	A few years ago, we carried out a local survey into road safety issues in Weston. Based on this, we developed proposals and, in anticipation of the GA1 and GA2 developments, obtained cost estimates from Herts Highways. At that time, we were advised to submit our request for Section 106 funding to NHC promptly, so that the requirements would be known to the Planning Department. When we did so, however, our submission was returned with the instruction to resubmit once a planning application had been lodged. Accordingly, when the GA1 application was submitted, we put forward our Section 106 request. Since then, we have received no feedback or communication from NHC. I attended the NHC Section 106 training session, where the negotiation process after submission was mentioned, and I therefore expected that WPC would be involved at some stage. To date, this has not happened. Instead, the planning application has been approved, including the applicant's proposal for a "monitor and manage" approach with an up-front Section 106 contribution of only £400k. While I am not a highways engineer, it is evident that this sum is likely to be inadequate to cover even the mitigation works required in the immediate vicinity of the development, and can quite easily see circumstances where Weston and Gravely will be short-changed on the significant impact to our communities of having 96 new dwellings on the road leading directly to our communities, where the only alternative is along Calder Way, a single track road that was deliberately designed to deter vehicles from using it. Furthermore, I am not aware that Highways have provided, or been asked for, any details as to how they came to the conclusion that the figure of £400k would be sufficient. A wider flaw in the Section 106 process is its demand for accurate cost estimates while providing no assistance to Parish Councils. Developers, with their substantial resources and financial incentives, are well placed to present their case. Planning authorities have resources but cannot assist parish councils without compromising their position. Parish Councils, however, are voluntary bodies with very limited means, yet are still expected to provide detailed costings. This is not an isolated problem. In the case of the Forge End development, NHC secured another inadequate contribution from developers for low-cost housing. My understanding is that four affordable properties were originally proposed, but only two were delivered due to insufficient funding. Around £80k was left unspent. Because of the rigid and illogical hypothecation rules, these funds could not be reallocated, and the money was effectively wasted. In summary, the Section 106 process appears ill-conceived, opaque, and ineffective. It fails to ensure that adequate mitigation is secured for the communities most affected, leaving Parish Councils disadvantaged and local residents short-changed. As the Chairman of a local Parish Council, it seems to me that, once again, the needs of the smaller rural communities is an after-thought for the County and District Councils, despite the fact that we are the people who have to live with the consequences of these decisions.
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Affordable Housing Open spaces, Play Areas and Sports Facilities Community Facilities
Do you feel engaged on how planning	No
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Highways
	P2 Open Space, Play Areas and Sports Facilities
	P3 Affordable Housing
	P4 Waste and Recycling
	P5 Healthcare
	P6 Community Facilities
	P7 Public realm
	P8 Education
	P9 Transport infrastructure
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	1. Questionnaire Design -The question "What, if any, challenges did you encounter with the S106 funding request process?" provides only a single line for a response. This format is not appropriate for capturing considered feedback. Our fear is that our submission may be truncated or reformatted in ways that undermine the contribution. 2. Misunderstanding of S106 Purpose -The question "How should planning contributions be prioritised and spent?" suggests a fundamental misunderstanding of the process. S106 agreements are not about discretionary prioritisation but about mitigating the impacts of development. Framing the issue in terms of "priorities" risks misrepresenting the legal and policy framework making responses to this question meaningless. 3. Consultation Approach - Rather than relying on narrow surveys, we strongly recommend that officers and members engage directly with parish councils. Such discussions would highlight the depth of concern, lack of transparency and the disillusionment with the S106 process. 4. GA1 Case Study - We also urge you to review the GA1 situation as a case in point. The "monitor and manage" approach appears to have been adopted despite the fact that many impacts can already be anticipated. The earmarked budget of £400k for this element lacks transparency as there has been no clear explanation of how this figure was calculated or why it is considered sufficient. Conclusion -Without a more robust, transparent, and participatory process, confidence in the S106 system will continue to erode. We urge you to take these concerns seriously and to redesign engagement in a way that reflects the purpose and importance of S106 obligations.

ID	8
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	NO
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	Receiving sufficient funding. It would be helpful to know what the allocated amount of money is. Knowing what you can spend money on. Finding out what is left in funding pots.
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Community Facilities Open spaces, Play Areas and Sports Facilities Transport
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Community Facilities P2 Open Space, Play Areas and Sports Facilities P3 Transport infrastructure P4 Waste and Recycling P5 Healthcare P6 Public realm P7 Education P8 Highways P9 Affordable Housing
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	We feel that a lot of S106 money is spent elsewhere and not in villages. There should be more transparency on what money is left for villages when S106 money has been allocated elsewhere e.g. into Education and Highways.

