

Public Document Pack

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To: Members of the Cabinet:

Councillor Lynda Needham, Leader of the Council (Chairman)
Councillor Julian Cunningham, Executive Member for Finance and IT & Deputy Leader of the Council (Vice-Chair)
Councillor David Barnard, Executive Member for Leisure and Green Issues
Councillor Tony Hunter, Executive Member for Community Engagement and Rural Affairs & Chairman of Royston and District Committee
Councillor David Levett, Executive Member for Planning, Enterprise and Transport
Councillor Bernard Lovewell, Executive Member for Housing and Environmental Health
Councillor Michael Weeks, Executive Member for Waste Management, Recycling and Environment

You are invited to attend a

MEETING OF THE CABINET

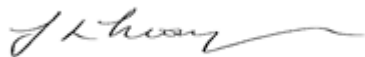
to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES, GERNON ROAD,
LETCHWORTH GARDEN CITY**

on

TUESDAY, 18TH DECEMBER, 2018 AT 7.30 PM

Yours sincerely,



Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 10 SEPTEMBER 2018 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 10 September 2018.	(Pages 1 - 2)
3. MINUTES - 25 SEPTEMBER 2018 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 25 September 2018.	(Pages 3 - 16)
4. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Cabinet 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 Chairman will decide whether any item(s) raised will be considered.	
5. CHAIRMAN'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 Chairman 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, wished 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	
6. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
7. ITEMS REFERRED FROM OTHER COMMITTEES Any Items referred from other committees will be circulated as soon as they are available.	
8. ROYSTON FIRST BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL REPORT OF THE COMMUNITIES MANAGER To obtain Cabinet's endorsement of the proposals to progress to renewal ballot for Royston First BID.	(Pages 17 - 44)

- 9. STRATEGIC PLANNING MATTERS** (Pages 45 - 82)
REPORT OF THE SERVICE DIRECTOR – RESOURCES
- To inform Members of the current positions regarding:
- Other Local Plans and Examinations;
 - North Hertfordshire Local Plan;
 - Neighbourhood Plans;
 - Government announcements;
 - Strategic Planning.
- 10. PLAYING PITCH STRATEGY AND INDOOR SPORTS FACILITIES STRATEGY** (Pages 83 - 224)
REPORT OF THE SERVICE DIRECTOR – REGULATORY AND THE SERVICE DIRECTOR – PLACE
- To consider the Playing Pitch Strategy and Indoor Sports Facilities Strategy.
- 11. THE CONTRACTING OUT OF HOMELESSNESS REVIEW DECISIONS** (Pages 225 - 232)
REPORT OF THE SERVICE DIRECTOR – REGULATORY
- To consider the contracting out of Homelessness Review decisions.
- 12. COMMUNICATIONS STRATEGY 2019-2023** (Pages 233 - 268)
REPORT OF THE COMMUNICATIONS MANAGER
- To consider and adopt the proposed North Hertfordshire District Council Communications Strategy 2019 - 2023, which sets out the strategic direction for the Council's communications over the next five years.
- 13. CORPORATE BUSINESS PLANNING - DRAFT BUDGET 2019/20** (Pages 269 - 294)
REPORT OF : SERVICE DIRECTOR - RESOURCES
- To consider the draft budget for 2019/20 and the main factors which contribute to the determination of the North Hertfordshire District Council (NHDC) Council Tax level. To consider the appropriate level of Council Tax that will be recommended to the meeting of the Council on the 7 February 2019.
- 14. SECOND QUARTER REVENUE MONITORING 2018/19** (Pages 295 - 304)
REPORT OF: SERVICE DIRECTOR – RESOURCES
- To inform Cabinet of the summary position on revenue income and expenditure forecasts for financial year 2018/19, as at the end of the second quarter

15.	SECOND QUARTER CAPITAL MONITORING 2018/19 REPORT OF THE SERVICE DIRECTOR – RESOURCES To update Cabinet on progress with delivering the capital programme for 2018/19.	(Pages 305 - 320)
16.	TREASURY MANAGEMENT SECOND QUARTER 2018/19 REPORT OF THE SERVICE DIRECTOR – RESOURCES To inform Cabinet of the Treasury Management activities in the second quarter of 2018/19 to the end of September.	(Pages 321 - 326)
17.	COUNCIL TAX REDUCTION SCHEME 2019/2020 REPORT OF THE SERVICE DIRECTOR – CUSTOMERS To provide Cabinet with an update on how the Scheme is operating in its sixth year and to recommend that no changes be made to the Scheme for 2019/2020.	(Pages 327 - 334)
18.	BUSINESS RATES RETAIL DISCOUNT SCHEME REPORT OF THE SERVICE DIRECTOR – CUSTOMERS To agree a Business Rates Retail Discount Scheme for North Hertfordshire following the Budget announcement on 29 October 2018	(Pages 335 - 348)
19.	CORPORATE STATEMENT OF ENFORCEMENT POLICY REVIEW REPORT OF THE LEGAL REGULATORY TEAM MANAGER To review the Council's Corporate Statement of Enforcement Policy (the 'Policy') so that enforcement decisions and actions are consistent throughout the Council.	(Pages 349 - 474)
20.	OUTBOUND MAIL CONTRACT REPORT OF: SERVICE DIRECTOR - CUSTOMERS To seek approval under rule 28.9 of the Council's Contract Procurement Rules to enter into a variation of the Inbound Mail contract with Northgate Public Services to also include the provision of an Outbound Mail service.	(Pages 475 - 480)
21.	EXCLUSION OF PRESS AND PUBLIC To consider passing the following resolution: That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act.	(Pages 481 - 482)

22.	OUTBOUND MAIL CONTRACT	483 -
	REPORT OF THE SERVICE DIRECTOR – CUSTOMERS	500

To seek approval under rule 28.9 of the Council's Contract Procurement Rules to enter into a variation of the Inbound Mail contract with Northgate Public Services to also include the provision of an Outbound Mail service (including potential redundancy of staff).

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY
ON MONDAY, 10TH SEPTEMBER, 2018 AT 3.00 PM**

MINUTES

Present: *Councillors Lynda Needham (Chairman), Julian Cunningham (Vice-Chairman), David Barnard, Tony Hunter, David Levett, Bernard Lovewell and Michael Weeks*

In Attendance: *Jeanette Thompson (Service Director - Legal and Community), Ian Couper (Service Director - Resources) and Hilary Dineen (Acting Committee and Member Services Manager)*

28 APOLOGIES FOR ABSENCE

There were no apologies for absence.

29 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

30 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman advised that this extra meeting was necessary due to the deadline of 25 September 2018 for submission of bids to the Government and it was necessary for all authorities in Hertfordshire to make a decision regarding this subject prior to that date.
- (2) The Chairman informed Members that the timing of the meeting was necessary as an evening meeting could not be scheduled and thanked Members for attending;
- (3) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but she asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices.
- (4) The Chairman advised that, in accordance with Council policy, this meeting was being audio recorded;
- (5) The Chairman 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. Members wishing to declare a 'Councillor Speaking Right' must declare it at the same time as the interest.
- (6) The Chairman asked that, for the benefit of any members of the public present at the meeting, Officers announce their name and their designation to the meeting when invited to speak.

31 PUBLIC PARTICIPATION

There were no presentations from members of the public.

32 BUSINESS RATES PILOT AND POOLING

The Executive Member for Finance and IT presented a report of the Service Director – Resources entitled Business Rates Pilot and Pooling.

The Executive Member for Finance and IT advised that The Ministry for Housing, Communities and Local Government (MHCLG) had issued an invitation for Authorities to bid to become 75% Business Rates retention pilots. The bid needed to come from all the Authorities within Hertfordshire. The bid needed to be submitted by 25th September 2018, and was expected to be subject to a selection process.

The Council had for a number of years taken part in a Business Rate Pool and the option was also still available to apply for this for the year 2019/2020.

If NHDC was part of an approved pool it stood to gain approximately £400,000 of Business Rate retention.

It was not possible to be part of a pool and a pilot, but it was possible to apply for both.

The Service Director Resources informed Members that he had attended a meeting with other authorities. The latest forecast regarding the numbers of gains was that the gain for Hertfordshire in respect of Pooling was approximately £2.9 million and additional gain from the Pilot was approximately £6.1 million.

The authorities agreed on the split for any gains, which would be the same as for last years bid in that firstly all authorities would be brought to their baseline level, then to allocate the sums that they would have received had they been part of a Business Rates Pool. Of the remaining balance, one third would be allocated to a County wide investment fund the remainder would be allocated to the authorities on an agreed formula.

Although there was a risk of downturn, this was judged to be extremely low and any loss amount would be relatively small and therefore was a risk worth taking.

Members noted that the first part of Paragraph 9.3 of the report should read:

“To be accepted as a pilot for 2019/20”

The Executive Member for Finance and IT answered a number of questions from Members.

It was proposed and seconded that Cabinet delegates to the Service Director- Resources, in consultation with the Leader of the Council, authority to decide whether NHDC should be part of the application for a Business Rates pilot and / or a Business Rates pool and it was

RESOLVED: That Cabinet delegates to the Service Director- Resources, in consultation with the Leader of the Council, authority to decide whether NHDC should be part of the application for a Business Rates pilot and / or a Business Rates pool.

REASON FOR DECISION: It is recommended that the offers available are reviewed due to the potential financial benefits for NHDC and Hertfordshire as a whole. The delegation is recommended as a result of the timing of when bids need to be submitted.

The meeting closed at 3.20 pm

Chairman

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY
ON TUESDAY, 25TH SEPTEMBER, 2018 AT 7.30 PM

MINUTES

- Present:** *Councillors Lynda Needham (Chairman), David Barnard, Tony Hunter, David Levett, Bernard Lovewell and Michael Weeks*
- In Attendance:** *Anthony Roche (Deputy Chief Executive), Ian Couper (Service Director - Resources), James Ellis (Legal Advisor), Louise Symes (Strategic Planning and Projects Manager), David Charlton (Senior Estates Surveyor), Stuart Izzard (Communities Manager), Ros Allwood and Hilary Dineen (Acting Committee and Member Services Manager)*
- Also Present:** *At the commencement of the meeting Councillors Judi Billing and Elizabeth Dennis-Harburg and one member of the public..*

33 APOLOGIES FOR ABSENCE

Audio Recording – Start of Item – Session 1 - 1 minute 27 seconds

Apologies for absence were received from Councillor Julian Cunningham.

34 MINUTES - 31 JULY 2018

Audio Recording – Start of Item – Session 1 - 1 minute 37 seconds

Minute 25 - First Quarter Revenue Monitoring 2018/19

The Executive Member for Community Engagement and Rural Affairs referred to Paragraph 8.1, bullet point 4 and proposed that the statement made by the Executive Member for Finance and IT that the Garden Waste Service was still a subsidised service, be included.

RESOLVED:

- (1) That, subject to the amendment to Minute 25 below, the Minutes of the Meeting of the Committee held on 31 July 2018 be approved as a true record of the proceedings and be signed by the Chairman;
- (2) That the following wording be added to Minute 25 – First Quarter Revenue Monitoring 2018/19, Paragraph 8.1, Bullet Point 4, Second Paragraph:

“The Garden Waste Service was still a subsidised service.”

35 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Start of Item – Session 1 - 3 minutes 7 seconds

There was no other business notified.

36 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording – Start of Item – Session 1 - 3 minutes 15 seconds

- (1) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or do a sound recording of the meeting, but she asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices.
- (2) The Chairman announced that, in accordance with Council policy this meeting was being audio recorded;
- (3) The Chairman 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. Members declaring a Declarable Interest wishing to exercise a "Councillor Speaking Right" must declare this at the same time as the Interest;
- (4) The Chairman asked that, for the benefit of any members of the public present at the meeting, Officers announce their name and their designation to the meeting when invited to speak.
- (5) The Chairman advised that she was amending the order of the agenda as follows:
 - Items 1-10 would be as per the agenda;
 - Item 12 would be taken next;
 - Item 15 (Part 2 item) would then be considered;
 - Immediately following this the meeting would return to Part 1 in order to make the decisions regarding Items 12 and 15;
 - This would be followed by Items 11 and 14.

37 PUBLIC PARTICIPATION

Audio Recording – Start of Item – Session 1 - 5 minutes 6 seconds

Councillor David Levett Declared a Disclosable Interest in that he was a Board Member of Letchworth Business Improvement District and had been involved in the preparation of the documents due to be considered late on the agenda. He stated that he believed it was in order for him to listen to the presentation, however he would leave the room for the duration of the Item regarding the Hitchin and Letchworth Business Improvement Districts (BIDs) Renewal (Minute 41 refers).

Hitchin BID Renewal

Mr Tom Hardy, Hitchin BID Manager, thanked the Chairman for the opportunity to address Cabinet in respect of the Hitchin Business Improvement District (BID) Renewal as follows:

- The BID renewal had to include all businesses and every business had been consulted;
- Opinions and ideas of those businesses had been gathered through surveys, workshops and the newly created BID renewal group;
- A 5-year Business Plan had been developed;
- Many of the activities and events already provided by the BID had been retained;
- There were four key elements to the Business Plan:
 - VIBRANT – Keeping the town a vibrant place to visit by providing floral displays, Christmas lights, events and promotions;
 - PROMOTING THE TOWN – Developing a tourism strategy and promoting the town to a wider area

CLEAN AND SAFE – Considering how to provide additional methods of cleaning the town and ensuring that the night time economy is kept safe by use of night time security and day time Rangers.

SAVE AND SUPPORT – Considering mass procurement initiatives and being a voice for the businesses in the town.

- There had been a small extension to the BID area.

Mr Hardy concluded by thanking the Council for the support over the last 5 years and the ongoing support provided through the renewal process.

The Chairman thanked Mr Hardy for his presentation.

Letchworth (BID) Renewal

Mrs Patricia Saunders, Letchworth BID Manager and the representative from Partnership for Better Business, thanked the Chairman for the opportunity to address Cabinet in respect of the Letchworth Business Improvement District (BID) Renewal as follows:

- Business in Letchworth voted in favour of setting up the Letchworth BID in October 2013;
- Reasons for setting up the BID included having a cohesive voice, a lack of activities for the public and a dependency on NHDC and Letchworth Garden City Heritage Foundation;
- The BID had now established a respected events programme which generated additional footfall and repeat visits, generated commercial revenue from events and helped improve access and signage into and around the town.
- The BID provided training for businesses, introduced network events, customer service excellence award schemes and promoted businesses to a wider audience;
- The public facing brand “Love Letchworth” had been developed and now not only promoted businesses but promoted charitable activities and initiatives and was the place that people actively turned to find out what was happening in the town centre;
- The amount of traffic on the Love Letchworth social media sites demonstrated how vibrant the town is and how much pride people had in the town.

The representative from Partnership for Better Business informed Members that:

- The new Business Plan and BID proposal had started by reviewing what the current BID had achieved;
- They were grateful for the support provided by NHDC throughout the process, in particular the support provided by Councillor David Levett;
- An essential part of the process was to ensure that all the businesses had an opportunity to contribute to the development of the Business Plan;
- All business had received a 4-page survey as well as ebulletins and newsletters and many had received a personal visit to discuss the BID;
- There have been a number of events to which businesses were invited including the launch event, vision, objective and budget workshops;
- Overarching strategies such as NHDC’s Economic Development Strategy had been taken account of in order to ensure that the Business Plan complimented and supported them;
- Objectives 1 and 2 of the Business Plan took account of and supported NHDC’s Economic Development Strategy;
- Objectives 1 and 4 of the Strategy were particularly important as it recognised that investment was necessary to ensure that Town Centre are competitive and attractive for modern day use, which in turn increased vitality and made them desirable places to be;
- The Strategy also aimed to strengthen links between NHDC and the business in Letchworth;
- The new BID proposal also took account of and complimented the new Local Plan 2016 – 2031, in particular SP4 regarding the vitality and viability of all town centres;

- The approach to the Business Plan had been to take into account the uncertain times and economic challenges faced by towns.

He concluded by stating that the only way of creating an economically stable and vibrant place with a sense of community was for everyone to work together collaboratively. A successful BID could not work on its own and need to work with stakeholders including NHDC, Letchworth Garden City Heritage Foundation and the County Council. He asked that the Cabinet accept and support the Letchworth BID proposal.

The Chairman thanked Mrs Saunders and the representative from Partnership for Better Business for their presentation.

38 6A - ITEM REFERRED FROM OVERVIEW AND SCRUTINY COMMITTEE: 18 SEPTEMBER 2018 - INFORMATION NOTE: MOBILISATION OF WASTE, RECYCLING AND STREET CLEANSING CONTRACT

Audio Recording – Start of Item – Session 1 - 17 minutes 5 seconds

The Chairman of the Overview and Scrutiny Committee presented the following referral from that Committee, made at its meeting held on 18 September 2018, in respect of the Mobilisation of Waste, Recycling and Street Cleansing Contract.

The referral had been tabled together with the following documents:

- Information Note: Mobilisation of Waste, Recycling and Street Cleansing Contract;
- Appendix A - Questions Raised During June Overview & Scrutiny Committee;
- Appendix B - Call Handling Statistics;
- Appendix C - Performance Management Regime ;
- Appendix D - Formal Complaints Waste and Recycling Services.

“RECOMMENDED TO CABINET:

- (1) That all efforts are made to ensure that staff resources within NHDC are sufficient to meet the needs of the service;
- (2) That a plan demonstrating the actions to be taken in order to bring the Waste and Recycling Service to a “business as usual” status be published and communicated publicly;
- (3) That Cabinet confirm that a contingency plan detailing what will happen should the current contract continue to underperform is in place;”

The Executive Member for Waste Management, Recycling and Environment responded to the recommendations of the Overview and Scrutiny Committee and it was:

RESOLVED:

- (1) That all efforts be made to ensure that staff resources within NHDC are sufficient to meet the needs of the service;
- (2) That a plan demonstrating the actions to be taken in order to bring the Waste and Recycling Service to a “business as usual” status be published and communicated publicly;
- (3) That it be confirmed that a Business Continuity Plan is in place.

