



East Herts District Council

Council Size Submission

This report is the submission of East Hertfordshire District Council (the Council) to the Local Government Boundary Commission for England (LGBCE) on its proposals for Council Size.

JULY 2021

Contents:

	Page
1. Introduction	1
2. Submission Summary	2
3. Overview	3
3.1. The People	4
3.2. Economic Information	4
4. Challenges and Priorities	4
4.1. Changes Since the Last Review.....	5
5. Governance, Decision Making and Scrutiny	6
5.1. Governance Model	6
5.2. Executive Functions	6
5.3. Opposition Members	7
5.4. Delegated Decisions	8
5.5. Non-Executive Functions	8
5.6. Statutory Regulatory Functions	9
5.7. Political Group Meetings	11
5.8. Committee Membership Generally	12
6. Scrutiny	12
7. Councillor Representational Roles	14
7.1. Casework	14
8. Conclusion	15

1. Introduction

The Local Government Boundary Commission for England ('the Commission') advised in the early part of 2020 that a review of the Council's warding pattern would be undertaken with the aim of addressing the electoral variance across parts of the District. The outcome of the review will be implemented for the May 2023 Local Council elections. The review covers the entire district of East Herts.

The review consists of a number of stages. The first stage is the consideration of the existing Council Size, with a view to ensuring an efficient and effective structure is in place. In making its proposals, the Commission will apply the following statutory criteria:

- The need to secure electoral equality (a consistent number of electors per Councillor)
- Community identity (strong ward boundaries that reflect communities); and
- Securing effective and convenient local government (coherent wards)

In determining the "Council Size", the Commission will have regard to the following:

- The Council's governance arrangements and how it makes decisions
- The Council's scrutiny functions relating to its own decision making and the Council's responsibilities to outside bodies
- The role of Councillors in the local community and how they engage with electors, conduct casework and represent the Council on local partner organisations.

The Commission's decision on Council Size will be used to inform the second stage of the review, which will consider the size and number of Wards, Ward names, Ward boundaries and the number of Councillors to represent each Ward.

At its meeting on the 28th July 2021, Full Council approved the Council's submission.

2. Submission Summary

East Herts Council welcomes the Local Government Boundary Commission for England triggering a statutory review. This document will lay out why East Herts Council believes that retaining the current council size of 50 is the most appropriate way forward for the District.

This is the first review of East Herts' size and boundaries since the last review reporting on 3 February 1998, and as a result a fundamental rethink of the size of the council has been needed.

There have been factors which – by themselves – would suggest a larger council size; the electorate of East Herts is forecast to rise from 113,627 in May 2021 to 130,705 in 2027 for example. In addition to this, the Council has also acquired increased licensing functions since the last review, with the introduction of the Licensing Act 2003.

Counter to this, there have also been factors which would suggest that a smaller council size may be desirable. These include;

- a) the shift in the Council's governance model from a committee structure to a strong Leader plus Executive model, reducing the role of backbench members in decision making,
- b) widespread adoption of e-mail, mobile phone and video conferencing making the representative function easier for members,
- c) housing stock transfer reducing the Council's responsibilities in this area, and consequently the demands on Members relating to it
- d) the reduction in Council staff numbers

As a result – and as we will lay out later in this document – we have considered from a zero base the needs of the Council in terms of the number of Members. We have considered all of the ways in which members contribute to the working of the Council and public life in East Herts. We have considered Member contributions to decision making, committee membership, the representative/democratic function and membership of external bodies.

As a result, we believe that 50 remains the appropriate size for East Herts Council, and recommend that East Herts remains on a full council “all out” election model. We do not believe that election by thirds or half would be suitable for our district.

3. Overview

East Hertfordshire District Council was created as a result of the Local Government Act 1972. It succeeded the Borough of Hertford; the Urban Districts of Bishop's Stortford, Sawbridgeworth and Ware; the Rural Districts of Braughing and Ware as well as part of the Rural District of Hertford.

It is a district council within the County of Hertfordshire. The entirety of East Herts is parished, so there is a strong parish level representative function in addition to that provided by the district council.

According to ONS mid-2020 population estimates, East Herts had a population of 151,457 residents at this time. This meant it was the second largest of Hertfordshire’s district and borough council’s and the 23rd largest of England’s 188 second tier authorities.