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ID	9
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	The length of time taken to make a decision.
Do you feel that you received adequate	Yes
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Open spaces, Play Areas and Sports Facilities Transport
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Affordable Housing
	P2 Open Space, Play Areas and Sports Facilities
	P3 Highways
	P4 Transport infrastructure
	P5 Healthcare
	P6 Community Facilities
	P7 Waste and Recycling
	P8 Public realm
	P9 Education
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	It can sometimes take a number of weeks to receive s106 monies once a project has been paid for by the Parish Council. With larger projects this can impact on the cash flow of the Parish Council.

ID	10
In what capacity are you responding to this	Other
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	Answering with waste, leisure and greenspace colleagues - not sure about the process i.e. is there actually a form? Feels a bit ad-hoc. For waste we just check applications and get set price for bins, but no steer on whether we can claim for anything else e.g. new depot, litter bins, etc. We get emails from planning teams related to specific applications and asked if we have any suitable projects in the area that we could seek a contribution - so not sure if there is a form as such? Lack of capacity in teams to respond to requests from planners.
Do you feel that you received adequate	Yes
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Open spaces, Play Areas and Sports Facilities Waste and Recycling
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	Yes
How should planning contributions be prioritised and spent?	P1 Waste and Recycling P2 Open Space, Play Areas and Sports Facilities P3 Affordable Housing P4 Highways P5 Transport Infrastructure P6 Education P7 Healthcare P8 Community Facilities P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	We feel it needs to be clearer what teams can actually request contributions for. e.g. are there any climate related things we can request, also for leisure what is eligible. Needs to be some training for staff involved in the process.

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ID	11
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	Lack of Transparency and Consistency:
Do you feel that you received adequate	No
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities
	P2 Transport infrastructure
	P3 Highways
	P4 Waste and Recycling
	P5 Education
	P6 Healthcare
	P7 Affordable Housing
	P8 Community Facilities
	P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	A new system is designed to be simpler, more transparent, and more consistent, like the Infrastructure Levy

ID	12
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	NO
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities
	P2 Waste and Recycling
	P3 Affordable Housing
	P4 Healthcare
	P5 Community Facilities
	P6 Highways
	P7 Public realm
	P8 Education
	P9 Transport infrastructure
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

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ID	13
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	It is a source of great grievance in Reed that an allocated site development of 12 houses resulted in no allocation to needs specific to the village. From the Parish Council standpoint an anticipated bid for 106 monies was pre/empted by Universal Undertaking agreed between the Authority and the developer. The Parish Council was not invited to bid and the monies all went to County Council and District provisions (middle school education, waste, libraries. All worthy but not Reed specific and the things parishioners contribute to by their council tax. No doubt the Reed PC was naive. It was however a drastic loss to a village of 140 dwellings.
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Footpath signage;
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Community Facilities
	P2 Affordable Housing
	P3 Transport infrastructure
	P4 Open Space, Play Areas and Sports Facilities
	P5 Highways
	P6 Education
	P7 Waste and Recycling
	P8 Healthcare
	P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	Please note our experience of the opacity of the process in the past. And the loss of provision to our village. Nobody has ever explained or justified where a "universal undertaking" agreement fits in the planning and 106/CIL process. Parish councillors are not planning experts and are entitled to better communication and guidance from officers in this respect.

ID	14
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Hard
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	Our local requests are mostly subsumed into a mor general plan so a feeling is it worth it as there is alot of work for volunteers in Parish's to do to submit request
Do you feel that you received adequate	No
Are you aware of any examples in your local	Yes
Please select from the available options how the planning contributions were spent.	Education;
Do you feel engaged on how planning	Yes
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Open Space, Play Areas and Sports Facilities
	P2 Community Facilities
	P3 Transport infrastructure
	P4 Education
	P5 Affordable Housing
	P6 Public realm
	P7 Waste and Recycling
	P8 Healthcare
	P9 Highways
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	S106 funds should be allocated to the Parish in which the development occurs . For example to support the St Ippolyts School and not general schools in North Harts . If the contribution is localised the residents and developers can see the direct benefit

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ID	15
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	No
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	No
What if any challenges did you encounter with the S106 funding request process?	often refused for not meeting a very strict criteria despite often having a large impact or improvement to an area in the direct locality to the area affected by the building works
Do you feel that you received adequate	Yes
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Healthcare
	P2 Transport infrastructure
	P3 Open Space, Play Areas and Sports Facilities
	P4 Affordable Housing
	P5 Highways
	P6 Education
	P7 Waste and Recycling
	P8 Community Facilities
	P9 Public realm
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	Local needs for the communities most affected by the developments , such improvements to highways, local projects or societies improvements. Often in rural areas S106 monies is often spent many miles away from the impact of the development.