REASON FOR DECISION: To consider recommendations from the Overview and Scrutiny Committee regarding the Mobilisation of the Waste, Recycling and Street Cleansing Contract.

39 6B - ITEM REFERRED FROM LETCHWORTH COMMITTEE: 19 SEPTEMBER 2018 - TRANSFER OF LETCHWORTH GARDEN CITY MUSEUM COLLECTIONS FROM NORTH HERTFORDSHIRE DISTRICT COUNCIL (NHDC) MUSEUM SERVICE TO THE LETCHWORTH GARDEN CITY HERITAGE FOUNDATION (LGCHF) GARDEN CITY COLLECTION

Audio Recording – Start of Item – Session 1 - 21 minutes 45 seconds

RESOLVED: That consideration of this referral takes place in conjunction with agenda item number 10 (see Minute 44 below).

40 6C - ITEM REFERRED FROM FINANCE, AUDIT AND RISK COMMITTEE: 24 SEPTEMBER 2018 - RISK MANAGEMENT

Audio Recording – Start of Item – Session 1 - 22 minutes 1 second

The Chairman of the Finance, Audit and Risk Committee presented the following referral from that Committee, made at its meeting held on 24 September 2018, in respect of Risk Management.

The referral had been tabled together with the following documents:

- Report entitled Risk Management Update;
- Appendix A – Table of Risks.

“RECOMMENDED TO CABINET:

- (1) That the Office Accommodation (TR51) risk be deleted;
- (2) That the new Waste parent risk (RRNEW1) be created, with a score of 9;
- (3) That nine Waste sub-risks (RR287, RR424, RR455, TR59, TR59.001, TR59.002, TR59.004, TR59.005 and TR59.006) be deleted;
- (4) That the Waste sub-risk for Sale of Recyclable Materials (TR59.007) be amended, to include an increase in the risk score from an 8 to a 9;
- (5) That the new Waste sub-risk for Route Optimisation of Collection Rounds (RRNEW2) be created, with a score of 7;
- (6) That in order to enable the Finance, Audit and Risk Committee and Cabinet to monitor the effective development and operation of risk management, all future reports and discussions regarding all Corporate risks should include more detail of ongoing work associated so that any the detail of any mitigation can be taken in to account when assessing risk.”

The Leader of the Council responded to the recommendations of the Finance, Audit and Risk Committee and it was:

RESOLVED:

- (1) That the Office Accommodation (TR51) risk be deleted;
- (2) That the new Waste parent risk (RRNEW1) be created, with a score of 9;
- (3) That nine Waste sub-risks (RR287, RR424, RR455, TR59, TR59.001, TR59.002, TR59.004, TR59.005 and TR59.006) be deleted;
- (4) That the Waste sub-risk for Sale of Recyclable Materials (TR59.007) be amended, to include an increase in the risk score from a 8 to a 9;
- (5) That the new Waste sub-risk for Route Optimisation of Collection Rounds (RRNEW2) be created, with a score of 7;

- (6) That in order to enable the Finance, Audit and Risk Committee and Cabinet to monitor the effective development and operation of risk management, all future reports and discussions regarding all Corporate risks should include more detail of ongoing work associated so that any the detail of any mitigation can be taken in to account when assessing risk.

REASON FOR DECISION: To enable Cabinet to undertake its responsibilities regarding the management of the risks and monitoring the effective development and operation of risk management.

41 HITCHIN AND LETCHWORTH BUSINESS IMPROVEMENT DISTRICTS (BIDs) RENEWAL

Audio Recording – Start of Item – Session 1 - 30 minutes 57 seconds

Prior to the item being discussed Councillor David Levett declared a Disclosable Pecuniary Interest as he was the Council's representative on the Letchworth BID Board and had been involved in the preparation of the documents regarding the Letchworth BID renewal being considered by Cabinet. His business would also be providing space for the board to meet and for the AGM. He advised that he would leave the room for the duration of the item.

The Leader of the Council presented the report of the Communities Manager in respect of the Hitchin and Letchworth Business Improvement Districts (BIDs) Renewal. The following appendices were submitted with the report:

- Appendix A – Hitchin BID Renewal Business Plan 2019 – 2024
- Appendix B – Letchworth BID Renewal Proposal & Business Plan 2019 - 2024

The Leader of the Council advised that Cabinet was being asked for their endorsement to progress the renewal ballots for the Business Improvement Districts for Hitchin and Letchworth.

The Communities Manager advised that the following corrections should be made to the report:

Paragraph 6.1

The date should read:

"10 July 2018"

Paragraph 7.3

This should read:

"In NHDC the past process of consideration of the BID proposals and instruction to hold a renewal ballot has been through Cabinet."

Paragraph 8.7

The first sentence of the last paragraph should read:

"Any last minute sealed votes not posted to UK Engage by 5 December 2018 can be handed in at the Council Offices, North Hertfordshire District Council, Gernon Road, Letchworth Garden City, Herts SG6 3JF up until 5.00pm on Wednesday 5 December 2018."

The Communities Manager drew attention to the recommendations at Paragraph 2 of the report and informed Members of the following:

- If the ballots were successful the BIDs would be renewed on 1 April 2019;
- This was the third ballot for Hitchin and the second ballot for Letchworth;
- The Authority had sought an external body, Engage UK, to undertake the ballot process;

- Paragraph 8.6 of the report gave details of the amount that would be charged for each levy;
- Monies raised by the BID levy would be used by the BIDs to meet the objectives detached in each proposal;
- Paragraph 10.4 of the report gave details of the amount that NHDC would pay as a BID levy in each area;
- Paragraph 8.7 of the report laid out the timetable for BID renewal;
- The Council had good working relationships with all of the BIDs and the BID Managers;
- NHDC was the only District in the Country to have three BID areas and were held up as an example of how to support BIDS.

In respect of the third BID area in the District, a report would be submitted to Cabinet on 18 December 2018 to consider renewal, with the BID ballot planned for early 2019 and commencement from 1 April 2019.

The Communities Manager responded to a number of questions from Members

Following a vote it was:

RESOLVED;

- (1) That any further decisions be delegated to the Leader of the Council, in consultation with officers from relevant NHDC services on instruction to hold the BID ballots (including confirmation of any conflict of the BID Proposals with the Council's adopted policies, and upon receipt of the finalised BID Proposals, instructing the Returning Officer to hold the BID ballots);
- (2) That the Service Director – Customers be authorised to cast the Council's votes in the BID ballots in favour of acceptance.

REASON FOR RECOMMENDATIONS: The Council is under a legal duty to comply with the BID arrangements under section 44 of the Local Government Act 2003 ("the Act"). This includes compliance with the Act and The Business Improvement Districts (England) Regulations 2004 (as amended) ("the Regulations") in respect of receipt of any BID renewal.

Councillor Levett returned to the meeting.

42 STRATEGIC PLANNING MATTERS

Audio Recording – Start of Item – Session 1 - 46 minutes 19 seconds

The Executive Member for Planning, Enterprise and Transport presented a report of the Service Director – Regulatory informing Members of the current position regarding other Local Plans, North Hertfordshire Local Plan, Neighbourhood Plans, Government announcements and Strategic Planning. The following appendices were submitted with the report:

- Appendix A – Uttlesford Local Plan consultation response;
- Appendix B – Letter from the Secretary of State regarding East Herts Local Plan;
- Appendix C – London Luton Airport consultation response.

The Executive Member for Planning, Enterprise and Transport updated the Cabinet on the following matters:

Other Local Plans and Examinations

- South Cambridgeshire
This will be considered by South Cambridgeshire Council for adoption on 27 September 2018.
- East Hertfordshire District Council

The Secretary of State issued a holding order following an intervention by one of the MPs. The Plan remains on hold with no further updates available.

- Stevenage
The Secretary of State issued a holding order following an intervention by one of the MPs. The Plan remains on hold with no further updates available.
- Uttlesford
A copy of NHDC's response to the consultation regarding the Uttlesford Local Plan was provided at Appendix C.

North Hertfordshire Local Plan

- No information has yet been received from the Inspector.

Neighbourhood Plans

- An Examiner had now been appointed for Wymondley Parish Council and all documentation has been sent to that examiner for review.
- Early indications from the Examiner were that she may hold an exploratory meeting prior to stating the examination, although a date for this meeting had not yet been set.

Government announcements

- Revised National Planning Policy Framework
The revised National Planning Policy Framework was published on 23 July 2018 and took immediate effect;
There had not yet been an opportunity to fully review the new NPPF, but this would be done and key points would be circulated to Planning Control Committee Members;
The NHDC Local Plan was being judged on the NPPF in force at the time of submission rather than the new version.

Strategic Planning

- Luton Airport
NHDC's response to the non statutory consultation was provided at Appendix C.
This was a comprehensive response which had been developed collaboratively between all responsible Officers, who had kept their Executive Members informed. It also included points that have also been raised by other Councils in the area.
The results of this consultation and details of next steps were awaited.
This was a National Infrastructure Project and, as such, would be determined by the Planning Inspectorate.

The Executive Member for Planning, Enterprise and Transport answered a number of questions on the report.

RESOLVED:

- (1) That the report on Strategic Planning Matters be noted;
- (2) That the submissions in Appendix A and Appendix C be noted.

REASON FOR DECISION: To keep the Cabinet informed of recent developments on strategic planning matters and progress on the North Hertfordshire Local Plan.

43 COUNCIL TAX REDUCTION SCHEME 2018/2019

Audio Recording – Start of Item – Session 1 - 55 minutes 28 seconds

The Leader of the Council presented the report of the Service Director – Customers in respect of the Council Tax Reduction Scheme 2018/2019.

The Leader of the Council advised that the Scheme was virtually unchanged from that of last Civic Year and drew attention to the following:

- Paragraph 8.8 outlined the current maximum levels that Council Tax could be increased without triggering a local referendum.
- More detailed information would be available in December and the Scheme would be considered again by Cabinet at that time.
- The recommended amount of reduction was 25 percent.
- The decline in the number of claimants continued, but the rate of decline was slower than in previous years.
- Paragraph 8.14 detailed that the amount to be distributed to Parish, Town & Community Councils is proposed to be maintained at £38,885 and explained the reasons for this.

RESOLVED:

- (1) That the Council Tax Reduction Scheme position relating to this and previous financial years be noted;
- (2) That if it becomes possible that there is scope to amend the standard percentage reduction, this is considered by Cabinet at its meeting on 18 December 2018.

RECOMMENDED TO COUNCIL: That there be no changes to the Council Tax Reduction Scheme for 2019/2020;

REASONS FOR RECOMMENDATIONS: To enable Cabinet to consider the Council Tax Reduction Scheme for 2019/2020 prior to making a final recommendation to Council.

44 TRANSFER OF LETCHWORTH GARDEN CITY MUSEUM COLLECTIONS FROM NORTH HERTFORDSHIRE DISTRICT COUNCIL (NHDC) MUSEUM SERVICE TO THE LETCHWORTH GARDEN CITY HERITAGE FOUNDATION (LGCHF) GARDEN CITY COLLECTION

Audio Recording – Start of Item – Session 1 - 1 hour 0 minutes 19 seconds

The Leader of the Council reminded Cabinet that Letchworth Committee had made the following referral, made at its meeting held on 19 September 2018, in respect of the Transfer of Letchworth Garden City Museum Collections from North Hertfordshire District Council (NHDC) Museum Service to the Letchworth Garden City Heritage Foundation (LGCHF) Garden City Collection (Minute 39 refers):

“RECOMMENDED TO CABINET: That the Letchworth Committee was unanimously in support of the proposal to transfer the Letchworth Garden City Museum Collections to Letchworth Garden City Heritage Foundation Garden City Collection.”

The Leader of the Council presented the report of the Cultural Services Manager in respect of the Transfer of Letchworth Garden City Museum Collections from North Hertfordshire District Council (NHDC) Museum Service to the Letchworth Garden City Heritage Foundation (LGCHF) Garden City Collection

The Leader of the Council advised that the LGHF, and its predecessors, had been custodians of this collection since 1984.

The Council had made clear that the collection would not be permanently transferred to LGHF until the museum had achieved accreditation.

Following a number of years work, the museum had now gained accreditation and have met the requirement of the Council for the transfer to take place.

The Cultural Services Manager advised that in the past it was normal for museums to permanently loan items to another museum however this was no longer considered good practice by Arts Council England.

The North Hertfordshire Museum did not have the resources or capacity to look after this collection but felt it was important that the items remained in Letchworth Garden City.

In response to a question the Cultural Services Manager advised that, although the Garden City Collection was not open as a traditional museum, it was accredited as a museum and ran regular tours.

Following debate it was:

RESOLVED:

- (1) That the transfer of the museum collections relating to Letchworth Garden City, which are currently on loan to the Garden City Collection which is part of the Letchworth Garden City Heritage Foundation be approved;
- (2) That Cabinet approve the use of the Delegation of Authority (under the constitution, section 14.6.7 (a) (iii) and 14.6.7 (b) (v)) by the Service Director – Commercial to make the required arrangements for a formal transfer document to be drafted between North Hertfordshire District Council and the Letchworth Garden City Heritage Foundation.

REASON FOR DECISION: To ensure that the museum collections relating to the First Garden City, currently on loan to the Garden City Collection, remain under one ownership in museum conditions in Letchworth Garden City.

45 FUTURE OF TOWN LODGE SITE

Audio Recording – Start of Item – Session 2 - 1 hour 0 minutes 19 seconds

The Leader of the Council introduced the report of the Deputy Chief Executive in respect of the Future of Town Lodge Site. The following appendix was submitted with the report:

- Appendix A - Site Plan.

The Leader advised that the report considered the future of Town Lodge, Letchworth now that the Council had vacated the building after its temporary use during the refurbishment of the District Council Offices.

The Deputy Chief Executive reminded Members that Town Lodge had been declared as surplus by Cabinet on 22 March 2011, although any plans for disposal had been postponed due to its use during the refurbishments of the District Council Offices.

Consideration had been given to the future of Town Lodge and other adjacent land and buildings, different parts of which were owned by three different organisations.

The proposals considered using Town Lodge and part, but not all, of the adjacent building for an alternate use.

In response to a question the Senior Estates Surveyor advised that the plan identified the proposed development site which included not only land owned by North Herts District Council but also land owned by the Letchworth Garden City Heritage Foundation.

At this point the meeting moved into Part 2 discussions (Minute 48 refers).

RESOLVED: That the contents of this report and the proposals for the future of the Town Lodge site be noted.

REASONS FOR DECISIONS:

- (1) To release surplus property to raise a capital receipt;
- (2) To help regenerate Letchworth town centre;
- (3) To work with Letchworth Garden City Heritage Foundation to maximise the reuse of a mixed ownership site.

46 NORTH HERTFORDSHIRE MUSEUM AND HITCHIN TOWN HALL: ACQUISITION OF 14/15 BRAND STREET

Audio Recording – Start of Item – Session 1 - 1 hour 9 minutes 40 seconds

Prior to the item being discussed Councillor Bernard Lovewell declared a declarable interest in that he was a member of the Cabinet Sub-Committee (Council Charities). He would follow the legal advice given in the past and leave the room for the duration of the debate and vote for both the Part 1 and Part two items on the agenda regarding this issue.

Prior to the item being discussed Councillor Michael Weeks declared a declarable interest in that he was a member of the Cabinet Sub-Committee (Council Charities). He would follow the legal advice given in the past and leave the room for the duration of the debate and vote for both the Part 1 and Part two items on the agenda regarding this issue.

The Deputy Chief Executive presented the report, and addendum report, in respect of North Hertfordshire Museum and Hitchin Town Hall: Acquisition of 14/15 Brand Street.

The Deputy Chief Executive explained that the original report had been written prior to a response being received from Hitchin Town Hall Limited and therefore contained a number of scenarios. A response had since been received and the addendum report reflected that.

He gave a brief outline of the background of the discussions between NHDC, Hitchin Town Hall Limited and Hitchin Town Hall Finance Limited and reminded Members of the decision made by Cabinet at the meeting held on 19th June 2018, when a deadline of 31st July 2018 was set for an agreed purchase to be concluded by.

The detail of the agreement would be discussed in Part 2, however it should be noted that, although there were points of agreement, there were also areas that were not agreed and others that had previously been agreed that HTH Ltd no longer agreed with and items that HTH Ltd have sought to add.

Members expressed disappointment that HTH Ltd were still seeking to add clauses to the proposed settlement agreement and to attach conditions to the Town Hall when the proposed transaction was solely about 14/15 Brand Street

At this point the meeting moved into Part 2 discussions (Minute 49 refers).

Following the Part 2 discussions the meeting moved back into Part 1.

Audio Recording – Session 2 – 12 seconds

The Deputy Chief Executive clarified that the recommendations contained in the addendum report were those to be considered.

The date quoted for the HTH Ltd EGM of 30 October 2018 was the date indicated by HTH Ltd that this meeting could take place, although there was no commitment from them, at this time,

to meet on that date. The indication of a potential meeting date had led to the timescales proposed in the recommendations.

The Executive Member for Community Engagement and Rural Affairs praised Officers and Mr Fergus from the East of England LGA for their hard work in getting to this point and again expressed disappointment that HTH continued to seek amendments to the settlement agreement.