The district is, demographically, fairly typical for England. In mid-2020, it had an average age of 42.7 years, which is only slightly higher than the average for England of 40.3. The population per square kilometre was 319 against England’s 434 (the range is from 25 in the district of Eden to 16,699 in Islington).

The district is a mix of market towns (Bishop’s Stortford, Hertford, Ware, Sawbridgeworth and Buntingford) and villages which look towards these towns and neighbouring urban areas, including Harlow, Stevenage and Welwyn. While much of the district geographically is rural in character, there are strong road links including the M11, A120, A10, A414 and A602 which link many of the settlements. The district also has solid rail links with the West Anglia Main Line serving Bishop’s Stortford and Sawbridgeworth, and its Hertford East station providing links to Hertford, Ware and St Margarets.

Overall, East Herts is an affluent area; of East Herts’ 84 Lower Layer Super Output Areas, only four were in the lowest five deciles on the Index of

Multiple Deprivation metric. Moreover 63 (75%) were in the least deprived three deciles¹.

3.1. The People

In terms of its ethnic makeup, the majority of East Herts' population (95.5%²) is made up of people from a white ethnic background. Asian/Asian British and Black/African/Caribbean/Black British make up 1.9% and 0.6% of the population respectively. English is the most widely spoken language in the district, with 95.8% of all adults over the age of 16 having English as a main language. East Herts is a largely rural district with a fairly middle aged profile; 30% of the population are adults aged 40-59.

3.2. Economic Information

East Herts is the 11th least deprived district in England; however there are some less affluent areas the district. 57% of employees in East Herts are in highly skilled occupations, compared to 47% in East of England, and the weekly earnings in East Herts have been consistently higher than those in the region and country over the last few years.

There has been a steady rise in the number of businesses in the district over the last 6 years, both in enterprises and local units. There is a higher number of micro to small enterprises (over 90% of the total number of enterprises) and local units (over 90% of the total number of local units) than medium to large ones.

4. Challenges and Priorities

Local government remains under financial pressure, and has resulted in all Councils having to find efficiencies and savings. East Herts has managed to engage in an exciting investment programme for its leisure and arts facilities over recent years, but has also had to find savings and extra revenues. These savings have included staff restructuring, green waste charging, shared services and re-evaluating non-statutory services. The Council is currently undertaking a transformation process which looks fundamentally at its office space, working patterns and other ways of saving money.

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833970/File_1_-_IMD2019_Index_of_Multiple_Deprivation.xlsx

²

<https://iao.blob.core.windows.net/publications/reports/f589797e29b14c50a0f7cfd0a2c4420/E1000015.html#>

Whilst the effects of the COVID-19 pandemic have not yet been fully realised, it is already apparent it has had a further and significant negative impact on the Council's finances, inevitably requiring East Herts to make difficult decisions about how it is going to meet the challenges ahead.

East Herts is ambitious for its citizens and the district, which was named the UK's best place to live by the Halifax Quality of Life survey 2020³. East Herts Council's Corporate Plan, launched in 2020, sets out the strategic direction for the Council and demonstrates our commitment to putting our communities at the heart of all our work. The Council's vision, that East Herts be a place to grow, is supported by four priorities;

- Sustainability at the heart of everything we do
- Enabling our communities
- Encouraging economic growth
- Digital by design.

4.1. Changes Since the Last Review

As alluded to above, the Boundary Commission's last review of the Council's size and ward boundaries reported in 1998. The Council adopted the Strong Leader and Executive model (as set out in Section 5) in June 2001, following a public consultation in which 60% of those asked supported it as the most desirable approach. This model has since been embedded with the work of the Executive reviewed by scrutiny committees.

At the start of the last review in 1996, 50 councillors represented 93,466 electors, an electoral ratio of 1869; the review at that time retained the number of councillors at 50. In 2010 the number of electors had risen to 104,161 and in May 2021 there were 113,627 registered voters (excluding overseas voters), giving an electoral ratio of 2273. This is likely to increase to 130,705 by 2027, an electoral ratio of 2614. This figure is based on planned housing development, particularly as part of the Harlow and Gilston Garden Town project, and planned activity to maintain current electoral registration rates.