ID	16
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	Yes
Have you requested or been involved in S106	Yes
How did you find the process to complete the	Fine
Do you understand the process after submitting	Yes
What if any challenges did you encounter with the S106 funding request process?	For a village suggestions to have more priority as the S106 monies have been raised in the village. Currently our suggestions have been turned down and monies spent else where in the district. Very Unfair.
Do you feel that you received adequate	No
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	No
Do you feel engaged on how planning	No
How should planning contributions be prioritised and spent?	P1 Community Facilities
	P2 Open Space, Play Areas and Sports Facilities
	P3 Healthcare
	P4 Education
	P5 Affordable Housing
	P6 Transport infrastructure
	P7 Public realm
	P8 Highways
	P9 Waste and Recycling
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	I think that there has to be greater consultation between a Parish and North Herts Council. To often, regrettably, decisions agreed are changed without any consultation. Heritage projects that are of historic importance should be considered. Especially as not only is it important to protect the heritage , but remembering that the S106 monies we are talking about where raised in the village. To often I hear at planning & public meetings "The village should be grateful to receive this S106 monies" , in reality it never is our decision with no guarantee that we would receive any S106 money. That has to change.

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ID	17
In what capacity are you responding to this	Town/ Parish Council
Do you know what Section 106 (often referred	Yes
Do you know how to make a request for	No
Have you requested or been involved in S106	No
How did you find the process to complete the	
Do you understand the process after submitting	
What if any challenges did you encounter with the S106 funding request process?	
Do you feel that you received adequate	
Are you aware of any examples in your local	No
Please select from the available options how the planning contributions were spent.	
Do you feel engaged on how planning	
Do you feel engaged on how planning	no
How should planning contributions be prioritised and spent?	P1 Healthcare
	P2 Transport infrastructure
	P3 Highways
	P4 Education
	P5 Waste and Recycling
	P6 Community Facilities
	P7 Open Space, Play Areas and Sports Facilities
	P8 Public realm
	P9 Affordable Housing
Would you like to raise any comments regarding the current S106 planning contribution mechanism?	

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Other Stakeholders

ID	1	2
Name of Organisation	Sport England	Therfield Regulation Trust and Conservators of Therfield Heath
How does your funding request process work?	Contributions are sought by NHDC in accordance with NHDC's Planning Obligations SPD for the majority of planning applications. Sport England is only consulted on applications for large residential developments (usually 300+ dwellings) and provides advice on the demand generated by residential development and the priorities for meeting sports facility needs. NHDC has been using Sport England's Playing Pitch Calculator and Sports Facility Calculator in recent years to calculate contributions as this is more robust than FIT standards for sports facilities.	As part of the Therfield Heath Mitigation Strategy, we are (or should be) contacted by NHDC planning to comment and request S106 funding for any development within 5.8 km of Therfield Heath.
Name of Organisation	Sport England's Playing Pitch Calculator and Sports Facility Calculator https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport/our-planning-role-guidance-and-tools identifies the demand generated by residential developments (based on estimated population) and the current capital cost of meeting the demand which is then used as a starting point for identifying financial contributions	We use the precedent of Ivy Farm 2 of £1000 per house for revenue costs to mitigate the impact of the extra population (plus a contribution to capital costs) in 2019 for developments within 1.9 km and inflate it by RPI. For developments between 1.9 km and 5.8km we reduce this by the ratio of visitors from the outer zone to those of the inner zone. This means that the outer zone pays a lesser sum of 4/7 that of the inner zone.
What is the internal process for allocating contributions?	This is decided by NHDC but Sport England advises that the Council's latest Playing Pitch Strategy (PPS) and Built Facility Strategy (BFS) is used for informing priority projects. In the interim of NHDC updating the previous PPS and BFS, Sport England provided advice on local priorities based on sports governing body feedback but this was only a temporary solution until the new strategies were completed.	At the monthly Conservator meetings we consider if a piece of expenditure falls within the scope of the S106 funding and therefore can be reclaimed. If thought needed, we will engage with Compliance Monitoring at NHC.
How much community engagement is carried out before making a request?	The PPS and BFS have built in engagement with sports clubs, schools, parish councils etc to identify needs and priorities so further consultation is not undertaken when contributions are considered other than occasional engagement with sports governing bodies through Sport England if required.	As part of the development of the Therfield Heath Mitigation Strategy surveys and consultation was undertaken by Footprint Ecology (2019). This included 397 face to face interviews to understand why people were accessing the Heath. The Conservators also hold open meetings at least annually and engage with Natural England at regular intervals. Our mitigation aims are well set out, and supported by evidence, within the agreed Strategy.
How are the priorities for allocation identified?	NHDC decides this but Sport England's advice is to use the PPS and BFS to inform this.	The Therfield Heath Mitigation Strategy was developed between NHDC, Natural England and the Conservators of Therfield Heath and Greens. This lays out the scope for spending the S106 money.
How is the spend of funding communicated back to North Herts Council?	NHDC to advise.	We make claims of expenditure every 6 months. By agreement this is the actual spend on Conservation Staff (Ranger, Conservation Officer) plus 15% for the costs of equipment etc used by the staff. We can also claim for specific projects such as new signage or leafletting new houses with information about the Heath.
What do you do with the money once you receive it?	N/A	It is used to offset expenses already incurred.
What is your experience with communicating and dealing with North Herts Council?	N/A as not a recipient of funding. Sport England is happy to provide NHDC with further advice on how to secure sports facility provision/contributions in new development to support the review of planning obligations.	Responses from the team paying out the S106 money are good. Interactions with the planning officers are variable.