Members of Cabinet agreed that the document presented at Appendix B to the Part 2 report was a fair settlement agreement that should be presented to HTH Ltd and HTF Ltd as a final offer and it was:

RESOLVED:

- (1) That the content of the report be noted;
- (2) That the Settlement Agreement appended to the Part 2 report, as Appendix B, will be provided as a final offer to HTHL/HTHF. HTHL would be required to fully accept the Settlement Agreement by holding an Extraordinary General Meeting (EGM) by the 31 October 2018. Subject to agreement in principle and HTHL having set a date for their EGM, a date would then be arranged for mid-November for an extraordinary Cabinet meeting and a Cabinet Sub-Committee (Council Charities) meeting to consider the final Settlement Agreement.
- (3) That in the event that:
 - HTHL/HTHF do not agree to the Settlement Agreement; or
 - HTHL does not agree to take the Settlement Agreement to an EGM by the 31 October 2018; or
 - the Settlement Agreement is not approved at an EGM of HTHL by 31 October 2018;

the Settlement Agreement and current Purchase Price offer will be withdrawn by the Council. A date for an extraordinary meeting of Full Council will be set to consider the use of Compulsory Purchase powers in relation to 14/15 Brand Street as soon as possible.

REASON FOR DECISION: To avoid any further extension to the period of negotiation. If required to move to the use of Compulsory Purchase powers as quickly as possible. All with the ultimate aim of being able to fully open the District Museum and Hitchin Town Hall as soon as possible, whilst still protecting the interests of the Council.

Councillors Lovewell and Weeks returned to the room.

47 EXCLUSION OF PRESS AND PUBLIC

Audio Recoding – Start of Item – 1 hour 18 minutes 47 seconds

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the said Act (as amended).

48 FUTURE OF TOWN LODGE SITE

The Deputy Chief Executive presented the report in respect of the Future of Town Lodge Site. The following appendices were submitted with the reports:

- Appendix A – Land Registry Freehold Ownership Plan;
- Appendix B - Proposal for Mixed Use Redevelopment Offices and Residential;
- Appendix C - Draft Heads of Terms.

Following detailed debate it was

RESOLVED:

- (1) That Cabinet supports the principle of the proposed redevelopment and authorises officers to continue negotiations to dispose of the Town Lodge site for the purpose of development and that those negotiations are conducted jointly with Letchworth Garden City Heritage Foundation;
- (2) That authority be delegated to the Deputy Chief Executive in consultation with the Executive Member for Finance & IT and the Service Director Commercial and the Service Director Resources to negotiate, agree terms and dispose the Town Lodge site;
- (3) That should residential development proceed on part of the Town Lodge site, including adjoining properties, authority be delegated to the Deputy Chief Executive in consultation with the Executive Member for Finance & IT and the Service Director Commercial to enter into a non-binding option with the developer to purchase the residential property, subject to the value of the option not exceeding Cabinet's limit of £2.5m;
- (4) That Cabinet notes that the decision on whether or not to exercise the option at 2.3 will be subject to completion of a business case and further decision in due course.

REASON FOR DECISION:

- (1) To release surplus property to raise a capital receipt;
- (2) To help regenerate Letchworth town centre'
- (3) To work with Letchworth Garden City Heritage Foundation to maximise the reuse of a mixed ownership site.

49 NORTH HERTFORDSHIRE MUSEUM AND HITCHIN TOWN HALL: ACQUISITION OF 14/15 BRAND STREET

This item was discussed following presentation of the Part 1 report, but prior to the debate and vote of Item 12 (Minute 46 refers)

Having declared a declarable interest under Item 12 (Minute 46 refers), Councillor Lovewell remained out of the room for the entire duration this item.

Having declared a declarable interest under Item 12 (Minute 46 refers), Councillor Weeks remained out of the room for the entire duration this item.

The Deputy Chief Executive presented the report, and addendum report, in respect of North Hertfordshire Museum and Hitchin Town Hall: Acquisition of 14/15 Brand Street. The following appendices were submitted with the reports:

- Addendum - Appendix A
- Addendum - Appendix B

Following detailed debate it was

Tuesday, 25th September, 2018

RESOLVED: That the report entitled North Hertfordshire Museum and Hitchin Town Hall: Acquisition of 14/15 Brand Street be noted.

REASON FOR DECISION:

- (1) To enable the Council to complete the development of the North Hertfordshire Museum/Hitchin Town Hall project as intended by Council and operate the facility for the benefit of the local community;
- (2) To protect the Council's interests and obtain best return from the Council's existing investment and to secure projected income from the facility to offset some of the operational and fixed costs.

The meeting closed at 9.20 pm

Chairman

**CABINET
18 DECEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: ROYSTON FIRST BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL

REPORT OF COMMUNITIES MANAGER

LEADER OF COUNCIL: COUNCILLOR LYNDA NEEDHAM

COUNCIL PRIORITY: ATTRACTIVE & THRIVING, PROSPER & PROTECT

1. EXECUTIVE SUMMARY

- 1.1 To obtain Cabinet's endorsement of proposals to progress to renewal ballot for the Business Improvement District (BID) for Royston First.

2. RECOMMENDATIONS

That Cabinet:

- 2.1 considers the Royston First BID renewal proposals appended at A.
- 2.2 instructs the Returning Officer to hold the BID renewal ballot for Royston.
- 2.3 instructs the Service Director – Customers to vote in favour of acceptance re the Council's voting right in the Royston First BID renewal.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Council is under a legal duty to comply with the BID arrangements under section 44 of the Local Government Act 2003 ('the Act'). This includes compliance with the Act and The Business Improvement Districts (England) Regulations 2004 (as amended) ('the Regulations') in respect of receipt of any BID renewal.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Given the legal requirements to consider BID proposals under the Regulations, none is considered appropriate.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has been undertaken by the BID Manager, the BID Advisory Council, the BID renewal working party and businesses across the town centre and Royston's Industrial Estates.

6. FORWARD PLAN

- 6.1 This report contains recommendations on a key decision which was added to the Council's Forward Plan on 25th October 2018.

7. BACKGROUND

- 7.1 The concept of Business Improvement Districts (BIDs) was introduced through Part IV of the Act and is further governed by The Regulations 2004. The legislation provides for BID proposals to be made to a relevant Billing authority and, subject to meeting certain Regulation requirements (see below¹), for this to be put to a ballot of relevant non-domestic ratepayers to be liable for the BID levy described in the BID proposals on the establishment or renewal of a BID, within a defined business area.
- 7.2 The BID, once established or renewed, has the power to levy an additional charge on Business Rate Payers within that BID area for the purpose of funding projects within the BID area. The purpose of the funding has to be set out in the BID Proposal, which is to include a 'business plan', consultation (with those who are liable to the proposed BID levy), and the financial management arrangements for the BID body and arrangements for periodically providing the relevant billing authority with information on the finances of the BID (the BID Operating Agreement).
- 7.3 In the past the process to consider BID proposals and the instruction to hold renewal ballots has been through Cabinet.
- 7.4 For the purposes of BID proposals (including renewals) Members are asked to note that there are 3 relevant organisations/people that are required to fulfil certain roles and responsibilities in relation to the BID application. These organisations/people are:
1. The BID Proposer;
 2. The Billing Authority;
 3. The Ballot Holder.
- 7.5 The BID Proposer is obliged to draw up the BID proposal, the Billing Authority is obliged to consider the proposal and determine whether the BID proposal is in conflict with any of its policies, and the Ballot Holder is obliged to run a ballot process in which all of the relevant business ratepayers within the BID proposal area are entitled vote.

1. Regulations 4, 5 & Schedule 1 Proposal sent to the relevant Billing Authority (consultation, business plan and financial management arrangements, and notice in writing requesting the Billing Authority to instruct the Ballot Holder to hold the BID ballot, evidence of sufficiency of funds

- 7.6 In this proposal for the Royston First BID renewal, the current BID Company is the BID Proposer, the Council is the Billing Authority and the Council's Returning Officer in respect of elections is the Ballot Holder.
- 7.7 The Authority's support in helping to sustain and continue BIDs within its towns is seen as very positive and whilst it increases costs to businesses marginally, the benefits to the local business community of being able to direct money / resources are clear -it has contributed to increased footfall in the town centre, the provision of town centre events, increased security in the town centre and across the Industrial Estates and generated increased trading, opportunities all of which have been widely appreciated. Royston is unique in the BIDs 'industry' in that it is the only BID that includes both the town centre and its adjacent industrial complexes. It also has a considerable reputation for developing tangible assets for the benefit of the wider community (Royston Picture Palace) rather than focus purely on business sustainability and profit.
- 7.8 The Council, as the Billing Authority, needs to be satisfied that the projects detailed in the BID proposals are not in conflict with its own adopted objectives or existing strategies, rather than to carry out a detailed analysis of the whole 'business plan' document. An earlier sample of the proposals document appended at A was received by the Council on 11th October 2018 and forwarded onto the relevant Service Directors & managers for initial comment. Comments received have been incorporated in to the body of this report and Cabinet will be updated with any further comments at the meeting, where applicable. The responses re any potential conflict are as follows:
- Proposals re the Authority's Parking Strategy and Local Plan which are currently under review
 - Obligations relating to the provision & delivery of NHDC baseline services
- 7.9 Officers from all relevant service areas have reviewed and provided comment with regard to the alignment of aspirations to existing strategies and for future proposals.
- 7.10 Where a Billing Authority is of the view that the BID renewal proposals conflict with a policy formally adopted by and contained in a document published by the Authority, it shall, as soon as reasonably practicable after receiving the proposals, notify the BID proposer or BID body, as the case may be, in writing explaining the nature of that conflict.² There is also a potential ability for the Billing Authority to veto any proposal but only under specific statutory circumstances set out in the Act and Regulations.
- 7.11 There is general agreement that the proposals & business plan appended at A are in accord with existing and known planned works for the Royston community.

8. RELEVANT CONSIDERATIONS

- 8.1 The Council is required to demonstrate a significant degree of involvement in this particular process, and across a range of its services, with the following responsibilities:
- Each BID Proposal that complies with the Regulations has to be considered by the Billing Authority to ensure that it is not in direct conflict with any of the Council's own adopted policies.

² Regulation 4(4) of the Regulations

The BID Proposals are to be self-funding, i.e. paid for from the levy as collected, and may include paying for enhancements (the 'additionality' element) to services already provided by the Council. Government Guidance³ suggests that the most successful BIDs were those who have established close and positive engagement with the local authority and the Government appears to encourage this through the use of Service Level Agreements between the Council and the BID Organisations (although at this stage it is not mandatory). Such Agreements, if formalised would also recognise and monitor the 'additionality' the BID funding brings over the BID five-year term.

- The Billing Authority is required to instruct the Returning Officer to conduct the ballot, with one vote assigned per relevant business rate payer unit, subject to any exemptions that the BID companies agree, within the defined area of their BIDs. A map denoting the BID area is included within the proposal document appended at A to this report.
- The Billing Authority has the right of Veto under s51 of the Act and Regulation 12 after the ballot if it conflicts with Policy adopted by the Authority; or would bring significant disproportionate financial burden.
- If the BID proposals are approved by the relevant business rates payers (see below and legal implications), the Billing Authority has to bill, collect, enforce and account for the BID Levy. Under the Regulations, the Council can charge for elements of this service but has opted not to do so for the existing BIDs; the same principles will apply to this renewal. (see financial implications below).
- The only entities exempt from the BID Levy are public libraries, religious organisations, public toilets, magistrates' courts, individual single parking spaces, communication masts, advertising hoardings and Police/fire/ambulance stations. For both the Royston BID renewal, NHDC is of course entitled to vote and would continue to pay additional charges for its own car parks; for property which the Council leases out within the BID boundary, it is for lessees to pay the additional charge.
- Charitable organisations will not be exempt from the BID Levy, unless they can demonstrate that their presence in each town is by way of 'head office' or direct delivery, i.e. the giving of information or physical support, rather than as a 'trading' or commercial entity – such as a charity shop.

8.2 The BID ballot can only succeed if it can meet two tests which are;

- A simple majority of those who vote must register a 'Yes' **AND**
- The aggregate rateable value of those that vote 'Yes' must be greater than that of those that vote 'No'

³ DCLG Business Improvement Districts Guidance And Best Practice March 2015

These are not exclusive, since **both** tests must be achieved. The system is intended to ensure that there is a degree of parity in a town centre populated by larger multi nationals and smaller, specialist shops. In the case of Royston, the same caveats are applied to both the town centre and their adjacent industrial units.

The BID ballot is statutory and binding and will apply to all eligible businesses inside the BID areas regardless of whether or not they intend to vote and how they might vote. The ballot is a postal ballot and this time the whole process has been outsourced to an external company.

- 8.3 The Council's Revenues Team has reviewed the proposed BID areas contained within the business plans and has been able to identify the commercial properties which lie within each of the respective the BID areas, and their rateable value. A review of the contact for each business has also been undertaken to ascertain the appropriate person to whom the ballot paper will be addressed, and the vote cast on behalf of their company, as many businesses have changed hands or seen staff changes during the past five years.

- 8.4 The BID renewal prospectus & proposals is appended at A

8.4.1 **Summary of Vision & Objectives**

The following statement has been provided by the BID renewal working party:

By working in conjunction with our partners and stakeholders, the Royston First BID exists to grow our local economy, improve facilities for the community, enhance safety and security, boost visitor numbers and raise the overall profile and appeal of Royston as a significant trading and manufacturing destination. Our aims and objectives will be achieved over the next five years through the following additional activities:

BUSINESS AS USUAL

- Parking, one hour free parking via scratch cards & our free-after-three parking promotion
- Town trails and events programmes
- Royston Information Centre and visitor guides including 'Discover Royston'
- Christmas lights and window dressing competitions
- Royston town website, Royston 'Focus' and the infomercial video clips in the cinema
- Operation Artemis, providing additional policing for both town and industrial estate
- Selective deep-cleansing in parts of the town
- On-going support for the Library, the Market and the Cinema

NEW MEDIA/ COMMUNICATIONS PROJECTS

- Employ new communications/ business development team to improve business liaison / Networking / marketing
- Working with major players, such as the local pubs/ hotels to more effectively promote themselves and the town
- Make more of events based on attractions at local venues. Adopt a more joined-up approach to business benefits

- Oversee targeted social media campaigns to promote aspects of the commercial scene to a local audience

PROJECTS FOR THE INDUSTRIAL ESTATE

- Regularly showcase some of the industrial estate's creative companies, linked to a jobs fair
- Assuming the Royston Gateway is built, broker a deal to get a multi-storey car park built
- Investigate and deliver a park and ride system for industrial estate workers – potentially from a new multi-storey car park
- Initiate a maintenance programme for the industrial estate, including a workers' lunchtime leisure area
- Co-ordinated signage project across the industrial estate
- Free-to-use community bicycles available across the estate
- Negotiate and deliver a walk-through to link the estate with the adjacent Tesco store

TOWN CENTRE ACTIVITIES

- Night-time illumination/ animation of major/ historical building facades or substantial trees in park
- Improved signage for the town centre
- Expand on the Royston Trail to provide more interactive information about the town's history and culture
- Use the town's parks much more often to stage major events
- Encourage more local commuters to stay in Royston and explore the town
- Replace the existing Christmas lights in order to comply with new Hertfordshire CC regulations
- Produce a detailed plan (with funding pre-allocated) as a contingency against a large store becoming vacant

TOWN-WIDE PROJECTS

- If we are anchoring our regional activities with an incubation unit, training courses will be offered
- Run a local beer, wine and cheese or food festival
- Reinstate the shuttle but, this time to run between the Gateway, the adjacent industrial estate, Tesco and the town centre
- Resurrect the use of ANPR across the town

REGIONAL ASPIRATIONS

- Generate strong links to the farming communities in the Royston catchment
- Working with partners and Local Authorities to broaden the regional influence of the town

8.5 The BID proposals in their current format have been agreed by the representative renewal working party for Royston First and therefore the intention is that they will ultimately form the document on which votes will be sought. The local Tesco Extra superstore has, for the first time recently agreed and endorsed the draft proposals.

8.6 The BID Proposal must define the percentage of rateable value to be used to calculate the BID Levy.

- The Royston First proposed BID levy for the next 5 year period is to be set at 1.5% plus inflation, which cumulatively equates to an annual amount of £170,000
- This is a 0.25% reduction from the current five-year BID term when the levy was 1.75%
- The threshold at which the new levy will apply has been adjusted to match that of the Authority's business rates relief, bringing it into line with only the properties with rateable values of £15k and over.

Timetable for BID renewal:

8.7 The Regulations underpinning the development of Business Improvements (statutory instrument – Business Improvement Districts 2004 – No 244) lay down a very specific timetable for progressing to ballot.

The full proposed Ballot timetable put forward by UK Engage is appended to the report as Appendix B - UK Engage Proposed Royston First BID Renewal Timetable.

At least 84 days before the Day of Ballot

Notice given in writing, by the BID proposer to the billing authority (NHDC) and the Secretary of State of the intention to request a ballot.

NHDC Cabinet to consider progress to Ballot

18th December 2018

Publication of Notice of Ballot

by 4th January 2019

(At least 42 days before day of ballot)

This will be posted on NHDC's website and mailed to all eligible voters by UK Engage. Eligible voters will also be sent a request to confirm their voter details and an application form to appoint a proxy if they wish.

Ballot packs issued to hereditaments entitled to vote

by 24th January 2019

(At least 28 days before day of ballot)

Day of ballot

6th March 2019

Any last minute sealed votes not returned directly to the external company by Friday 1st March 2019 can be handed in at the Council Offices, North Hertfordshire District Council, Gernon Road, Letchworth Garden City, Herts SG6 3JF up until 5.00pm on Wednesday 6th March 2019. These will be verified and sent onto UK Engage for inclusion.