The reduction in the Council's budget has meant a reduction in services and the number of staff, from 363 employees in 2007; the earliest point from which this information is available, to a current headcount of 330.

³ <https://www.lloydsbankinggroup.com/assets/media/press-releases/halifax/2020/halifax-quality-of-life-2020/halifax-quality-of-life-survey-2020.pdf>

5. Governance, Decision Making and Scrutiny

East Herts is made up of 30 wards, comprising 50 councillors. Each ward is represented by a varying number of councillors, the highest being three councillors to a ward, and the lowest being one councillor. Following the local elections in May 2019, the political balance of the Council stands at Conservative: 40 seats, Liberal Democrat: 6 seats, Green Party: 2 seats and Labour/Labour Co-Op: 2 seats.

All councillors serve on the Full Council which is the sovereign decision making body of the Council and is chaired by the Chairman of the Council. The Chairman is the ceremonial representative of the District and in 2019/20 attended 73 outside events, raising money for several charities. Clearly, the number of engagements was severely hit by the COVID-19 pandemic, however it is expected they will return to similar levels once the pandemic is over, or at the very least lessened in severity.

5.1. Governance Model

The Council operates a strong Leader and Executive Model. The Leader is elected at the Annual meeting of the Council after the four yearly Council elections for a four year term.

5.2. Executive Functions

The Executive has eight posts including the Leader of the Council and is made up of eight elected Conservative councillors. The Leader of the Council appoints and allocates portfolios to the Deputy Leader and six other Executive Members. The Leader has the power to remove and/or replace any Executive Member.

The current Executive portfolios are:

- Leader of the Council
- Deputy Leader and Financial Sustainability
- Planning and Growth
- Corporate Services
- Environmental Sustainability
- Wellbeing
- Neighbourhoods
- Communities

The Executive holds public meetings as frequently as is required for the effective discharge of its functions, on dates and at times agreed by the Leader. How Executive decisions are taken is set out in the Council's constitution at paragraph 11.3.3⁴.

The Executive Members make decisions collectively and individually, provide political leadership and implement policy through senior officers. Individual members are responsible for and play an active role in the development and clearance of all published committee and delegated authority reports which are in their name. Members hold regular scheduled briefings with Heads of Service, to which other senior officers are also invited, ahead of all Executive meetings.

The Leader of the Council estimates that she spends four days per week on her council duties. Members of the Executive estimate they spend 2-3 days a week on their duties (which includes both their executive and elected member functions).

Breaking this down, in 2020, the Executive met formally on seven occasions and informally every week. In addition to formal and informal meetings of the Executive, portfolio holders meet regularly with officers to provide strategic guidance and receive briefings.

They are also available to brief individual members and are a key contact point for members to escalate matters within their portfolio.

We feel that a 50 member council provides a strong pool of councillors to undertake these functions. The majority group is confident that it has sufficient members to add to or replace existing members of the Executive if needed. No increase is needed to provide additional members. By contrast, a smaller council would risk there not being sufficient members to staff the Executive were the majority group to only have a small majority on the council e.g. 21 or 22 members of a 40 member council.

5.3. Opposition Members

There are a total of three opposition groups on the Council, all of whom appoint a leader who receives a special Responsibility Allowanced. The Liberal Democrat Group has six members, the Labour Group has two members and the Green Group has two members.

⁴ <http://democracy.eastherts.gov.uk/documents/s53873/Part%20%20-%20Chapter%2011%20-%20Decision%20Making.pdf?J=2>

Opposition councillors participate in all of the committees of the Council, and the Leader of the Opposition is Vice-Chair of the Overview and Scrutiny Committee.

A comprehensive training programme (usually two sessions per month) which is open to all members provides not only skills based trainings but briefings which ensure that opposition members are fully involved in the workings of the Council.

The Leader of the Council meets the other group leaders once per quarter to discuss key developments and receive opposition feedback.

Casework volumes for opposition members appear to be in line with those of the majority group.