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Developer Questionnaire Response

Id	1
Name of Organisation	Manor Oak Homes
How do you find the Section 106 process at North Herts Council?	We have complete 2 106 agreement and still working on another over the last 3 years. Generally like all Councils it was slow especially when a 106 agreement could be (generally) a standard agreement for example no need to change definitions. We practically wish to point that all agreement should have an affordable, sensible mortgagee in procession clause and flexibility regarding maintenance of POS and BNG.
Do you have any suggestion for improvements from a developer perspective and reasons for this?	Have a standardised 106 agreement - template
How do dealings with North Herts District Council compare to other local authorities?	Generally on power with out authorities.

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HWE ICBs short statement on the Council's Section 106 processes

North Herts Council consults the HWE ICB on planning applications for housing development. The HWE ICB will assess the health impact on primary, community and mental healthcare services resulting from an increase in patient numbers. The HWE ICB calculates the size of the health financial contribution needed to mitigate the health impact of the development. This calculation is based on the capital cost of providing additional healthcare space across identified health sectors to meet the needs of new residents/patients generated by the proposed development. This calculation takes into consideration nationally recognised space standards and up to date construction costs.

Capital projects can range from small works, for example, reconfiguring existing health service premises to increase patient capacity, to new builds. Additional or improved floorspace will result in a higher value building when compared to older buildings and because new space standards are bigger than older assets. In turn newer, bigger assets create increased financial pressures on the NHS. Of particular note, the NHS reimburses rents and rates on all GP premises from a delegated budget from NHSE.

Historically the NHS would describe the Council's support of health Section 106 requests as risk adverse, with processes overly onerous when compared to practices undertaken by other Hertfordshire Local Planning Authorities. Examples include requesting the NHS is a signatory to Section 106 Agreements, to burdensome requests for evidence of spend, including a request for a visit in person to see reconfigured clinical rooms at a GP surgery, as proof of spend.

The NHS' more recent engagement in Section 106 processes with the Council has markedly improved due to a closer working relationship between the Council and the HWE ICB. Twice yearly planning and engagement meetings are organised by the HWE ICB where Section 106 matters can be aired. These meetings are a valuable forum for both parties to discuss 'live' planning casework and for the NHS to share our internal processes to track Section106 spend, once monies have been drawn down, together with project timelines. The HWE ICB is more than happy to provide more detailed feedback, if needed, including at our next planning and engagement meeting arranged for 1st December 2025.

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HCC has responded to this consultation online, however in doing so it has broken all of the useful weblinks included in the below, therefore I am also sending you this version which I would appreciate that you refer to when reading HCCs response to see the background evidence and other useful documents that HCC has online on this topic.

1. Name of Organisation

Hertfordshire County Council (HCC)

2. How does your funding request process work?

HCC has two teams which request funding via S106, the Growth and Infrastructure Unit (on behalf of non-transport services) and Transport for Hertfordshire (on behalf of all transport services). HCC requests S106 contributions via a formal response to planning applications, this will come as a separate response from both teams which reflects the professional expertise within each team. Several internal teams are consulted as part of the internal HCC process to collate service-wide responses.

On collation of internal data, both teams rely on robust evidence which is publicly available (see [our Guide here](#)). This evidence will inform a defensible S106 contribution request to mitigate the impact of development. HCC is confident in its ability to defend contribution requests at planning appeal and has a successful history of doing so.

Examples of HCC responses to planning applications are widely available on the NHDC planning portal.

3. How are contribution amounts determined? (How do you work out how much you need to request?)

Growth and Infrastructure (GIU)

For Full planning applications, GIU determines a fixed amount per service which is based on the Hertfordshire Demographic Model, informed by up-to-date demographic modelling, using development mix and build trajectory information as inputs.

For Outline (or hybrid) applications, a multiplier table will instead be generated, enabling the development mix to be finalised at a later date, and the full development still be appropriately mitigated meeting the 3 tests for S106 as set out in Reg 122 of the CIL Regulations 2010 (as

amended). The multiplier table will provide a cost per service per unit type (broken down by size, type and tenure). This is also informed by the Hertfordshire Demographic Model.

Larger strategic scale sites may be required to provide land for new infrastructure and, where it can be demonstrated that the new development would not be acceptable in planning terms without the complete delivery of a particular project, the full cost of delivery may also be sought. There is often a policy requirement in the local plan for that piece of infrastructure, often at a defined scale.