Declaration & Results Announced

8th March 2019

9. LEGAL IMPLICATIONS

- 9.1. The Royston First BID arrangements are not to come into force unless the proposals for the arrangements are approved by a ballot of the non-domestic ratepayers in the proposed BID area subject to the levy, having followed the provisions in the Regulations, as per section 49, and section 54 of the Act. The BID approvals are then not regarded as approved by a ballot unless (1) the majority of persons voting in the ballot have voted in favour of the BID proposals; and (2) the aggregate of the rateable values of each hereditament in respect of which a person voting in the ballot has voted in favour of the BID proposals exceed those in the same positing voting against the proposal; as per section 50 of the Act.
- 9.2. The Billing Authority is required by law to conduct the renewal Ballot and to administer the BID billing, collection, enforcement and accounting if the ballot is successful, in accordance with Part IV of the Local Government Act 2003 (The Act). This is further governed by the Business Improvement Districts (England) Regulations 2004 (The Regulations).
- 9.3. Regulations 4, 5 and Schedule 1 set out what a BID proposal must include. The Regulations state that a valid BID proposal, including renewal, must contain the following information:-
- a statement of the works or services to be provided, the name of who will provide them (the name of the BID body) and the type of body the provider is (whether a local authority, a company under the control of the authority, a limited company or a partnership);
 - a statement of the existing baseline services (if any) provided by the relevant billing authority or other public authority;
 - a description of the geographical area (including a map showing that area) in which the proposed BID arrangements are to have effect;
 - a statement of whether all non-domestic ratepayers in the geographical area or a specified class of them are to be liable to the BID levy, an explanation of how the amount of the BID levy to be levied is to be calculated, and an explanation of whether any of the costs incurred in developing the BID proposals, holding of the ballot or implementing the BID are to be recovered through the BID levy;
 - a statement of the specified class of non-domestic ratepayer (if any) for which and the level at which any relief from the BID levy is to apply;
 - a statement of whether the BID arrangements may be altered without an alteration ballot and, if so, which aspects of the BID arrangements may be altered in this way;
 - a statement of the duration of the BID arrangements; and
 - a statement of the commencement date of the BID arrangements.
- 9.4 The Act and Regulations also require a Billing Authority, in this case the Council, determine whether BID proposals

conflict with a policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document)

- 9.5 The Council, as Billing Authority, *may* in prescribed circumstances, veto the proposals within such period from the date of the ballot, and must give notice to those entitled to vote in the ballot, detailing reasons and right of the appeal (and send a copy of the notice to the Secretary of State), as per the requirements of section 51 of the Act. The Billing Authority can only do so, having considered a number of factors (including although not limited to level of support in the ballot), if the BID arrangements are likely to:
- (a) to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document); or*
 - (b) to be a significantly disproportionate financial burden on any person or class of persons (as compared to the other non-domestic ratepayers in the geographical area of the BID) and–*
 - (i) that burden is caused by the manipulation of the geographical area of the BID or by the structure of the BID levy; and*
 - (ii) that burden is inequitable.*
- 9.6 The Council is entitled to vote in the ballot relating to the attached BIDs renewals proposal. Cabinet at its July 2013 meeting nominated the former Head of Revenues Benefits and IT, now the Service Director for Customers, Howard Crompton, to vote on behalf of the Council in the proposed Letchworth, Hitchin and Royston BID renewal ballots. It is however, recommended that this instruction is renewed following the Council's recent restructure, for clarification purposes as per 2.3.
- 9.7 Otherwise, the legal requirements are contained within the body of the report.

10. FINANCIAL IMPLICATIONS

- 10.1 The Council's additional financial responsibilities fall into five categories;
- The cost of running / outsourcing the ballot
 - The annual cost of maintaining administrative software
 - Administration costs
 - The cost of the council's own BID levy on its town centre premises and land holdings
 - Any additional costs incurred by agreed additional works of the Authority in regard to events & car parking etc
- 10.2 In the past the Authority agreed to cover the cost of resources required to undertake each of the renewal processes. The cost of running the Royston First BID renewal process in-house is £1,700 while the price quoted by the external company to run the ballot on behalf of NHDC is £1,300, a saving of £400. However, regulations do permit the Council to make a charge for undertaking the process. In the past this cost has been absorbed by the Authority as part of our contribution to the development of BIDs in the area, a gesture that has been universally welcomed by our local businesses. Additionally, if the ballot vote indicates a rejection of the renewal and the turnout is less than 20%, the Council can seek to recover its costs from the BID organisation. The BID Advisory Council has been made aware of this small risk, and understand that sufficient budget will be set aside as a contingency were this to be the case.

- 10.3 The annual administrative costs per property are de-minimus as this is largely an automated process being carried out for the three existing BID areas.

Evidence from our BIDs also indicate very high collection rates with only a few accounts requiring any enforcement proceedings. Under the BID arrangements, only one bill will be issued per property each year and the BID Levy is payable in one instalment. BID Levies are apportioned in cases where occupation changes part way through the financial year. If this didn't happen then the NNDR system and the BID system would show different information, which would cause problems when it comes time to ballot as the data bases would not match. The Council bears no liability for bad debts. Only BID Levies collected are passed over to the BID Organisation. The Council does retain any Court Costs awarded by the Magistrates in applying for any Liability Orders; the cost is £30 if NHDC were to progress to Court and obtain a liability order for non-payment. The debt is then passed to the enforcement agency and further costs are incurred in line with the Taking Control of Goods (Fees) Regs 2014. However the fees incurred are added onto the debt, so NHDC does not incur any costs. If cases are unsuccessful, the case is returned to the Council for consideration of further recovery.

- 10.4 As the Council itself pays business rates, it will also have a liability to pay the BID Levy for those properties in which it is in rateable occupation, as it does now. This currently equates to £2,870pa re the Royston First BID.
- 10.5 The BID Business Plan makes reference to the respective BID activities / proposals all of which, if progressed during the new BID term, will be in addition to the existing services provided by NHDC, not a replacement. The Council also needs to satisfy itself that the BID activities as proposed do not *rely* in any part on additional services or contributions from NHDC (other than the BID levy) over and above resources already committed.

11. RISK IMPLICATIONS

- 11.1 Should the recommendations be approved, as the Council bears no additional financial responsibility for any debts, and the final decision to progress to ballot is that of the BID organisation, the main risk remaining for the authority is that it may be perceived this is an additional sum levied by and *retained* by the Council, especially so in times of austerity. It must therefore be explicit in promotional material that whilst the Council is responsible for collection, it is not responsible for spend and that all of the money collected passes to the BID company.
- 11.2 Each year, Officers review the risks relating to the Council's involvement in all three BIDs, via the Risk Register. Currently, Officers have assessed the BIDs as being low risk in respect of both impact and likelihood.

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 The areas over which the BID Company seeks to levy this additional rate is determined by them in consultation with local businesses, and does include all sizes and types of businesses, from multi-nationals to sole traders. The exclusion of certain premises, including those used for faith purposes, removes any additional burden which could be incurred by them, especially as it is questionable what additional benefits they could secure by additional footfall or use of the town in the evening. The BID initiatives seek to indirectly support the aim to foster good relations between those who share a protected characteristic and those that do not.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 Relevant service areas have been made aware of the intention for all three BIDs of to seek renewal of their existing BID arrangements and have made relevant arrangements to resource review of the business plans, and for outsource the running of the postal ballot itself, as not to conflict with other work commitments.

15. APPENDICES

- 15.1 Appendix A – Royston First BID Renewal Proposals & Business Plan 2019 – 2024
Appendix B – UK Engage Proposed Royston First BID Renewal Timetable

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17. BACKGROUND PAPERS

- 17.1 The Business Improvement Districts (England) Regulations 2004 & DCLG Business Improvement Districts Guidance And Best Practice March 2015

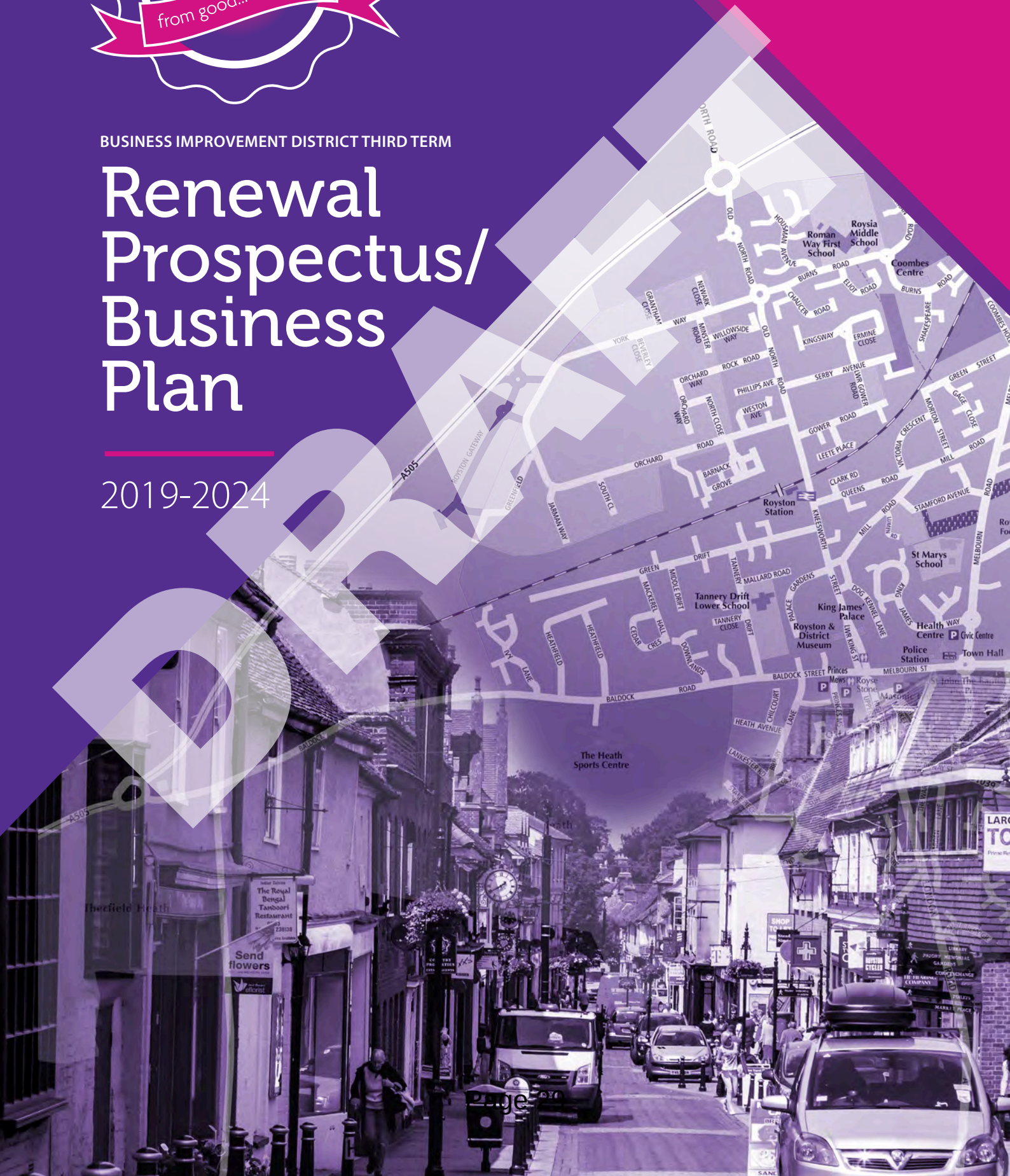


SUPPORT THE BID
WITH A **YES** VOTE
IN FEBRUARY

BUSINESS IMPROVEMENT DISTRICT THIRD TERM

Renewal Prospectus/ Business Plan

2019-2024



Life as we know it

- ✓ Royston Town Website

✓ Royston Picture Palace

✓ Street Cleaning

Selective deep-cleansing in parts of the town

✓ Tourist Information

Royston Information Centre and visitor guides including 'Discover Royston'

✓ Operation Artemis

Providing additional policing for both town and industrial estate
- ✓ Easter Trail

✓ Pirate Trail

✓ Christmas Trail

✓ Music Trail

✓ Town Map

✓ Parking

One hour free parking via scratchcards and free after three

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SUPPORT THE BID
WITH A **YES** VOTE
IN FEBRUARY



Life without the BID

If the BID fails to gain the required level of support at the ballot then moves will be made to wind-up the operations of the BID -all the activities and projects currently carried out or being proposed simply would cease.

Competition across the region is already strong and BIDs operating in locations such as Hitchin, Cambridge, Letchworth, Stevenage, Peterborough and Milton Keynes will continue to increase their appeal, teasing away customers, companies and employees. Failure to gain a 'Yes' vote for the BID will inevitably result in decline in sales and overall profitability for many of the companies trading in the BID area.

Just imagine Royston without the following:

PROJECTS	CONTINUE AFTER A 'NO' VOTE?
Operation Artemis - late night, weekend uniformed police patrols in the town centre and around the industrial estates	✗ Patrols would cease
Free-After-Three - free parking in the town centre car parks after 3:00pm	? Royston First majority funding partner
Parking Scratchcards - offering 1 hour's free parking in town centre (distributed to businesses outside the town centre)	✗ Scratchcards would be withdrawn
Christmas Lights - cross street lights in the High Street and Angel Pavement; decorations at The Cross, Market Hill, Fish Hill Square, Town Hall	? Royston First jointly funds with RTC
Replacement Christmas Lights 2020 - regulations for powered circuits will necessitate new lights	✗ Estimated cost £20K+
Royston Information Centre - plus collateral, including: tear-off maps, the accommodation guide, the guide to clubs/associations, the shortened Royston Trail guide (and possibly the Trail Guide). Also, library opening Thursday mornings plus visitor research/outreach	✗ Total estimated cost £25K p.a.
Annual Children's Trails - every year the Easter Trail, the Music Trail, the Pirate Trail and Rudolph's Christmas Trail get several thousand visitors to take a detailed look at the town centre's retailers	✗
Eatery film short - featuring every eating place in the town centre and shown in the cinema to 10,000 plus attendees p.a.	✗ Without update unusable within 2 years
Retailer film short - featuring over 80 retailers throughout Royston and shown in the cinema to 10,000 plus attendees p.a.	✗ Without update unusable within 2 years
Royston Focus - a complete list of all consumer businesses in Royston, sorted by trade and delivered to 15,000 households in and around Royston	✗
Pavement Deep Cleans - conducted up to three times per year on Market Hill, High Street, Angel Pavement	✗ Not included in NHDC cleaning provision
Royston Town website www.roystontown.uk - constantly maintained in order to provide 'everything Royston' in one place - currently receiving thousands of hits per month	✗ No maintenance = no use
New Projects - such as the Shuttle Bus, the Dockless Bikes, the Park-and-Ride or Multi-Storey car park, landmark illumination, new park-based events, lobbying for an incubator unit, etc.	✗ Nobody else will do this

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From good...
to better

www.roystonfirst.com

Foreword by the Chairman of Royston First



I am pleased to be writing to ask for your vote of support to renew the mandate to keep Royston First Business Improvement District ('BID') operating for a third successive term, for the continued benefit of all of the businesses in the town. For the next term, the vote will be made by approximately 160 focussed businesses and organisations that have their business premises in Royston and that will be contributing to the success of the BID through this next term period.

Together with my fellow directors and many other advisory representatives of businesses in the town, we have invested our time freely in supporting the success of the BID. In these challenging times of declining town footfall and general economic uncertainty, I believe the Royston First BID offers a 'force for good' and promotes a strong sense of business community spirit for the town of Royston. Both myself and the company I represent, that will continue to be one of the larger contributors of the BID levy, feel that Royston First has provided an excellent return on our levy investments. By voting in favour of retaining the BID, we can mount a positive response to many of the issues that increasingly challenge our town and its business community.

Royston First has had some outstanding successes during the ten years in which the BID has operated including the Royston Picture Palace, Royston Information Centre, Policing Projects (including Operation Artemis), Free Parking initiatives, the Christmas lighting, festivals and trails. Importantly, the BID team have been successful in securing matched-funding of over £INSERT in cash and services over the first two BID terms, thereby making our contributions even more influential.

Having concluded an extensive consultation exercise over the past few months, we are now able to demonstrate support for both the work of the BID to continue and for a series of new projects to be introduced. The range of activities being proposed are fully set out within this document and all have one thing in common – they are all designed to maintain the push to make Royston an economic centre of excellence in this part of North Hertfordshire.

It is important to ensure you know who in your organisation is casting this vote and check that they have all the information they need to make this vital decision for Royston. Without a 'Yes' vote, all current projects scheduled to be continued by the BID (see pages ...) and all projects proposed for this third term (see pages ...) will be unable to continue or commence, as there are no known alternative suppliers of these valuable services.

Our website, at www.roystonfirst.com provides lots more information. So please look out for the ballot paper and then mark it with the cross that commits you and the BID to making a better, brighter and safer Royston for our immediate future.

David Campbell
Chairman, Royston First BID Company Ltd

SUPPORT THE BID
WITH A YES VOTE
IN FEBRUARY



www.roystonfirst.com



A summary of the proposals

Royston needs to ensure that it remains competitive and attracts more customers into the town centre while building up the profile and success of the many companies that operate on our key industrial estates. Businesses have indicated that we need to continue the work of Royston First to develop footfall & trade. The proposals to achieve this are summarised in this document.

THE OPPORTUNITY

This is your unique chance to continue to invest circa £1M of extra funding in Royston over the next 5 years. The projects have been carefully selected to positively impact on as many businesses as possible. This is therefore a huge opportunity for businesses to actively participate in and continue to take ownership of the enhancement of trading conditions in and around Royston.