5.4. Delegated Decisions

Other than matters reserved for the Executive, the Leader delegates most decision making to Executive members under the Council's delegated decision making process. Key decisions are classified as decisions which are likely to result in new expenditure, income or savings of more than £100,000 in relation to the Council's revenue or capital budget, this being deemed significant having regard to the Council's overall budget, or decisions which are significant in terms of their effect on communities living or working in an area consisting of two or more wards. There were no key decisions taken by Executive members under delegated authority in 2019/20.

The Council's Scheme of Delegation sets out the decision-making powers of Members and officers. Non-key decisions; being decisions that do not meet either of the above criteria, are delegate to Heads of Service, sometimes following consultation with the relevant Executive member. In 2019/20 there were 21 non-key decisions.

5.5. Non-Executive Functions

Legislation excludes specific issues from being Executive decisions, including: the Council's overall Budget and Policy Framework; quasi-judicial matters (such as planning and licensing applications); and issues related to staffing, pensions, audit and standards.

The Council has established the following committees to deal with these functions:

Audit and Governance Committee – as well as what is set out at Section 6 below, the committee also acts as the Council’s Standards Committee, promoting and maintaining high standards of conduct by District and Parish councillors and co-opted members, and considers any reports into breaches of the Council’s Member Code of Conduct.

Chief Officer Recruitment Committee – undertakes the appointment of the Chief Executive and certain other senior officers.

Human Resources Committee – deals with, amongst other things, disciplinary matters relating to senior officers.

Local Joint Panel – establishes a regular method of consultation and negotiation between the Council and its officers on matters of mutual concern with the intent of maintaining and developing an efficient service.

5.6. Statutory Regulatory Functions

Planning

The powers and duties of the Council in relation to planning and development control matters are exercised by the Development Management Committee. Its powers are set out in Part 3B, paragraph 2⁵ of the Council’s constitution. Primarily it considers strategic and major planning applications as well as section 106 agreements. Planning policy is agreed by the Executive.

The Committee will meet in accordance with a schedule of ordinary meetings, although meetings may be cancelled due to lack of business, or additional meetings may be arranged as necessary in consultation with the Chairman of the Committee. There were a total of 12 meetings of the Committee in the 2019/20 civic year.

Meetings can be demanding for members, lasting anywhere between an hour and three hours depending on the complexity of the matters before it. An hour long pre-meeting is held some days before the Committee to alert members to any late issues. The applications can be complex and members are expected to undertake work and advance reading in preparation for the meeting.

⁵ <http://democracy.eastherts.gov.uk/documents/s53879/Part%203%20-%20B%20-%20Functions%20of%20Committees.pdf?J=2>

There are, though, sufficient members who wish to sit on the Development Management Committee within a 50 member council. Attendance levels are very high at DMC meetings. There is no need to increase the size of the council to increase the number of members available, but reducing the size of the council would risk introducing stresses into staffing the committee.

Some applications concerning strategic sites may require site visits, which take place at a time which is convenient to all members of the committee; Members who are due to consider the application are expected to attend. Members are required to attend training before they can sit on the Committee.

There can be significant public involvement at meetings of the Committee, with both applicants and objectors having speaking rights. Members of the Development Management Committee also ask comprehensive questions from all those present. Ward Councillors can also speak at the Committee.

Certain planning applications are considered by delegated authority to the Head of Planning and Building Control, except where a Member considers that delegated powers should not be exercised in the circumstances. In which case the Member must contact the Chairman of the Development Management Committee to seek referral, submitting a completed application referral request form stating the reasons why the decision should not be delegated. The Chairman will then decide whether it is referred to the Committee to determine.

Licensing

The Licensing Committee may undertake or sub-delegate the Council's regulatory functions relating to licensing and registration. Unless otherwise delegated, the Committee will hear licensing and registration appeals which the Council is required to determine and may authorise a prosecution for any offence within the scope of its delegation.

The Licensing Sub-Committee is responsible for considering and resolving all matters relating to the Licensing, Certification and Registration functions of the Council. They determine new applications for licences and variations to existing licences and also hear review applications where relevant bodies object to how a licence is being operated.

The full committee meets about three times a year, whereas the Sub-Committee meets as often as is required.

The Licensing Committee has 12 members and up to 6 substitutes. The Sub-Committee can be convened with any three members of the main committee with party allocation determined on the availability of the three councillors who are able to attend the meeting.