For more information on how the Hertfordshire Demographic Model works, please see the online information: [2021 Guide to the Demographic Model](#) and [PUPIL YIELD METHODOLOGY](#).

Transport for Hertfordshire

A fixed Travel Plan will be added to applications

In accordance with the National Planning Policy Framework (NPPF, December 2024, paragraph 118), all developments that generate significant amounts of movement must provide a Travel Plan, supported by a Transport Statement or Transport Assessment, to assess the likely impacts of the proposal. Similarly, Hertfordshire County Council's Local Transport Plan 4 (LTP4) Policy 5 requires that development proposals reflect the Transport User Hierarchy, encourage sustainable modes of travel, and reduce travel demand.

To ensure compliance with these policies, the Highway Authority will secure a Travel Plan through a Section 106 Agreement. A fixed Travel Plan contribution will be applied to all qualifying applications. In addition, a Travel Plan Evaluation and Support Fee of £1,200 per annum, index-linked to the Retail Price Index (RPI) from March 2014, will be secured via the same agreement, in line with the County Council's Travel Plan Guidance.

Sustainable Travel Contributions

Hertfordshire County Council operates a two-strand approach to mitigation:

Strand 1 – Site-Specific Mitigation (Section 278 Agreement)

The immediate and specific impacts of larger developments, identified through a Transport Assessment or Transport Statement, will be mitigated via a **Section 278 Agreement**. Typical measures include:

- Bus stop improvements (e.g., Kassel kerbs, Real-Time Information systems, shelters)
- New or improved footway links
- Dropped kerbs and tactile paving crossings

Strand 2 – Strategic Sustainable Transport Contribution (Section 106 Agreement)

To address the wider cumulative impacts of development, the Highway Authority will seek a financial contribution towards sustainable transport infrastructure. This is consistent with the revised NPPF (December 2024) and the provisions of Section 106 of the Town and Country Planning Act 1990, as governed by the Community Infrastructure Levy (CIL) Regulations. The

current contribution rate is £9,861 per dwelling, index-linked to SPONS from March 2024. These funds will support measures that promote accessibility by sustainable modes, including bus, cycling, and walking infrastructure, in line with HCC's LTP4 objectives.

Key points

Calculator: To provide an estimate of the contributions that we might request from a scheme, HCC has an [indicative-s106-contributions-calculator-2025.xlsx](#) with its guide found here: [non-education-model-and-indicative-s106-contributions-calculator-guide-2025.pdf](#).

Indexation: HCC will ensure that every contribution request is translated into a planning obligation within legal agreements and in order to protect the real terms value of the requested money, the contribution will always be linked to an index (currently BCIS) to ensure that inflation is added to the payment. The base date of the index is detailed in the [HCC Guide to Developer Infrastructure Contributions](#) which is updated annually.

Viability: For planning applications with a viability challenge, HCC would expect review by the determining authority and a copy of each viability assessment to be made publicly available. Each development will be considered on a case-by-case basis and HCC will only consider a reduction in contribution requests where the methodology behind the viability assessment is robust and every opportunity to pay the contributions has been taken. HCC may also consider objecting to the planning application due to insufficient S106 contributions being secured.

4. What is the internal process for allocating contributions

Growth and Infrastructure (GIU)

Contributions are specific to the service they have been collected for, albeit HCC requires flexibility in legal agreements as to the final project for that service - this enables funding to be spent in line with service priorities which may change over time as developments build out. Defined projects will often have been secured through Local Plan policy or otherwise are worked out through strategies for other windfall developments. Contributions will be allocated where needed to mitigate the impact of the development, this will be towards a suitable project in line with the legal wording secured within the S106 legal agreement. The work to determine selected projects is done via engagement and consultation with specialist internal services and informed by up-to-date data. There is a formal approval process supported by finance and legal teams, in coordination with HCC Members. HCC maintains strategy documents to assist this process and ensure that cumulative growth impacts are always considered.

Transport for Hertfordshire

Transport contributions are allocated in accordance with the specific requirements agreed at the planning stage. To ensure effective governance and delivery, the Highways Authority convenes quarterly meetings of the Officers Delivery Group (ODG). These meetings bring together a range of internal and external stakeholders to review both new and existing contributions. During these sessions, project schemes are prioritised, outlined, and recorded following a structured process designed to ensure timely progress and accurate data

management. All schemes discussed and advanced through this process must remain fully compliant with the legal obligations set out in the respective Section 106 Agreements.

5. How much community engagement is carried out before making a request?

None, contributions are evidence based, the evidence is produced under scrutiny and consultation.

6. How are the priorities for allocation identified?

In liaison with each service, the most appropriate project will be determined prior to the request for S106 monies, and only where no surplus capacity exists will a mitigation project be identified. This will be data driven and appropriate in line with the Regulation 122 of the CIL regulations. Within the limits of the CIL 122 regulations, HCC will seek to fully fund a project before moving on to another project.