FUNDING THE PROPOSALS

- The BID would be funded by a 1.50% levy on the rateable value of all eligible businesses within the proposed BID area (n.b. this levy was 2% in the first BID term; 1.75% in the second BID term)
- In keeping with central government policy, small businesses, with a rateable value of £15,000 or less will be exempt from the levy but may choose to make a voluntary contribution if they wish. In recognition of the large amounts involved, contributions from a single hereditament with a Rateable Value of £1M+ will be capped at £15,000
- The levy has been carefully calculated to provide sufficient funds to deliver the range of improvement projects that businesses have identified as a result of a detailed consultation process

THE BALLOT

- As required by law, a postal ballot of all eligible businesses within the BID boundary will be conducted
- Voters will receive a ballot paper **around the 5th of Feb 2019 and will have until 5pm on 6th of March 2019 to submit their vote**
- If the ballot is successful, as determined by a majority of businesses voting in favour by both number and by aggregate of rateable value, the levy will become mandatory on all businesses in the BID area with a rateable value of £15,000 and above
- The BID would then renew its services on 1st April 2019 for 5 years until 31st March 2024

BID MANAGEMENT

- The BID would continue to be run by a private-sector led Board of Directors, all of whom would represent businesses or organisations paying the BID levy
- The Board would be responsible for the delivery of projects, ensuring that they are delivered on time, within budget and to the highest standards possible
- The Board would apply meticulous rigour and probity to the BID function, offering openness, transparency and inclusivity

A reminder of what a BID is

A BID is a business-led and business funded body formed to improve a defined commercial area. Most are governed by a board made up of BID levy payers who represent the various trading components within the BID area. This means that all businesses have a genuine voice in deciding and directing how they want the trading environment around them to be improved.

There are more than 300 BIDs already operating across the UK, with the majority focusing on town or city centres. Royston is unique in the fact that it supports both the town centre and its adjacent industrial estates. Businesses report that the benefits BIDs have brought about include:

- Businesses able to influence the delivery of projects beneficial to the town
- Improved promotion and marketing of the town and its successes
- Increased footfall and dwell time in the town centre - leading to increased turnover for businesses in the town centre and a greater level of service provision for employees
- Added vibrancy and vitality (or, at the very least, the avoidance of decline!)

- Many more networking opportunities within the local business community
- Improved relations with Councils, Police and other public agencies

Following ten years of BID success in Royston, our research suggests that there is a willingness on the part of a majority of businesses here to see the BID continue and they have asked us to seek another 'Yes' vote to continue Royston First's work through to 2024.

Johnson Matthey's original involvement with the RF BID was to sustain the town which hosts the company's largest site. We continue to support that objective and consider the BID's activities ever more critical in the face of tightening Local Authority budgets.

We are particularly interested in the new BID's ambitions with respect to a greater regional influence. Projects such as a business incubator unit delivered locally would represent a significant step forward for Royston.

John Gourd
Site Director, Johnson Matthey



Our Vision

By working closely with our partners, the Royston First BID exists to grow our local economy, improve facilities for the community, enhance safety and security, boost visitor numbers and raise the overall profile and appeal of Royston as a significant trading and manufacturing destination.

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Some of the benefits that your business will enjoy

Because our BID is spread across the town centre and the industrial estate, we thought it would be useful to provide just a few examples of how the renewed BID would benefit each sector across both locations:

PROFESSIONAL, MANUFACTURING AND COMPANY SECTORS

- Improved connections between businesses and networking opportunities
- A greater opportunity to recruit & retain high-quality staff
- Enhanced ability to promote products and services both to Royston and beyond
- A cleaner, safer and more vibrant BID area for both staff and customers
- A powerful and proven, collective voice on key business issues

INDEPENDENT AND NATIONAL RETAILERS

- Detailed insight into local trading factors and conditions
- Collaboration over seasonal trading campaigns and initiatives
- Increased customer footfall and longer dwell-time
- Promotional campaigns to highlight the range of retail in the town

LEISURE AND HOSPITALITY OPERATORS

- Campaigns and initiatives to highlight the breadth of the leisure and hospitality offer
- Specific events to increase footfall into the town
- Work on projects to improve the evening economy
- Improved levels of business activity leading to increased demand

THE COMMUNITY

- A safer, cleaner and more secure town centre for residents and their visitors
- More activities and entertainment within the town
- Greater employment prospects
- An enhanced sense of local pride

> We would encourage Royston First to focus heavily on their new initiatives to improve the links, both commercial and transport, between the industrial estates and the town centre. Obviously, we are keen to support any initiative that attracts Royston's community to the industrial estate.

Andrew Dawson
Branch Manager, Jewson



Why keep the BID going in Royston?

Even with the BID's extensive work, the town centre is continuing to be hit by the major forces of a national decline in retail sales, increased competition from online sites and ongoing economic uncertainty.

The BID has proven that Royston businesses can successfully respond and so our town is much stronger under a collective and unifying banner. Without this approach, many businesses stand far less chance of survival, allowing a spiral of decline to set in. Throughout a variety of economic conditions experienced over the past 10 years, the amount of empty shops in the town centre has never exceeded 10% (the national average has been 17%). At the time of writing, the total of retail premises standing empty and not recently sold or undergoing refurbishment is ... 2!

Our industrial estate continues to operate robustly and is seen as an attractive, even premium, location to invest in. We will continue to invest in projects designed to ensure that criminals do not also find it as attractive! With easy access to the A10, A1 and M11 and fast train links to London and Cambridge – our transport links are second to none. The problem of reaching the A505 from the industrial estate, during rush hours, is about to be significantly alleviated by the opening of the link road through the Royston Gateway (which Royston First has actively supported). Additionally,

Royston is about to enter an exciting phase of development with new retail, corporate and light industrial units proposed on the outskirts of our town.

One of the focuses of a third BID term will be to introduce further projects which specifically link our town centre which is holding its own and our ever-expanding industrial areas. We are also contemplating regional aspirations that will benefit the wider town and its entire community.



Positional image

> I supported the Business Improvement District legislation when it was brought in front of Parliament in 2003 and was subsequently pleased to see it enacted in my home town. Since the 2009 launch, I've followed the work of the Royston First BID and have been impressed by the scope of the projects delivered. I am convinced that renewal for a further five year term is an important way forward for our town and I commend the BID to the voting businesses.

Rt Hon Sir Oliver Heald
QC MP



This page shows some of the principal successes that Royston has benefited from as a result of the work of Royston First since its inception.



Royston Town Website



Royston Picture Palace



Street cleaning

Selective deep-cleansing in parts of the town



Tourist Information

Royston Information Centre and visitor guides including 'Discover Royston'



Operation Artemis

Providing additional policing for both town and industrial estate



Easter Trail



Pirate Trail

Sponsored by Royston First



Christmas Trail



Music Trail



Town Map



Parking

One hour free parking via scratchcards and free after three



The preparation of this Plan

This new Business Plan has been the result of almost a year of consultation and planning involving significant numbers of Royston businesses in the process.

Activities have included:

Information open session

Both on-line and face to face surveys

Information updates via www.roystonfirst.com

A comprehensive series of over 50 face to face business meetings

Contact with Head Offices and Regional Managers of national businesses

The creation of a BID renewal group, which has met fortnightly during the crucial BID renewal phase

Formal notifications to the Local Authorities and the Secretary of State

Distribution of multiple information sheets



Key feedback and proposed additional activities

Here are the highlights from the detailed research which has been carried out over the past few months:

- Businesses were invited to complete a survey of key activities which they would wish to see enacted as part of the plan for a third-term BID and responses were received from 40 businesses, which represents a sample of approximately 27% of the proposed area
- Royston First worked closely with a development group of key businesses in shaping the proposals contained within this Business Plan
- Direct visits were paid to more than 50 businesses and organisations to invite their input
- An open survey ran via www.roystonfirst.co.uk during October and November 2018

The research revealed a number of key findings, which included the following:

- Although the BID can point to a strong track record of achievement, much more needs to be done to communicate with businesses within the town

- Consideration should be given to reducing the levy percentage used during the second-term BID and to increasing the Rateable Value below which businesses would not be liable for the BID levy
- A number of new projects and initiatives should be enacted, to focus upon greater promotion, better events, encouraging more commuters to stay in Royston and reinstating the shuttle bus
- The BID area should be expanded to include Tesco and the new Gateway site

We gave our testimonial last time stating that the "Free after 3" and other parking initiatives have had a direct, positive impact on our late afternoon trade. This continues to be the case today. We also actively participate in many of the town trails and intend to do so for another 5 years.



Jenny Robinson
Branch Manager, Mica Hardware



Priority projects for the next five years

The result of our detailed research and feedback from businesses has directly shaped the plans within this proposal and this includes sustaining proven activities which businesses have re-endorsed as well as new additional projects which are considered vital for the BID to carry out if Royston is to continue to prosper rather than lose out to active, neighbouring competition.

The following headings detail the priority actions we propose to undertake over the course of the next five years:

BUSINESS AS USUAL (CONTINUATION OF CURRENT PROJECTS)

- Parking, one hour free parking via Scratchcards and Free-After-3
- Town trails and events programmes
- Royston Information Centre distributing visitor information including town maps, guides to accommodation and clubs/associations, town trail leaflets and "Discover Royston"
- Christmas lights and seasonal window dressing
- Royston town website - "everything Royston" in one place
- Royston "Focus" - every consumer-facing business in Royston, listed by trade and distributed to 15,000 households annually

- Cinema shorts - 3 films featuring, variously, 90+ retailers, 30+ eateries and Royston's key visitor attractions
- Operation Artemis, providing additional policing for both town and industrial estate
- Selective deep-cleansing in parts of the town
- On-going support for the library, the market and the cinema

NEW MEDIA/ COMMUNICATIONS PROJECTS

- Employ new communications/ business development team to improve business liaison and networking while supporting marketing activities in the town centre
- Working with major players, such as the local pubs/ hotels to more effectively promote themselves and subsequently the town
- Make more of events based on attractions at local venues. Also adopt a more joined-up approach to the benefits that businesses derive from events, including the use of smart technology
- Oversee targeted social media campaigns to promote aspects of the commercial scene to a local audience

PROJECTS FOR THE INDUSTRIAL ESTATE

- Regularly showcase some of the industrial estate's creative companies and diverse product ranges in the town centre and vice-versa. In conjunction with this, run a series of Job Fairs

> We have enjoyed working closely with Royston First and their project, the Royston Information Centre, which is housed within the library. As a direct result of this collaboration, we were able to re-open the library on Thursday mornings – hugely to the benefit of our community. We very much look forward to continuing this relationship over the coming years.

Lynne
Library Manager,
Royston Library



Positional image

> To be honest, I was initially hostile to the concept of paying an additional local 'tax'. However, over time we've come to realise that the BID is behind, in some shape or form, most of the innovations taking place locally. That's why I have thrown my support behind making the Royston First BID all it can be for the next 5 years. Putting it another way, what will happen in Royston if the BID is cancelled?



Justin Pringle
Managing Director, Prototype Projects

- Attempt to broker a deal with the Royston Gateway or an adjacent landowner to get a multi-storey car park built to handle overflow employee parking from existing and new businesses
- Investigate and deliver a park and ride system for industrial estate workers – potentially from the new multi-storey car park (especially if it is located towards the back of the Gateway site) and/or off-site car parks created outside the town boundary
- Initiate a maintenance programme, including private land, for the industrial estate (litter-picking, tending to verges/ hedgerows/flower beds etc.)
- Co-ordinated signage project across the industrial estate
- Free-to-use dockless community bikes available across the estate and throughout the town
- Attempt to negotiate and deliver walk-through links from the estate to the adjacent supermarkets

TOWN CENTRE ACTIVITIES

- Night-time illumination/ animation of major/ historical building facades or substantial trees in parks
- Expand on the Royston Trail to provide more interactive information about the town's history and cultural contributions e.g. tours provided by local historians, with links to Royston's industrial heritage as well as the royal association

- Use the town's parks much more often to stage major events – the expectation being that footfall into the town increases the more people that attend these events the more businesses should be willing to invest because they can see the potential for a return on that investment
- Encourage more local commuters to stay in Royston and explore the town
- Replace the existing Christmas lights in order to comply with new and tighter Hertfordshire CC regulations
- Produce a detailed plan (and funding pre-allocated) as a contingency against a large store becoming vacant in the High Street

TOWN-WIDE PROJECTS

- If we are anchoring our regional activities with an incubation unit, training courses will be offered (e.g. using financial data to make business decisions; fire marshalling; managing data; social media for business etc.)
- Run a local beer, wine and cheese or food festival
- Reinstate the shuttle bus, this time to run between the Gateway, the adjacent industrial estate, Tesco and subsequently the town centre

REGIONAL ASPIRATIONS

- Generate strong links to the farming communities in the Royston catchment through projects such as a town centre pick-up point for rural producers to sell produce and make more of Royston's 'countryside' association
- Working with partners and Local Authorities (e.g. NHDC, regional bodies e.g. LEP and commercial entities e.g. Great Northern and Arriva) to broaden the regional influence of the town and tackle projects such as a potential incubator unit, a multi-storey car park or park and ride etc

NB: There are a substantial number of projects listed here and as a consequence, it is important to note that they will be tackled as and when conditions are favourable and the circumstances right. Several require the co-operation and participation of other agencies/authorities and until detailed discussions and significant additional research has taken place, we cannot guarantee how they will evolve. The BID expects to become the 'delivery arm' of key public organisations such as the Local Enterprise Partnership, and will work hard to identify and bring into being projects and activities that enhance and grow the local economy with its attendant job stability and community prosperity.

> I like the cinema and think it could be more heavily promoted as an asset. The police are in at 8pm and it's a comfort knowing they are about but it would be good if they could stop by at 11pm too.

Proposals for closer working together of the town's 'hospitality' offer on promotions looks like a positive innovation. The idea for a stronger connection between the industrial area and town centre will be helpful to both (from our perspective it's a potential source of staying guests).

We should be celebrating the names we have on the industrial area more.

Ben
Owner, The Old Bull



One of the possible recipients of town centre floodlighting

Our planned five-year budget

Having assessed the current financial requirements of the BID, the renewal group consider that they can finance the next five years of the BID by raising the threshold at which businesses would become liable to pay the BID levy to £15,000, meaning that over 200 of the smaller businesses in Royston who are bearing a considerable brunt of the current economic challenges will not now be required to contribute to the costs of the BID.

As they will still continue to enjoy the benefits of the BID, including all communications, they may wish to support the costs of the partnership by making a voluntary contribution equivalent to the levy at the lowest payable rate, £225 per year.

This brings the BID levy rules in line with the Government's current relief arrangements for non-domestic rates (business rates). The following table therefore summarises the proposed BID budget for the next 5-years.

Estimated BID expenditure per year (£K)

BID Projects	2019-20	2020-21	2021-22	2022-23	2023-24	Five-year total
'BUSINESS AS USUAL'	68,000	68,000	69,000	70,000	72,000	347,000
NEW MEDIA/ COMMUNICATIONS PROJECTS	30,000	30,000	32,000	32,000	35,000	159,000
PROJECTS FOR THE INDUSTRIAL ESTATE	29,000	7,000	10,000	10,000	10,000	66,000
TOWN CENTRE ACTIVITIES	15,000	45,000	16,000	20,000	20,000	116,000
TOWN -WIDE PROJECTS	14,000	18,000	42,000	26,000	26,000	126,000
REGIONAL ASPIRATIONS	1,000	1,000	4,000	4,000	4,000	14,000
OVERHEADS & CONTINGENCY	35,000	35,000	36,000	37,000	39,000	182,000
EXPENDITURE TOTAL	192,000	204,000	209,000	199,000	206,000	1,010,000
Anticipated income at 1.5% of RV	170,000	184,500	189,100	193,800	198,650	936,050
Additional earned income/ sponsorship	5,000	5,000	5,000	10,000	10,000	35,000
Funds carried forward from last term	30,000	30,000				60,000
TOTAL INCOME	205,000	219,500	194,100	203,800	208,650	1,031,050