There is significant public involvement at each meeting with both applicants and objectors having speaking rights.

East Herts has a number of areas with a night time economy which generate licensing applications and reviews. In 2019 the licensing sub-committees met a total of 11 times, falling to 7 in 2020 as a result of COVID-19. We believe the number of meetings will be slightly higher than this in 2021, but do not foresee a long term increase. We believe that the current mix of retired/full-time councillor and members with full time jobs are able to effectively manage this volume of meetings.

Joint Arrangements

The Council has entered into joint arrangements with neighbouring authorities for the joint provision of various services that cut across local government boundaries. These arrangements have been individually agreed with the relevant neighbouring Councils as follows:

CCTV Joint Committee Executive Board.

The Council works alongside three other Hertfordshire local authorities to discuss and agree strategic and policy issues relating to the jointly owned and operated CCTV Control and Monitoring service. It also considers complaints regarding any breaches of the CCTV Code of Practice and recommendations for preventing such breaches.

Joint Revenues and Benefits Committee.

This is a joint committee of Stevenage Borough Council and East Hertfordshire District Council under the provisions of section 10 of the Local Government Act 1972 and all regulations made thereunder. It meets to, amongst other things, approve the annual service plan and budget for the Shared Revenues and Benefits Service and give initial consideration to the future development of the shared service and any changes in legislation that may affect service delivery.

5.7. Political Group Meetings

The political groups represented on the Council hold their own political group meetings. All councillors are expected to attend their specific group meetings in addition to formal and informal group meetings.

5.8. Committee Membership Generally

Most councillors sit on at least one committee. The time commitment is not limited to the meeting itself; Members have to read often lengthy agendas before the meeting (reading time often equals or exceeds the length of the meeting), attend pre-meetings and undertake visits. Members will also attend meetings of which they are not members, particularly Development Management Committee, in order to represent the views of their constituents.

6. Scrutiny

Effective scrutiny improves accountability, ensures transparency of decision-making, and contributes to service improvement by acting as a check and balance on decision-makers.

East Herts has two scrutiny committees, namely the Overview and Scrutiny Committee and the Audit and Governance Committee. The Overview and Scrutiny Committee is responsible for overseeing and scrutinising a whole range of the Council's function and responsibilities. The Committee is expected to be forward-looking, shaping new policies at an early stage of their development, and undertaking major reviews of existing policies or service delivery models in order to look to make future improvements. It is also responsible for undertaking oversight and co-ordinating activities of the scrutiny function as a whole.

The Committee comprises a Chair, Vice-Chair and an additional 12 members for each meeting. The work programme of the Committee is developed at the start of the municipal year and is considered at each meeting in order to allow for changing priorities. The Chair and Vice-Chair play an active role in developing the work programme.

In addition to its ordinary meetings, the Committee has several tools at its disposal to effectively carry out its scrutiny function, including Rapid Reviews and Task & Finish Groups. Early consultation with the Committee has meant that there have been no recent call-ins of Executive decisions.

Meetings are open to the public and, pre-pandemic, the Chair was keen to explore the notion of a roving committee, where meetings of the Overview and Scrutiny Committee would take place at different locations throughout the district in order to improve accessibility for members of the public.

In mid-2020, East Herts took the decision to voluntarily review how it discharged its scrutiny function; doing so by engaging with the Centre for Governance and Scrutiny (CfGS) to observe and report on best practice.

In its resulting final report⁶, the CfGS found that East Herts had a strong ongoing commitment to scrutiny in terms of the level of activity undertaken and time and resource dedicated across the organisation. It found that scrutiny was respected and valued by the Council and that its political leaders, and Executive Members were also very supportive. This meant; the CfGS found, that scrutiny had a relatively high level of esteem within the Council.

The CfGS made some additional recommendations to help strengthen the scrutiny function at East Herts, which are in the process of being implemented.

The Audit and Governance Committee has the specific role of monitoring the budget, approving the Council's Statement of Accounts, acting as the Council's audit committee and considers matters of risk management, communications and procurement. The committee also carries out the Council's treasury management functions.