7. How is the spend of funding communicated back to North Herts Council?

Local authority partners receive a report 3 times a year that includes all S106 funding held by HCC, with details of which projects the funding has been allocated towards. The spend itself is detailed in the Infrastructure Funding Statement, which is published by HCC and all local authorities which have S106 and CIL funding, on an annual basis. The latest version is available on our website: [IFS 2024](#)

8. What do you do with the money once you receive it?

All funding is allocated to the service for which it has been collected and will be spent according to the legal clause within the agreement. Projects may have funding coming from multiple sources or have a long lead in time for delivery so there is often a gap between funding receipt and spend. Legal agreements for each development will determine the deadlines for expenditure and any associated refund clause should the monies not be used. HCC will typically seek a ten-year period post notice of completion of development prior to refund being available should the monies not have been spent/allocated/committed to a project already. Once the ten-year period post completion of development has elapsed the applicant has a period of 12 months to apply for the unspent monies to be returned.

9. What is your experience with communicating and dealing with North Herts Council?

NHDC have engaged proactively with HCC through the planning application process. NHDC has supported HCC S106 obligation requests and helped defend the position with developers. Any issues or challenges which have arisen have been communicated by NHDC officers quickly and clearly.

NHDC has considered HCC requests, including any amendments which are required to Officer Reports to Planning Committee, to help clarify the position of HCC obligations.

When there have been viability challenges, NHDC officers have been helpful in providing the necessary information within an appropriate timeframe.

Monthly 'coordination' meetings are held between NHDC and HCC officers which are a useful forum to have open discussions regarding planning applications, S106 contributions and raise any other issues. This is a very efficient and effective use of officer time. Overall HCC experiences a positive working relationship and good communication with NHDC.

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OVERVIEW AND SCRUTINY COMMITTEE

24 MARCH 2026

*PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2025-26

REPORT OF THE SCRUTINY OFFICER

EXECUTIVE MEMBER: NOT APPLICABLE

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

This report highlights items scheduled in the work programme of the Overview and Scrutiny Committee for the 2025-26 civic year. It also includes items that have not yet been assigned to a specific meeting of the Committee.

2. RECOMMENDATIONS

- 2.1. That the Committee prioritises topics for inclusion in the Work Programme attached as Appendix A and, where appropriate, determines the high-level form and timing of scrutiny input.
- 2.2. That the Committee, having considered the most recent iteration of the Forward Plan, as attached at Appendix B, suggests a list of items to be considered at its meetings in the coming civic year.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow the Committee to set a work programme which provides focused Member oversight, encourages open debate and seeks to achieve service improvement through effective policy development and meaningful policy and service change.
- 3.2 The need to observe Constitutional requirements and monitor the Forward Plan for appropriate items to scrutinise remains a key aspect of work programming.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee has varied its approach to overview and scrutiny activity over recent years. Currently it seeks to enter the process of policy development at an early stage and consequently may consider items associated with service action plans.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Each Committee meeting includes the opportunity for Members to comment on and input to the Committee's work programme.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.
- 6.2 The Chair and Vice-Chair of the Committee are sent the latest Forward Plan upon publication.
- 6.3 The Committee is asked to review the Forward Plan at each regular meeting to identify potential issues for inclusion in the work programme. Identification of a focus for the Committee's future activity should be identified at this stage wherever possible.

7. BACKGROUND

- 7.1 The LGA Peer Committee Support was undertaken in 2022 and finalised in January 2023, which focused on the Overview and Scrutiny and Finance, Audit and Risk Committees. Recommendations for Overview & Scrutiny were made and are set out in an Action Plan, all actions in the plan have now been completed and the Action Plan will no longer be part of this report.
- 7.2 In line with the recommendation of the Corporate Peer Challenge 2023 Executive Members were invited to present reports that fall under their remit and to make presentations on specific issues that the Committee wish to consider.
- 7.3 The Committee now considers a wide range of issues, where appropriate, commencing its reviews early in the policy development process. By doing this it seeks to ensure assumptions are challenged at an early stage, mistakes are avoided, and eventual outcomes provide optimal benefit to the community.
- 7.4 The Committee seeks to ensure that consideration of agenda items minimises the additional burdens on staff resources. Wherever possible, requests are made for the presentation of documents already in existence rather than the production of new documents specifically for the Committee.

8. RELEVANT CONSIDERATIONS

Work Programme

- 8.1 The Committee's work programme for the year requires reviewing at each meeting and direction is sought from the Committee on items they wish adding. Appendix A contains the work programme for 2025-26.
- 8.2 When considering additional topics their risk assessment and prioritisation will ensure that the most appropriate items taking forward to the work programme.