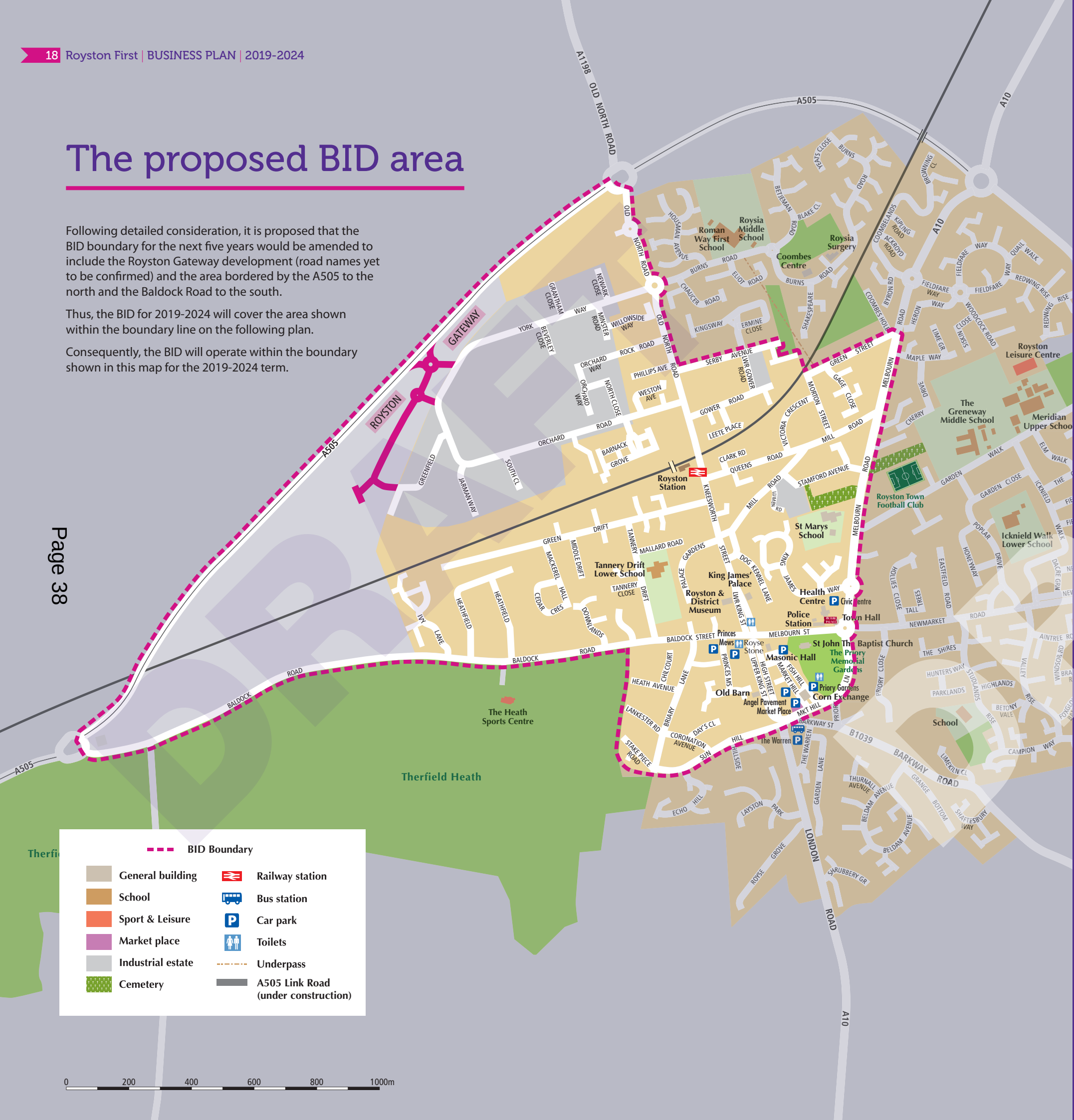
- Notes:
- Levy income has been increased each year to allow for inflation, as per the levy rules. This has been set at +2.5% but will vary according to the prevailing CPI
 - A contingency of £5K pa allowed. If unused at the end of the five-year period, it will be put towards the cost of the next renewal ballot
 - RV total revenue increases over the five years as new businesses come on-stream in the Gateway area of the BID
 - A collection rate of 98.5% has been assumed for the levy income, a figure achieved by NHDC in the previous BID term
 - Unspent income from the previous BID term has been used to offset some of the 'influencing' or capital costs of some of our 'high ticket' items
 - Income is derived primarily from the BID levy. It will be supplemented by sales of services, information, sponsorship and eventually ticket receipts from the shuttle bus

The proposed BID area

Following detailed consideration, it is proposed that the BID boundary for the next five years would be amended to include the Royston Gateway development (road names yet to be confirmed) and the area bordered by the A505 to the north and the Baldock Road to the south.

Thus, the BID for 2019-2024 will cover the area shown within the boundary line on the following plan.

Consequently, the BID will operate within the boundary shown in this map for the 2019-2024 term.



The following streets fall within the defined BID boundary for the purposes of the renewal ballot and the subsequent levy process:

- Angel Pavement
- Gage Close
- Lumen Road
- Queens Road
- Baldock Road (North side)
- George Lane
- Mackerell Hall
- Rock Road
- Baldock Street
- Gower Road
- Mallard Road
- Serby Avenue
- Barnack Grove
- Grantham Close
- Market Hill
- South Close
- Barkway Street
- Green Drift
- Melbourn Road
- St Mary's Park
- Beverley Close
- Greenfield
- Melbourn Street
- Stamford Avenue
- Braeburn Walk
- Green Street
- Middle Drift
- Stamford Court
- Briary Lane
- Heath Avenue
- Mill Road
- Station Yard
- Cedar Crescent
- Heathfield
- Minster Road
- Stuart Drive
- Chillcourt
- High Street
- Morton Street
- Sun Hill
- Church Lane
- Jarman Way
- Newark Close
- Tannery Drift
- Clark Road
- Jepps Lane
- North Close
- The Green
- Copperfields
- John Street
- Old North Road
- The Warren
- Coronation Avenue
- Kiln House Yard
- Orchard Road
- Upper King Street
- Coombelands
- King James Way
- Ostler Court
- Victoria Crescent
- Days Close
- King Street
- Palace Gardens
- Weston Avenue
- Dog Kennel Lane
- Kneesworth Street
- Phillips Avenue
- Willowside Way
- Downlands
- Leete Place
- Pightle Close
- York Road
- Evans Close
- London Road (part)
- Pippin Grove
- York Way
- Farrier Court
- Lower Gower Road
- Princes Mews
- Fish Hill
- Lower King Street
- Priory Lane
- All roads associated with the Royston Gateway

Management and governance

If the ballot is successful, it is proposed to continue with an Advisory Council comprising of up to 20 persons led by volunteer senior employees drawn from levy-paying organisations, supplemented by one representative each from the local community, the Royston Town Council and North Herts District Council. This will continue to achieve a representative, business-led group to oversee the financial, managerial and operational activities of the BID.

The majority of the Board will continue to come from private-sector organisations and the Chair will always be a private-sector member to ensure that the BID retains its strong business focus. This company will continue be Limited by Guarantee, thus limiting the liability of Directors and businesses.

- All BID levy payers will be entitled to write to the Chairman to raise any matter and the Board will also follow BID 'Industry' best practice in the following aspects:
- Being subject to independent, accredited, external audit, leading to the production and submission of an annual report, annual accounts and the submission of statutory financial and corporation tax returns
 - Producing regular updates to BID levy payers
 - Allowing the rotation of Board representatives as required with a third of the Board standing down each year, with elections to replace the vacant positions

> We have worked with the Royston BID, particularly with the trails that take place four times a year. It certainly helps to boost the number of people on the High Street! As one of the longest established retail businesses in Royston (and still completely family run), we support the BID's efforts to maintain and improve footfall into the town centre.

Yolande Gautrey
Business Owner, Ladds



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Major Industrial Estate Businesses	2
Independent Industrial Estate Operators	4
National and Independent Businesses	5
Financial and Legal Services	4
Community Representatives	1
Property	2
Town Council	1
District Council	1

The Board of Directors will be fully accountable to BID levy payers and will consist entirely of representatives from BID levy paying organisations who would be senior figures within their parent organisations. The Board will meet at least 3 times per year and receive both management and financial reports at each meeting. They will communicate regularly with levy-payers on key issues, particularly reporting progress against this Business Plan.

The ballot process

Legally all BIDs need to be established via a ballot of eligible business and the vote is conducted entirely by post over a 28 day period.

The votes will be sent to either the tenant of the business or the landlord (in the case of vacant units), within the BID boundary. The proposed schedule is as follows:

5th February 2019	Ballot papers issued
6th March 2019*	Final day of ballot
7th March 2019	Result announced

*The last day by which votes must be received

For the BID proposal to be successful, there are two requirements which must be met:

- 1 A majority of those who vote must have voted in favour
- 2 The total rateable values of those who vote yes must exceed that of those who vote against

The BID levy

The cost of the levy for each business is a percentage of its rateable value and so is based on the size and location of the business premises. All businesses should consider the proposed cost of the levy as an investment – an investment of a relatively small sum which is pooled with the contributions of all the others in the BID to provide a considerable sum that is spent entirely in Royston over five years.

The renewal team, duly mindful of the pressure on business currently, propose to reduce the percentage of RV applied from 1.75% to 1.50%. This means that the BID would only cost your businesses the following amount per year:

Small business with a rateable value of £15,250
£229 per annum
Medium business with a rateable value of £40,000
£600 per annum
Large business with a rateable value of £100,000
£1,500 per annum

To calculate your proposed annual levy, simply multiply your rateable value by 0.0150. If you are unsure about your rateable value, please contact the Valuation Office on 03000 501501 or visit www.gov.uk/correct-your-business-rates

Remember that any business with a Rateable Value of £15,000 or less would be exempted from paying the BID levy, although would be able to join the BID as a voluntary member if they wish to do so and be invited to participate fully in all BID initiatives. Landlords, property owners and institutions will be invited to participate through voluntary contributions too.

Any additional roads that are added into the BID area, and businesses moving into those roads, will be liable for the BID levy.

> We think it's crucial that the BID continues to boost the offer for both town centre, retail and the market. Looking forward, we are very hopeful for the potential of projects linking the industrial areas to the town centre. We welcome the opportunity promised in the new BID to improve our local networking with other Royston based businesses. We also appreciate the BID's activities, such as support for local events and the cinema, which continue to benefit our employees that live locally."

Tara Prior
Principal, Stephanie Prior School of Dancing



How you can be sure the BID is working for you

The Royston First BID proposes to continue with a number of Key Performance Indicators to measure the impact of the projects contained within this plan.

These include:

- Measuring using town-wide indicators to include pedestrian footfall and vacant unit levels
- Sampling through survey work with a fixed percentage of BID businesses each year to seek detailed feedback on their perception of the performance of the town and the BID as the term progresses

- Conducting regular customer surveys to learn how the town centre is changing in the eyes of our visitors
- Producing and distributing an annual report to BID members to advise on our progress and activities

The BID will continue to communicate to all businesses on a regular basis, regardless of whether or not they pay a levy, by email bulletins, newsletters, social media and our website. One to one meetings can also be requested at any time.

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Council agreements

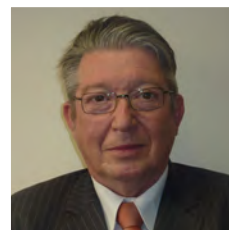
In developing our BID proposal, we have carried out extensive consultation with North Herts District Council over a number of aspects of our plans and they have consistently voiced their support for our BID and the projects planned for the future.

Specifically, we have worked with the District Council in assessing the service levels that are currently provided by the public sector in the town and they have agreed that, as far as possible given the current national economic circumstances, they will maintain these throughout the five-year term of the BID.

We have also agreed a draft Operating Agreement that details the proposed arrangements for BID levy collection. This is available for viewing by any potential BID levy payer via www.roystonfirst.com

> NHDC consider BIDs to be a vital contributor to the economic wellbeing of our local towns. This is why we have always fully supported, and will continue to support, the BIDs currently running in Royston, Letchworth and Hitchin. A testament to the effectiveness of BIDs is the fact that there are currently over 300 BIDs running in the UK.

Cllr Tony Hunter
Executive Member for
Community Engagement,
NHDC



Proposed levy rules

- 01 This is a second BID renewal proposal to cover the period 1st April 2019 to 31st March inclusive.
- 02 The BID will deliver services additional to those provided by any public or private sector organisation.
- 03 All National Non-Domestic Ratepayers within the proposed boundary will be liable to pay the BID levy, with the exception of any business with a rateable value below £15,000, which will be exempt.
- 04 The BID would be funded by a 1.50% levy on the rateable value of all eligible businesses within the proposed BID area. The BID levy is proposed at 1.50% of applicable rateable value using the 2017 Rateable Value list, as updated on the 1st January each year of the BID term, which will be used for the calculation of each annual BID levy for the duration of this proposal.

Small businesses, with a rateable value of £15,000 or less will be exempt from the levy. Contributions from a single hereditament with a Rateable Value of £1M+ will be capped at £15,000.
- 05 The BID levy will apply from 1st April each year and the chargeable day policy will operate, which means that liable parties would pay their levy for the year in advance with no refund due in the case of subsequent non-occupation or change of ownership.
- 06 The liability for the BID levy on any eligible vacant premises would revert to the landlord, with no void period.
- 07 The BID Board may exercise the ability to raise the BID levy annually by the current rate of inflation as determined by the consumer price index over the duration of the term of the BID.
- 08 VAT will not be charged on the BID levy.

BID development timetable

The BID has taken an appropriate amount of time to follow the correct processes for a renewal ballot, seeking and confirming the views of businesses at every step of the way.

Date	Milestone
June-September 2018	Project development and planning
September 2018	Formal notifications to the Secretary of State and Local Authority of intention to hold a ballot
September 2018 - December 2018	Business survey and extensive consultation with businesses to develop the draft Business Plan projects
January 2019	Notice of ballot given
February 2019	Ballot papers issued
March 2019	Final day of the Ballot
March 2019	Ballot result declared
March 2019 - April 2019	Preparations begin for third BID term, subject to a positive business vote
1st April 2019	BID levy invoices become due and the BID company formally begins operating for a third term, subject to a positive business vote

Get in touch

For further information on any aspect of this proposal, please contact:

Geraint Burnell
Royston BID Manager

01763 878242
info@roystonfirst.com
www.roystonfirst.com

> Much of Royston First's work goes unseen by the wider public, but we are in a position to see just how critical the BID's contribution is locally. In particular, the BID has enabled us to maintain and expand the contribution made by the Town Manager – who for the past 15 years has provided us with continuity of contact between the business community and the Local Authorities.

John Davison
Royston Town Council



> Royston First BID have, from the first, been fully supportive of our exciting development project on the borders of the industrial estate. In particular, they have been instrumental in supplying information to support our decision for early opening of the link road to relieve congestion on the existing industrial estate. Royston First continue to work with us for the betterment of Royston and have been a useful conduit for information

between us and local businesses/authorities

Developer



> Being responsible for policing in the Royston area, I greatly appreciate the additional resources available to me as a result of the funding from Royston First. It's not just that Operation Artemis provides additional manpower, it's also the flexible structure that makes it so valuable.



It allows me to focus the Artemis officers on emerging local problem areas and crime hot spots. This means we can deal directly with some of the issues that my Response officers would find difficult to focus on, due to their other commitments.

I always ensure that we use experienced and proactive officers for Artemis who know Royston and genuinely understand the requirements of patrolling both the town centre and industrial areas.

Royston First has always responded positively to our requests for support and additional short-term funding for projects. I am extremely grateful for this assistance and I hope to progress some new projects in the coming year that will benefit the town.

Royston First has genuinely given me the resources to maintain the essential visible policing presence in the town and compliment the work already carried out by Hertfordshire Constabulary.

Police Sergeant

The BID company cannot be held liable for any errors or omissions that may have occurred during the production of this business plan



ROYSTON FIRST

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Appendix B - UK Engage Proposed Royston First BID Renewal Timetable

Day	Action	Latest Statutory Date	Requested date
79	UKE to received final mailing data and all print proofs to be approved		Monday, December 17, 2018
76	Live data proofs to be approved		Thursday, December 20, 2018
63	UK Engage to receive Final Mailing Data	Wednesday, January 02, 2019	See above
61	Despatch Notification of Ballot		Friday, January 04, 2019
41	Despatch of Ballot Papers		Thursday, January 24, 2019
49	Despatch Notification of Ballot	Wednesday, January 16, 2019	See above
43	Statutory (Latest) Date: Notification of Ballot	Tuesday, January 22, 2019	
35	Aim to despatch on this date	Wednesday, January 30, 2019	
29	Statutory (Latest) Date: Despatch of Ballot Papers	Tuesday, February 05, 2019	
10	Latest Date to Appoint Proxy by 5pm	Sunday, February 24, 2019	
5	Latest Date to Cancel Proxy by 5pm	Friday, March 01, 2019	
4	Issue of Replacements after 5pm	Thursday, February 28, 2019	
0	Close of Ballot	Wednesday, March 06, 2019	
-2	Issue of Result by 5pm	Friday, March 08, 2019	

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CABINET 18 December 2018

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF THE SERVICE DIRECTOR - REGULATORY
EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT
COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

1.1. The purpose of this report is to inform Members of the current positions regarding:

- Other Local Plans and Examinations
- North Hertfordshire Local Plan
- Neighbourhood Plans
- Government announcements
- Strategic Planning

1.2 The report also proposes to continue collecting developer contributions through the use of Section 106 legal agreements.

2. RECOMMENDATIONS

2.1 That the report on strategic planning matters be noted.

2.2 That the submissions in Appendices A to E are noted and endorsed by Cabinet.

2.3 That Cabinet reaffirm its resolution of 30th July 2013: "That a Community Infrastructure Levy for North Hertfordshire be not pursued for the time being"

3. REASONS FOR RECOMMENDATIONS

3.1 To keep Cabinet informed of recent developments on strategic planning matters and progress on the North Hertfordshire Local Plan.

3.2 To provide clarity on the Council's corporate approach to the collection of financial and other contributions from developers and to enable the production of a revised Supplementary Planning Document (SPD) on developer contributions in line with the Cabinet resolution of 25th July 2017.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Officers have given consideration to alternate approaches to the collection of developer contributions, namely the potential to prepare and adopt a Community Infrastructure Levy (CIL) for the District. This approach is not recommended for the reasons set out in this report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Planning, Enterprise and Transport has been kept informed on the matters set out above.

6. FORWARD PLAN

- 6.1 Recommendation 2.3 relates to a key decision first referred to in the Forward Plan on 25 April 2018.

7. BACKGROUND

- 7.1 Members will be aware of, and familiar with, many of the issues surrounding the strategic planning matters referred to in paragraph 1.1 above. This report is intended to provide Members with the current positions on these matters.
- 7.2 By way of background to recommendation 2.3, the Community Infrastructure Levy (CIL) was introduced in 2010 under the Community Infrastructure Levy Regulations 2010, as an alternative to Section 106 legal agreements in funding the delivery of infrastructure required as a result of new development.
- 7.3 CIL works on the principle that charging rates are set based on pounds per square metre of net additional floorspace. CIL charging rates are non-negotiable, unlike Section 106 agreements.
- 7.4 Introducing a CIL is not compulsory for local authorities, and Section 106 continues to play a role even if CIL is introduced, particularly towards the delivery of affordable housing and site-specific infrastructure.
- 7.5 In February to March 2013, North Hertfordshire embarked on the first stage of the preparation of a CIL and consulted upon a Preliminary Draft Charging Schedule. Soon after however, work was halted on the production of a CIL as it was considered that it would not be the best way of maximising either affordable housing or monies for infrastructure in North Hertfordshire for the time being. This decision to halt work on CIL was made at Cabinet on the 30th July 2013.
- 7.6 Since 2013, work has significantly progressed on the Council's emerging Local Plan, which sets out what development and infrastructure will be required over the period 2011-2031.