Similar to the Overview and Scrutiny Committee, the Audit and Governance Committee comprises a Chair, Vice-Chair but only an additional six members for each meeting. The work programme of the Committee is developed at the start of the municipal year, following a largely predictable pattern of reports, although changing priorities can and do introduce new reports over the course of the year. The Chair and Vice-Chair play an active role in developing the work programme also.

There are normally between four and six meetings annually, with extraordinary meetings being called from time to time as and when appropriate. Additional committee meetings can be called by the Chair, by any four members of the committee or by the Monitoring Officer if he or she considers it necessary or appropriate.

⁶ <http://democracy.eastherts.gov.uk/documents/s54552/CfGS%20Final%20Report%20Version%20%20-%20December%202020.pdf?J=8>

7. Councillor Representational Roles

The duties of all Councillors are set out in Chapter 2 of the Constitution⁷. Councillors have to represent stakeholders as decision makers and scrutineers within the Council and also represent people in the community both as community leaders and by responding to casework.

There is training available for councillors which is managed by the Democratic Services team. The Council provides initial induction training, which includes equalities training, to all councillors following the district elections. There is also additional, more detailed training for members of particular committees, for example Development Management and Licensing Committee.

Both Executive Members and backbench councillors work hard to fulfil their commitments with no instances of the Council being unable to discharge its duties due to a lack of councillors.

7.1. Casework

The Council has a system of Members Enquiries to assist members with casework. Members send an e-mail to a generic address which is logged on the Council's Infreemation system before being assigned to the relevant officer to respond. The Infreemation system sets a deadline for the officer to respond and will regularly send reminders so that queries are answered in a timely manner.

In addition to enquiries which are logged on the system some matters are dealt with informally, for example by a councillor ringing, e-mailing or speaking to an officer to resolve a case.

The role of officers is set out in the Council's constitution. Their job is to give full and impartial advice to enable councillors to carry out their duties. Other than the Member Enquiry system there is no general administrative support for non-executive members in carrying out their representational role.

The Leader has access to a PA who provides support for the Leader in managing appointments etc.

Since the last review there has been a revolution in communications technology. Nearly all electors and residents now have access to the internet

⁷ <http://democracy.eastherts.gov.uk/documents/s53864/Part%20%20-%20Chapter%20%20-%20Members%20of%20the%20Council.pdf?J=4>

and smartphones. A large number of queries which would have been previously directed to councillors can now be solved through direct contact with the authority, mainly through filling out forms on the website. Councillors are finding that they mainly receive more complex casework (e.g. planning matters or public policy concerns). Most communications with residents are now undertaken by e-mail or social media, and members report that phone calls and letters are far less frequent than at the time of the last review a quarter of a century ago. Members do not generally hold weekly surgeries as they are easily contactable by residents by electronic means.

Most members from the five largest towns in Bishop's Stortford are also Town and/or County Councillors in addition to their role on East Herts. This means that their casework burden must be apportioned across these roles.

As a result, members feel that the casework burden is currently proportionate. Changing the number of members would not make a material difference to the burden in this regard or significantly aid the democratic process.

8. Conclusion

Councillors work hard to meet their commitments both in terms of their role in representing residents of the district in decision making and scrutiny, as well as in their capacity representing people in the community. Councillors attend formal Council meetings as voting members and also to represent their constituents, as well as informal meetings with officers, political group meeting, public meeting as well as ward level and community meetings.

Any reduction in numbers would require higher attendance at all forms of meetings. Councillors have high demands on their time and their workload is increasing.

The challenging financial position the Council find itself in, the uncertainty presented by the COVID-19 pandemic, and the ambitious capital programme the Council is currently engaged in will continue to add to an increasing workload.

Nevertheless, our conclusion is that the current number of councillors should remain the same in order to ensure that the Council is well placed to meet the challenges ahead.

Increasing the number of councillors – in addition to increasing costs to the authority – would not be justified by the workload placed upon individual members. Including the Leader, there are currently 8 seats on the Executive and 73 other committee roles, meaning that on average each member has just 1.6 appointments other than Full Council, and this includes committees which meet relatively infrequently such as the Chief Officer Recruitment Committee and the Joint CCTV Executive. Reducing the number of committees sat on per member would significantly dilute each individual member's influence over the council as a whole, and would not be appropriate for East Herts Council.