Forward Plan

- 8.3 The Forward Plan for March can be found at Appendix B. Members can view currently published forward plans here: [Browse plans - Cabinet, 2025 | North Herts Council](#)
- 8.4 Members are reminded that the Forward Plan acts as public notification of key executive decisions during the next four months and beyond that it is a working document subject to regular amendments.

9. LEGAL IMPLICATIONS

- 9.1 Under section 6.2.5 the Constitution, the Committee is responsible for setting its own work programme however it must ensure it retains sufficient capacity within the programme to meets its statutory obligations.
- 9.2 Section 6.2.7 (u) of the constitution allows the Committee “to appoint time limited task and finish topic groups to undertake detailed scrutiny work and report back to the overview and scrutiny committee to make recommendations to the Cabinet.”
- 9.3 In accordance with the Council’s Constitution, the approval of the future scrutiny work programme falls within the remit of the Overview and Scrutiny Committee.

10. FINANCIAL IMPLICATIONS

- 10.1 Depending on how they are applied in practice, the scope of the options presented in Sections 7 and 8 have the potential to be wide reaching. As detailed in Section 14: Human Resource Implications, the wider the reach, the more significant the impact on Officer time in terms of report writing, data analysis, and committee meeting attendance. Given recent funding pressures and the consequent reduction in Officer numbers, significant requests for scrutiny work will limit officer time available to spend on activities such as identifying and delivering cost reductions, income generation and project management.

- 10.2 Although not significant, a committee attendance allowance of £25.17 per Officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu or overtime as an alternative.

11. RISK IMPLICATIONS

- 11.1 Effective overview and scrutiny of policy, administrative, service delivery, and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and timeframe for scrutiny interventions should be considered in light of the potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at the right time.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equality implications arising from this report. Effective scrutiny is an essential part of ensuring the local government remains transparent, accountable and open which ensures that the delivery of public services benefits all aspects of the community, where practical.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no known environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The widening of the reach of scrutiny reviews has the potential to significantly impact on officer time in terms of the reprioritisation of already agreed projects, their scope or timetabling or resources. There is also the potential for additional resource requirements in relation to report writing, information collection and analysis and committee attendance. Delivery of service plans to achieve the Council’s agreed Corporate Plan objectives might, therefore, be potentially negatively impacted.

16. APPENDICES

- 16.1 Appendix A – Work Programme of the Overview and Scrutiny Committee 2025-2026

16.2 Appendix B – Forward Plan – 13 March 2026

16.3 Appendix C – Overview and Scrutiny Decisions and Monitoring Tracker

17. CONTACT OFFICERS

17.1 Jeevan Mann, Scrutiny Officer, Jeevan.Mann@north-herts.gov.uk , ext 4295

17.2 James Lovegrove, Committee, Member and Scrutiny Manager, james.Lovegrove@northherts.gov.uk , ext 4204

17.3 Isabelle Alajooz, Legal Commercial Team Manager and Deputy Monitoring Officer, Isabelle.Alajooz@north-herts.gov.uk , ext 4346

17.4 Tim Everitt, Performance and Risk Officer, Tim.Everitt@north-herts.gov.uk , ext 4646

18. BACKGROUND PAPERS

18.1 Previous Reports to the [Overview and Scrutiny Committee](#) and [Forward Plans](#).

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KEY
Items identified for work programme
Annual reports
Scrutiny reports
Completed

OVERVIEW AND SCRUTINY WORK PROGRAMME 2025-26

MEETING DATE	ITEMS AT MEETING	EXECUTIVE / REPORT AUTHOR
10 June 2025	<ul style="list-style-type: none"> • O&S Annual Report • 3C's – info to note • Waste Contract • Work Programme & Decisions and Monitoring Tracker 	<ul style="list-style-type: none"> • Councillor Matt Barnes • Councillor Val Bryant • Councillor Amy Allen • Scrutiny Officer
9 September 2025	<ul style="list-style-type: none"> • Council Delivery Plan & Performance indicators - Q1 Update • Pay on Exit Parking • Local government Reorganisation • Work Programme & Decisions and Monitoring Tracker 	<ul style="list-style-type: none"> • Councillor Ian Albert • Councillor Donna Wright • Councillor Laura Williams • Scrutiny Officer
11 November 2025	<ul style="list-style-type: none"> • Town Centre Strategy • Leisure and Active Communities Contract update • Waste and Recycling Service change mobilisation • Solar for Business • Work Programme & Decisions and Monitoring Tracker 	<ul style="list-style-type: none"> • Councillor Donna Wright • Councillor Amy Allen • Councillor Amy Allen • Councillor Amy Allen • Scrutiny Officer
6 January 2026	<ul style="list-style-type: none"> • Crime and Disorder Issues – Hertfordshire Constabulary • Council Delivery Plan & Key Performance Indicators – Q2 Update • New Museum collection facility update • Effectiveness of Council Tax Reduction Scheme • Community Safety • Work Programme & Decisions and Monitoring Tracker 	<ul style="list-style-type: none"> • Hertfordshire Constabulary • Councillor Ian Albert • Councillor Tamsin Thomas • Councillor Ian Alber • Councillor Mick Debenham • Scrutiny Officer
3 February 2026	<ul style="list-style-type: none"> • LGA Progress Report • Enterprise portfolio Update • Local Plan review • Work Programme & Decisions and Monitoring Tracker 	<ul style="list-style-type: none"> • Councillor Val Bryant • Councillor Tamsin Thomas • Councillor Donna Wright • Scrutiny Officer
24 March 2026	<ul style="list-style-type: none"> • RIPA • Digital Transformation and Inclusion 	<ul style="list-style-type: none"> • Councillor Daniel Allen • Councillor Val Bryant