- 7.7 In November 2016, it was reported to Cabinet that CIL had been subject to a number of regulatory amendments and that the Government had launched a review into its operation. At this time it was stated that Cabinet would be requested to make an ‘in principle’ decision on the most appropriate approach to developer contributions for the District once the final outcomes of this review were known.
- 7.8 A review of the Council’s current planning guidance was undertaken in 2017. This identified that the Council’s Planning Obligations Supplementary Planning Document (SPD) (2006) should be prioritised for updating. This review of current Council planning guidance, and the identification of documents to be produced in the future, was considered and approved by Cabinet on 25th July 2017.
- 7.9 Following announcements in the 2017 Budget relating to the CIL Review, the Government consulted on potential reforms to developer contributions in the Spring of 2018. The Government response to this consultation was published alongside the Autumn Budget 2018. Of greatest significance to North Hertfordshire is the confirmation that all pooling restrictions are to be lifted so that multiple Section 106 agreements can be collected towards a single piece of infrastructure. This restriction has been in place since 2015 and presently means that no more than five Section 106 contributions may be made towards any single infrastructure scheme. This has been a notable barrier to the funding and delivery of infrastructure, particularly for larger projects.

8. RELEVANT CONSIDERATIONS

8.1 Developer contributions

- 8.1.1 Now that the Autumn Budget 2018 and the Government’s response to the Developer Contributions have provided greater certainty on the future use of developer contributions, discussions with key internal departments and officers have taken place to discuss the implications of the proposed changes for North Hertfordshire.
- 8.1.2 Following these discussions, and in light of recent announcements, it is recommended that CIL is not taken forward in North Hertfordshire at this time and that Section 106 legal agreements continue to be used in all relevant instances to secure appropriate contributions from new development. In addition to internal officer consensus on this matter, the appetite from Hertfordshire County Council officers to introduce CIL in North Hertfordshire is also limited given the proposed lifting of pooling restrictions. Further to this, issues have been raised by Hertfordshire County Council given the legal position of CIL in that it does not require that collected monies are guaranteed towards specific items of infrastructure. This has been reinforced by the experience Hertfordshire County Council has had with other Hertfordshire authorities where CIL has been introduced.
- 8.1.3 Instead it is recommended that work is expedited on the review and adoption of a revised Planning Obligations SPD, as approved in principle by Cabinet in July 2017. This would also be an opportunity to reflect the Governments’ recent strengthening of viability matters in Planning Practice Guidance and address the full range of potential contributions that might be sought through s106 in the absence of CIL.

- 8.1.4 Whilst there are / were merits to CIL for local authorities with a large number of smaller sites (that would normally not generate a need for a Section 106 agreement, especially with pooling restrictions in place), this is not the case in for North Hertfordshire. It is not considered that the cost, resources and time required for the preparation and Examination of a CIL charging schedule, as well its eventual operation, are outweighed by its benefits when considered in a North Hertfordshire context. It is also worth noting that it would be necessary in any case to secure S106 agreements on a number of sites proposed in the new Local Plan to secure on-site infrastructure (such as schools) and mitigation measures. Furthermore, recent reports suggest that the proposed lifting of pooling restrictions will assist in the delivery of strategic sites and unlock regeneration. The lifting of pooling restrictions also enables the Council to consider whether there is now scope to seek contributions from smaller sites through unilateral agreements. This will be explored through the SPD.
- 8.1.5 The approach recommended does not differ from that taken forward the last time a decision on the progress of CIL was taken at Cabinet on 18th July 2013 and it is recommended that Cabinet therefore reaffirm this standing resolution, especially given that it is now more than five years old.

8.2 Other Plans and Examinations

- 8.2.1 **Central Bedfordshire Council** – As previously reported, Central Bedfordshire’s Local Plan was submitted to the Secretary of State for independent examination in the summer. The Inspector has presented Central Bedfordshire with a number of requests for further information and hearing sessions are not anticipated until Spring 2019 at the earliest.
- 8.2.2 Since the last meeting of Cabinet, agreement has been reached on a Memorandum of Understanding with Central Bedfordshire addressing the issues raised by this Council in its consultation response to the Plan. This was agreed and signed by the Executive Member for Planning, Enterprise and Transport under delegated powers granted by Cabinet.
- 8.2.3 The agreement secures a number of proposed modifications to the Plan requested by NHDC that will ensure relevant future developments within Central Bedfordshire will properly assess cumulative traffic impacts on the North Hertfordshire transport network. A copy of the agreement is attached as Appendix A to this report.
- 8.2.4 **South Cambridgeshire** –South Cambridgeshire’s Local Plan was adopted on 27 September 2018. The Plan commits to an early review, with submission for examination anticipated by the end of Summer 2022.
- 8.2.5 **Uttlesford District Council**- Following consultation on the Council’s Proposed Submission Local Plan in the summer, a further consultation on focussed changes to the Plan was held between October and November 2016. None of these changes impacted upon the issues raised in this Council’s previous response and no further comments were submitted.

- 8.2.6 **East Hertfordshire District Council** – As previously reported, following receipt of the Inspector’s report finding the new District Plan ‘sound’, the Secretary of State issued a holding direction on 11 September 2018 preventing any further step in connection with the adoption of the Plan.
- 8.2.7 The holding direction was subsequently lifted on 12 October 2018 and the new Plan was adopted on 23 October 2018.
- 8.2.8 **Stevenage Borough Council** – There is no further update on the holding direction by The Secretary of State which was issued on 13 November 2017. Stevenage had previously been advised that they would receive a response from the Secretary of State by 13 November 2018.
- 8.2.9 A response to Stevenage’s consultation on the introduction of a Community Infrastructure Levy for the Borough was prepared and submitted under delegated powers. This is attached at Appendix B. The response seeks reassurances that the introduction of a CIL in Stevenage will not adversely impact planned development or the provision of infrastructure in, or meeting the needs of, North Hertfordshire.
- 8.2.10 **Welwyn Hatfield Borough Council** – A further Examination hearing session on the Council’s updated Green Belt study was held in November 2018. A short consultation on the matters arising is being held, running until 20 December 2018. No further hearing sessions will be held until the New Year.
- 8.2.11 **St. Albans City & District Council** – Consultation on the Proposed Submission Local Plan was held between September and October 2018. A response was prepared and approved under delegated powers and is attached as Appendix C. The response welcomes the Plan’s commitment to meeting identified housing needs in full but seeks further clarity on how this will be achieved to reduce the risk of any future Examination determining there is an unmet need which must be met elsewhere.
- 8.2.12 **Luton Borough Council** – Luton’s Local Plan was adopted in November 2017. This requires a review of the Plan to commence before the end of 2019. No steps have been taken to date.
- 8.2.13 **Hertfordshire County Council (waste & minerals)** – A ‘Way Forward’ paper on the Waste Local Plan will be presented to HCC’s Cabinet Panel in the first quarter of 2019. This will present the outcomes of the Call for Sites exercise carried out earlier this year and the proposed approach to the Plan.
- 8.2.14 The Proposed Submission Minerals Local Plan is currently progressing through the County Council’s political process with public participation expected in January 2019 for 10 weeks
- 8.2.15 **Chilterns AONB Management Plan** – the Chilterns Conservation Board is reviewing and consulting on their draft Management Plan 2019 – 2024. The Management Plan is a statutory document under the Countryside and Rights of Way Act 2009 and sets out the vision, objectives and policies for the AONB over the next 5 years. The purpose of a management plan is to help all those involved in managing the AONB to:

- conserve its character and special qualities;
- manage the pressures on these qualities; and
- where possible, improve the AONB for current and future generations of people who live in and visit the area.

8.2.16 The Consultation was launched at the end of October and will run until 31st December 2018. An MIS was sent out on 2 November informing Members about the consultation and to forward any comments they may wish to make to officers for inclusion in the Council's formal response. Officers are currently reviewing the consultation to identify any implications for North Hertfordshire. A response will be prepared and approved under delegated powers and reported to a future meeting of Cabinet.

8.2.17 Full details of the draft Management Plan 2019 – 2014 are available on the Chilterns AONB website at: <https://www.chilternsaonb.org/conservation-board/management-plan-review.html>

8.3 North Hertfordshire Local Plan

8.3.1 The Inspector's Main Modifications, and the associated additional work completed by the Council, were published on 19 November 2018. The Main Modifications are subject to a separate report and meeting of Cabinet on 10 December 2018. Any necessary updates will be reported verbally at the meeting.

8.4 Neighbourhood Plans

8.4.1 As previously reported, Deborah McCann was appointed to undertake the examination of the Wymondley Neighbourhood Plan. Following her initial review, the examiner arranged an exploratory meeting held on November 30 2018. At the request of the Parish Council and the Neighbourhood Plan Steering Group, this meeting was postponed. A revised date is being sought for January 2019 and any update will be provided verbally at the meeting.

8.4.2 Ashwell Parish Council consulted on a draft Neighbourhood Plan between September and October 2018. As previously reported, this is the first neighbourhood plan in the District which considers the possibility of allocating sites for housing development. A response to the consultation was prepared by officers and is attached as Appendix D to this report. This recognises the work undertaken to date but highlights a number of issues to be addressed to ensure the Plan meets relevant tests going forward.

8.5 Government Announcements

8.5.1 As set out in the background to this report, the Government issued its response to the consultation on the future of developer contributions alongside the Budget. This informs the decision on developer contributions set out in Section 8.1 of this report.

8.5.2 Further consultations on changes to planning guidance and further planning reforms were issued in October 2018, running to December 2018 and January 2019 respectively. Officers are reviewing the consultations to determine the implications for the District. Any responses will be prepared under delegated powers and reported to a future meeting.

- 8.5.3 The results of a new 'Housing Delivery Test', as set out in the National Planning Policy Framework, were due to be released by the end of November 2018. This is a further measure aimed at boosting housing supply. At the time of writing, the results have not been published.
- 8.5.4 A consultation seeking views on the principle of whether certain fracking activities should be granted planning permission through a permitted development right was held between July and October 2018. A response was prepared and approved under delegated powers and is attached as Appendix E to this report.
- 8.5.5 Following the resolution passed by Full Council on 12 February 2015 which required officers to explore the potential for a new settlement in the area to address long term housing needs. Members will remember that officers have been successful in securing two grants to progress this work, the latest grant (£250k) was under the Planning Delivery Fund, the bid led by NHDC was on behalf of Stevenage, Welwyn Hatfield and East Herts Councils. Work on the project streams is underway and the outcomes will be reported through future Strategic Planning reports.
- 8.5.6 A further bid (£525k) was submitted in early November 2018 under the latest Garden Communities Prospectus, led again by NHDC on behalf of Stevenage, Welwyn Hatfield, East Herts and Broxbourne Councils. This seeks funding to continue the work on a future new settlement into 2019/20. Whilst the prospectus was seeking applications regarding specific sites rather than capacity funding, it was felt important to submit an application to keep officers of Homes England and the Ministry of Homes, Communities and Local Government as well as Ministers aware of our aspirations.

8.6 London Luton Airport

- 8.6.1 London Luton Airport Limited (LLAL) are continuing to work towards a submission to the Planning Inspectorate of a Development Consent Order (DCO) for the proposed expansion of the airport.
- 8.6.2 Members will be aware that a response was submitted to the non-statutory consultation on the four airport options. It is anticipated that feedback from the consultation will be made available early in the new year and the preferred option identified.
- 8.6.3 Officers are meeting regularly with the LLAL together with the other affected authorities. Work is on-going in seeking to secure a Planning Performance Agreement (PPA) so that costs associated with the Council's representations on the scheme can be reimbursed in total or part.
- 8.6.4 Current timescales offered by LLAL indicate a statutory consultation on the preferred option will occur in the last quarter of 2019 with a DCO submitted at the end of quarter 2 in 2020.

8.7 Other transport and infrastructure matters

- 8.7.1 **A505 Transport Corridor Joint Study** - North Hertfordshire is working together with Luton, Central Bedfordshire and Hertfordshire County Council in commissioning a study to investigate and understand the transport infrastructure implications of the significant planned and future housing and economic growth within Bedfordshire and Hertfordshire and in particular along the A505 corridor. The study area runs broadly from Leighton Buzzard in the west to Royston / A10 in the east.
- 8.7.2 This is a joint funded project by all four authorities. North Hertfordshire's contribution is to be funded from an earmarked reserve in approved revenue budgets established following the over-achievement of planning income.
- 8.7.3 A Steering Group comprising senior officers and executive members from each authority and an officer working group has been set up to oversee the project. AECOM have been appointed to undertake the study. The study will be split into various stages and will take a year to complete. The first stage of the project is near completion, which includes agreement by the Steering Group on the objectives and expected outcomes of the study, scope of the work, timescales and governance arrangements. It is anticipated that this first stage will be signed off in late December. Updates on the next stages of the project will be reported to future meetings of Cabinet.

9. LEGAL IMPLICATIONS

- 9.1 Under the Terms of Reference for Cabinet Paragraph 5.6.18 of the Constitution states that the Cabinet may exercise the Council's functions as Local Planning Authority and receive reports on: consultation/referendums revocations (or recommend revocation of) neighbourhood plans and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2 The preparation of plans, up to and including the approval of the proposed submission documents are Cabinet matters. Submission of the draft Local Plan to the Secretary of State for Examination and final adoption of Local Plan documents shall be a matter for Full Council.
- 9.3 Section 110 of the Localism Act 2011 sets out (by amendment to the Planning & Compulsory Purchase Act 2004) the duty to co-operate between local planning authorities and other prescribed bodies, to maximise the effectiveness in the preparation of development plan and other local development plan documents, so far as they relate to a strategic nature. These bodies should consider if they are able to work together jointly on such matters and must have due regard to any guidance given by the Secretary of State.
- 9.4 The Localism Act 2011 provided a new statutory regime for neighbourhood planning. The Neighbourhood Planning (General) Regulations 2012 (as amended) make provisions in relation to that new regime. It does amongst other things set out the Council's responsibility (as the Local Planning Authority) in assisting communities in the preparation of neighbourhood development areas, plans and order and to take plans through a process of examination and referendum.

- 9.5 The provisions for planning obligations are set out under Section 106 of the Town and Country Planning Act 1990 (as amended).

10. FINANCIAL IMPLICATIONS

- 10.1 The costs of preparing the Local Plan and running the examination are reviewed on a regular basis, and are reported through the quarterly revenue monitoring reports to Cabinet. The Quarter 2 monitor (on the agenda at this meeting) shows forecast spend of £306k in 2018/19, an overspend of £115k against the working budget.
- 10.2 The general costs of preparing Supplementary Planning Documents and responding to consultations on neighbouring authorities' Plans, neighbourhood plans and Government consultations are met through existing revenue budgets. Any specific costs in relation to the production of a draft Planning Obligations SPD can be met through an existing revenue budget for CIL/Planning Obligations. A financial risk has been included for 2018/19 for any further work on Neighbourhood Planning that is not covered by the current reserve or future grants.
- 10.3 The earmarked reserve referred to in 8.7.2 resulted from achieving more planning application income than budgeted in 2017/18, as reported to Cabinet in January 2018. The reserve will be used to fund the LLAL DCO application response should a PPA not be forthcoming, as well as for response to other plans/policies etc. that will affect the District such as the A505 study. The current balance on the reserve is £465k.

11. RISK IMPLICATIONS

- 11.1 No direct risk implications from this report but Sustainable Development of the District and the Local Plan are both Cabinet Top Risks. The Sustainable Development of the District has a sub-risk that covers the risks arising from the duty to co-operate with neighbouring authorities.

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 not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at Paragraph 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no new human resource implications arising from the contents of this report.

15. APPENDICES

- 15.1 Appendix A – Memorandum of Understanding with Central Bedfordshire Council.
- 15.2 Appendix B – Stevenage Borough Council Community Infrastructure Levy consultation response
- 15.3 Appendix C – St Albans Local Plan response
- 15.4 Appendix D – Ashwell Neighbourhood Plan response
- 15.5 Appendix E – Permitted Development for Shale Gas Exploration consultation response

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17. BACKGROUND PAPERS

- 17.1 Reports to Cabinet on [Community Infrastructure Levy](#) (30 July 2013), [Strategic Planning Matters](#) (22 November 2016) and [North Hertfordshire Planning Guidance](#) (25 July 2017)

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Memorandum of Understanding (MoU) between Central Bedfordshire Council and North Hertfordshire District Council in respect of the Central Bedfordshire Local Plan 2015-2035

1. Purpose of the MoU

- 1.1 The purpose of this document is to identify the strategic cross-boundary issues which may exist between the two named local authorities and set out how these issues can be taken forward and managed through plan making.
- 1.2 This MoU has been prepared by Central Bedfordshire Council (CBC) and North Hertfordshire District Council (NHDC) to demonstrate how the two authorities have worked together to agree and, as far as possible, resolve any identified cross-boundary issues, and how CBC has satisfied the Duty to Cooperate in local plan-making.