MEETING DATE	ITEMS AT MEETING	EXECUTIVE / REPORT AUTHOR
	<ul style="list-style-type: none"> • Learning and Development Orotocol • Garden Sqaure Multi-storey car park lease • Council Delivery Plan & Key Performance Indicators – Q3 Update • S106 Task and Finish Group Report • Work Programme & Decisions and Monitoring Tracker 	<ul style="list-style-type: none"> • Councillor Daniel Allen • Councillor Tamsin Thomas • Councillor Ian Albert • Councillor Ralph Muncer (Chair of Task and Finish Group) • Scrutiny Officer

Items deferred / to be rescheduled

- Annual Safeguarding Review
- Environmental Health
- Update on Health Equalities

For further investigation

- Decarbonisation
- National Planning Changes
- Officer recruitment / retention – grow your own / apprentices / career grading

Candidate topics to be scheduled:

- Cabinet Panel
- Impact of the Council's grant policies
- Officer recruitment & retention
- Sustainability
- Tackling Homelessness in North Herts

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Forward Plan of Key Decisions - 13 March 2026

The Forward Plan contains brief details of Key Decisions that the Council is likely to take over the next four month period and beyond. You will also find details of contacts who can provide further information and hear your views. **Please note that the dates of some of the decisions may change from month to month, please check with Committee, Member and Scrutiny Services on (01462) 474655 before deciding to attend a meeting.**

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
Lease on Letchworth Multi Storey Car Park		Cabinet	14 Apr 2026		Steve Crowley, Director - Enterprise steve.crowley@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
23 Council Delivery Plan Update		Cabinet	14 Apr 2026		Ian Couper, Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
THIRD QUARTER TREASURY MANAGEMENT REVIEW 2026/26		Cabinet	14 Apr 2026		Ian Couper, Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
THIRD QUARTER CAPITAL BUDGET MONITORING REVIEW 2025/26		Cabinet	14 Apr 2026		Ian Couper, Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
THIRD QUARTER REVENUE BUDGET MONITORING 2025/26		Cabinet	14 Apr 2026		Ian Couper, Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
Arrangements for carrying out Public Health Funerals		Cabinet	14 Apr 2026		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Renters Right Act		Cabinet	14 Apr 2026		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Private Drinking Water Sampling Policy		Cabinet	14 Apr 2026		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Food Hygiene Complaints Policy		Cabinet	14 Apr 2026		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Food Hygiene Enforcement Policy		Cabinet	14 Apr 2026		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Environmental Health Food Sampling Policy		Cabinet	14 Apr 2026		Frank Harrison, Environmental Health Manager frank.harrison@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
GA2 Access Land		Cabinet	16 Jun 2026		Philip Doggett, Principal Estates Surveyor philip.doggett@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
Developer Contributions SPD		Cabinet	16 Jun 2026		Clare Skeels, Senior Planning Officer clare.skeels@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
North Herts Design Code SPD - Approval		Cabinet	16 Jun 2026		Sohanna Srinivasan, Principal Planning & Urban Design Officer sohanna.srinivasan@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6

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DECISIONS

Item number	Recommendation/ Referral	Details from Cabinet	Status
LGA CORPORATE PEER CHALLENGE FOLLOW UP			
29	<p>RESOLVED:</p> <p>(1) That the findings of the CPC follow up report were noted.</p> <p>(2) That the progress against the CPC Action Plan was noted.</p> <p>REASON FOR DECISIONS: To ensure that the Council responds to the matters identified within the CPC follow up report, ensuring that the benefits of the CPC process are realised.</p> <p>O&S Committee - Tuesday, 3rd February, 2026 7.30 pm</p>	<p>RESOLVED: That Cabinet:</p> <p>(1) Noted the findings of the CPC follow up report.</p> <p>(2) Noted the progress against the CPC action plan.</p> <p>REASON FOR DECISIONS: To ensure that the Council responds to the matters identified within the CPC follow up report, ensuring that the benefits of the CPC process are realised.</p> <p>Cabinet meeting - Tuesday, 17th February, 2026 7.30 pm</p>	Open

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