2. Strategic cross-boundary issues and areas of joint working

- 2.1 The following strategic cross-boundary issues have been identified between CBC and NHDC:
 - Housing Market Areas (HMAs) & Objectively Assessed Housing Needs (OAHN).
 - Green Belt & Green Infrastructure.
 - Employment
 - Transport

3. The way forward

Housing

- 3.1 The extent of the Housing Market Areas (HMAs) covering CBC and NHDC have been identified in the Housing Market Areas in Bedfordshire and Surrounding Areas study (ORS, December 2015) and have been agreed by the seven commissioning local authorities which include Central Bedfordshire and North Hertfordshire District Council. Parts of both authorities lie within the Stevenage and Luton Housing Market Areas.
- 3.2 The Objectively Assessed Housing Needs (OAHN) for CBC and NHDC are agreed and have been determined through the preparation of respective Strategic Housing Market Assessments (SHMAs). Both OAHNs have been determined to a common methodology produced by the same consultant and CBC and NHDC have actively participated in the preparation of each other's evidence bases.

- 3.3 CBC has identified a housing need of 32,000 new homes to meet the identified needs within Central Bedfordshire. CBC is currently planning to meet its housing needs in full within the plan period and have confirmed that at the current time, assistance is not required from any other local authority, including NHDC, to help meet its OAHN.
- 3.4 Luton Borough Council cannot accommodate all of their OAHN within their authority area, and as such there is a significant level of unmet housing need arising in the Luton Housing Market Area of around 9,300 dwellings, following an update of the Luton SHLAA in 2016.
- 3.5 The Luton Housing Market Area Growth Options Study was jointly commissioned by CBC, NHDC, Luton Borough Council and Aylesbury Vale District Councils (Land Use Consultants, November 2016) and is a high-level assessment which identifies possible locations for housing growth within the boundary of the Luton HMA. The study showed there is potential capacity within the HMA to deliver its overall housing need requirement. North Hertfordshire's submitted Local Plan proposes that 1,950 of this unmet need will be accommodated to the east of Luton within their District. CBC has committed to delivering the remaining 7,350 within Central Bedfordshire as close to the urban area of Luton as possible although the distribution of growth within Central Bedfordshire will be determined through the plan-making process and tested through Examination. This results in a plan target of 39,350 homes to 2035.
- 3.6 NHDC have previously sought clarification that the unmet need arising from Luton Borough would be met within the Luton local plan timeframe to 2031. Whilst CBC has not specifically identified sites to meet the unmet need arising from Luton Borough, CBC has committed to delivering this unmet housing need in Central Bedfordshire within the Luton HMA. The most recent information, which includes current commitments and new Local Plan allocations, identifies that approximately 10,000 dwellings will be delivered in Central Bedfordshire within the Luton HMA to 2031. These dwellings will therefore be to meet unmet housing needs arising from Luton as close to the urban conurbation as possible, as well as contributing to the housing need arising from Central Bedfordshire.
- 3.7 In response to representations made to pre-submission consultation on the local plan, the appointed Inspector has requested a map of proposed housing allocations in relation to HMA boundaries ahead of the Examination Hearing Sessions.
- 3.8 CBC and NHDC will continue to work together to ensure future development can be delivered in a timely manner, through ongoing monitoring of housing requirements through the local planning process.

- 3.9 CBC and NHDC will engage with each other with regard to any Development Briefs, masterplans and / or planning applications for those allocations that are within close proximity to, or would otherwise significantly impact upon, the other authority to ensure any outstanding impacts upon neighbouring areas are mitigated to the fullest reasonable extent and to ensure the delivery of joined up green infrastructure and sustainable transport routes.

Green Belt & Important Countryside Gaps

- 3.10 The settlements of Arlesey and Stotfold at the south-east of Central Bedfordshire are located in close proximity to Letchworth Garden City. It is agreed that it is important to maintain an appropriate physical and visual gap between these settlements, prevent their coalescence as a result of development pressures, maintain their character and prevent the loss of individual identities.
- 3.11 However, the two authorities do not presently agree on the most appropriate policy tool to achieve this. The Central Bedfordshire Plan identifies Important Countryside Gaps. NHDC have asked the Inspector to consider designation of the land between Stotfold Road, the A507 and the administrative boundary as Green Belt to secure an outer edge to the Metropolitan Green Belt which is clearly defined using physical features that are readily recognisable and likely to be permanent.
- 3.12 Notwithstanding this difference, both authorities agree that both designations seek to achieve similar outcomes and that this is not a disagreement of substance in relation to the Duty to Co-operate.

Employment provision

- 3.13 CBC has a current target for a minimum of 23,900 new jobs as identified within the Central Bedfordshire FEMA and Employment Land Review (2016). This study identified that Central Bedfordshire is well placed to meet 'footloose' demand for large-scale strategic employment due to being ideally located along two key strategic transportation corridors, namely the M1 and A1. The CBC local plan therefore identifies strategic and mixed-use allocations to meet identified needs and to maximise their strategic location.
- 3.14 CBC has committed to contribute to meeting unmet employment land needs arising from Stevenage pending the outcome of the North Hertfordshire local plan Examination. The examination of Stevenage Borough Council's (SBC's) Local Plan identified an unmet need for employment land. SBC, NHDC and the east of CBC share a functional economic area (FEMA). North Hertfordshire's submitted Local Plan proposes an employment allocation at Baldock that would meet these needs in full. Only in the event that this strategy is not supported would further DtC discussions be required between

NHDC, CBC and SBC to address the Stevenage unmet need. NHDC and CBC agree to monitor their employment requirements on an on-going basis as their respective plans progress.

Transport

- 3.15 The transport modelling undertaken for the Central Bedfordshire Local Plan and the mitigation schemes proposed are high level. The Central Bedfordshire and Luton Transport Model (CBLTM) is of a strategic nature and the mitigation schemes represent a strategic solution to transport issues in Central Bedfordshire.
- 3.16 Potential future growth in the vicinity of the A1 and along the A507, coupled with the continued build out of existing commitments in Central Bedfordshire and North Hertfordshire, may have cross-boundary cumulative impacts on services and infrastructure, including the highway network, within both administrative areas.
- 3.17 North Hertfordshire District Council have expressed concerns over the adequacy of the transport evidence base and the policy requirements in the Plan in relation to these issues. In order to address identified concerns to the relevant policies and supporting text requiring consideration of cumulative impacts and the provision of sustainable transport, focussed improvements have been agreed between CBC and NHDC as set out in Appendix 1 to this MoU.
- 3.18 Detailed site by site consideration will have to be made at Development Brief or planning application stage, both for the strategic allocation sites and the small to medium sites, to consider if the solutions proposed will need to be supported by localised mitigation and other complementary schemes, such as site specific sustainable transport infrastructure.
- 3.19 CBC and NHDC will continue to work together, and with other relevant organisations, including Hertfordshire County Council (HCC), to identify and resolve outstanding transport issues, and CBC will engage with NHDC and HCC regarding the provision of Development Briefs for those allocations that are within close proximity to the North Hertfordshire border as well as future planning applications to ensure highways implications are adequately assessed and appropriate mitigation is identified.
- 3.20 As relevant sites are brought forward, CBC will share the transport mitigation schemes, and any submitted associated transport modelling, for NHDC's consideration.
- 3.21 CBC are currently undertaking a wider A507 corridor study with the purpose of identifying future detailed highway mitigation schemes to deal with growth

within the corridor. CBC will share the relevant findings of this study with NHDC and HCC when available.

- 3.22 The modelling to support the M1-A6 link road scheme will investigate the impact on Hexton and Lilley as part of the detailed business case. Once CBC know the results of this work, and if an impact is identified in North Herts, we will share this information with NHDC for consideration.
- 3.23 HCC are leading on the A505 corridor study with CBC, LBC and NHDC. The specification for this study is currently being considered by the partner authorities.
- 3.24 The studies above may lead to the creation of a bespoke new transport model to better capture the cumulative and cross-boundary implications of future growth in northern Hertfordshire and southern Bedfordshire. Any such models will, once available, be used to inform the detailed assessment of any relevant future planning applications. Alternatively, the feasibility of making upgrades or other improvements to CBLTM or COMET (HCC's countywide transport model) will be investigated.

4. Agreement

- 4.1 This MoU is endorsed by both Central Bedfordshire Council and North Hertfordshire District Council and demonstrates an ongoing commitment to cooperate in the preparation of the respective Local Plans.
- 4.2 It is agreed by both parties that the content of this MoU is correct at the date of endorsement. Subsequent revisions may be made in consideration of changes to the identified issues or others that emerge as each authority's Local Plan progresses.



Local Authority Member signature	Date
 Cllr Sue Clark Central Bedfordshire Council	2 nd October 2018
 Councillor David Levett North Hertfordshire District Council	28 th September 2018

Appendix 1: Proposed Main Modifications on transport matters

Page	Policy / reference	Additional (bold) or amended text
70	Policy SA3 / bullet point 13	The development will provide other supporting transport infrastructure, including proposals to mitigate the impact of traffic associated with the development, including providing for efficient public transport routes through the development that link with key destinations including Arlesey, Letchworth and Hitchin train stations. The Transport Assessment will additionally need to consider the cumulative impacts of planned development in northern Hertfordshire and identify any required mitigation measures. Appropriate contributions will be secured through legal agreements in accordance with Policy HQ2.
74 76 78	Policy SA4 / bullet point 12 Policy SE3 / final bullet Policy SE4 / final bullet	The Transport Assessment will additionally need to consider the cumulative impacts of planned development in northern Hertfordshire and identify any required mitigation measures. Appropriate contributions will be secured through legal agreements in accordance with Policy HQ2.
172	After 14.3.2 (final bullet)	High proportion of cross boundary movements (partly due to high commuting levels) including within the Luton-Dunstable conurbation and between Central Bedfordshire and northern Hertfordshire over which the authority only has partial influence
173	14.5.2	Further bespoke capacity assessments may also be required to test specific local impacts of development. Such assessments are particularly likely to be required for those developments where substantial cross-boundary movements, which the CBLTM currently has limited capacity to assess, are anticipated.
174	Policy T1	Evidence must be provided in Transport Assessments to demonstrate: Robust consideration of the cumulative impacts of planned growth, including cross-boundary implications where appropriate
242	Policy HQ2	The Council will work in partnership with infrastructure providers, neighbouring authorities and other delivery agencies in ~~seeking the provision of~~ securing and delivering the necessary infrastructure to support new development



24 October 2018

Planning Policy
Stevenage Borough Council
Daneshill House
Danestrete
SG1 1HN

Our Ref: PL10/LA

Contact Officer: Laura Allen
Direct Line: (01462) 474826
E-mail: laura.allen@north-herts.gov.uk

Dear Planning Policy Team

North Hertfordshire District Council response to the Stevenage Borough Council Community Infrastructure Levy Preliminary Draft Charging Schedule consultation

Thank you for providing North Hertfordshire District Council the opportunity to comment on the Stevenage Borough Council Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule, which sets out proposed CIL charging rates.

As you are aware, North Hertfordshire is currently at an advanced stage of Local Plan preparation and is currently awaiting a schedule of proposed modifications from the Inspector appointed to conduct the Examination.

North Hertfordshire District Council is yet to take a decision on whether to pursue CIL. We would therefore welcome the opportunity to continue to work with Stevenage Borough Council in ensuring that the infrastructure required to support the delivery of our Local Plans can be delivered in a timely and effective way.

Cross-boundary infrastructure requirements

Our authorities have previously worked together during the preparation of our Local Plans, including on-going engagement regarding housing allocations along our shared administrative boundary, namely NS1 North of Stevenage, GA1 Land at Roundwood, GA2 Land off Mendip Way, Great Ashby (all within the North Hertfordshire District Council boundary), as well as HO3 North of Stevenage (within the Stevenage Borough Council boundary). The allocations collectively set out plans for 2,630 dwellings.

We are particularly concerned to ensure that adequate funding for infrastructure is achieved to ensure the timely delivery of these development sites. This is also vital in the context of the Stevenage Local Plan with ambitions to bring forward growth and regeneration over the town as a whole.



We are keen to work with you proactively to ensure that progress on your CIL is undertaken in a clear and robust way, addressing the cross-boundary impacts on infrastructure, services, transport networks and the environment.

Evidence base

It is noted in the CIL Viability Update that the residual valuation for the Northern Extension is identified as viable, with potential for CIL (p.50). As shown in the Stevenage Borough Council CIL Viability Update, house prices have risen by circa 20% in the period 2015-2017 (Table 4.2, p.16). This indicates a rapidly changing housing market, which will require monitoring once CIL is adopted to ensure that rates continue to be set at an appropriate level to maximise receipts given the identified funding gap.

Infrastructure delivery

Given that the NS1 North of Stevenage allocation is directly linked to the HO3 North of Stevenage allocation, it is imperative that delivery mechanisms for any cross-border, common or shared infrastructure are discussed not only between our Councils, but also in conjunction with the relevant landowners, developers and infrastructure providers. This will ensure that there is a coherent and integrated approach to infrastructure delivery.

We would welcome clarification as to whether site-specific requirements will continue to be secured through S106 agreements, with CIL in addition to this.

Further to this, future secondary school provision required to support growth in Stevenage is likely to be provided within the North Hertfordshire administrative boundary. This may arise from the direct demand for school places, from displaced demand or due to the residents of schemes taking priority over existing and future North Hertfordshire residents.¹ For this reason, the Council is keen to ensure that there is ongoing engagement between our authorities in relation to governance arrangements.

Transitional arrangements and the phasing of development

Given that an outline permission granted prior to the introduction of CIL, followed by reserved matters after the introduction of CIL does not incur a liability, the timing of the introduction of the Stevenage CIL in relation to site delivery will be an important consideration. This is particularly relevant for your North of Stevenage site where an outline application is presently awaiting determination,

¹ Hertfordshire County Council have requested the provision of eight forms of entry (8FE) of secondary education provision to serve the Stevenage area in our own emerging plan. Based upon the ratios used by the County Council to plan for new schools, new development in this part of North Hertfordshire will generate approximately 5FE of additional demand.



Infrastructure providers and funding mechanisms

In terms of infrastructure delivery, we would urge you to consider the roles of Stevenage Borough Council and Hertfordshire County Council once CIL is adopted. Section 106 allows for the provision of infrastructure by the developer, whereas the responsibility and risk of delivering projects funded by CIL would be passed to the Council and County Council.

Further to this, as outlined in the Whole Plan Viability Study (paragraphs 13.23 and 13.24, pages 138 and 139), Stevenage Borough Council will need to consider the mechanisms for the delivery of infrastructure under a CIL regime, including borrowing. We note that the issue of forward funding is addressed in the Infrastructure Funding Strategy (para. 5.2.1, p.26) to take into account the expected lag between the preparation and adoption of CIL and the time at which CIL receipts are collected.

We consider these considerations of paramount importance to ensure that the necessary infrastructure can be secured, and to prevent unnecessary delays to development.

Governance arrangements

We would urge you to provide greater clarity on the proposed governance arrangements in relation to the delivery of infrastructure.

We request that we are involved in forthcoming discussions regarding the Stevenage Regulation 123 list and proposed governance arrangements, once further details are known. This will ensure that cross-boundary infrastructure impacts are considered from the outset. Concurrently, there may be a need for our authorities to work collaboratively on securing other sources of funding.

Next steps

Whilst North Hertfordshire is yet to take a decision on whether to pursue CIL, we are firmly committed to meaningful collaborative working between our authorities to ensure that our respective planned housing growth can be brought forward in a coordinated and positive manner. We look forward to ongoing engagement and the opportunity to comment once again during your forthcoming consultation on the Stevenage Borough Council CIL Draft Charging Schedule.

Yours sincerely,

Cllr David Levett

Executive Member for Planning, Enterprise and Transport

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

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15 October 2018

Spatial Planning Team
St Albans City and District Council

Our Ref:
Your Ref:

Submitted electronically

Contact Officer: Nigel Smith
Direct Line: (01462) 474847
E-mail: nigel.smith@north-herts.gov.uk

Dear Sir / Madam,

North Hertfordshire District Council Response to St Albans Local Plan Publication Draft

Thank-you for consulting North Hertfordshire District Council (NHDC) on the draft Local Plan for St Albans.

Although our authorities adjoin one another, the evidence base underpinning both our emerging plans does not show the same levels of connection between NHDC and St Albans as is the case with other councils adjoining our respective authorities. In this context, there are presently no substantive, strategic issues to be addressed between our authorities under the Duty to Co-operate.

Notwithstanding this, there are still certain issues addressed in your Plan which have a (potential) bearing on North Hertfordshire. Our representations on these issues are set out below.

Housing Strategy – Policy S4

We welcome your intention, as set out at our recent meeting, to meet all of your housing development needs in full. As you have explained to us, this Plan is based on the results from the Government's initial consultation on a standard methodology for housing requirements. This approach is supported in principle as it ensures need is addressed in the area in which it arises and there are no unmet needs to be considered with other Councils.

Revised household projections were recently released. These are likely to necessitate an update to the standard methodology. This update, and the outcomes it generates, is not yet known.

NHDC reserves its position in the event that any revised standard methodology produces a substantively different figure for St Albans. This could, in turn, have implications for your spatial strategy and / or your ability to accommodate any revised figure.



We also have some concerns over your approach to ensuring the housing requirement is met. Only the 10 'broad locations' appear to be subject to any form of policy formally allocating them for development. These, along with existing permissions total to approximately 11,800 homes over the Plan period.

The housing trajectory shows a range of other categories to achieve the balance of 3,000 homes including sites with applications submitted, pre-application discussions ongoing, SHLAA sites, garage sites, Council owned sites etc. However, none of these appear to be subject to any form of designation or policy in the Plan. Delivery is therefore effectively deferred to various forms of windfall development. Paragraph 70 of the NPPF requires any windfall allowances to be realistic and supported by compelling evidence.

If these sources are not realised, it could lead to a requirement for any shortfall in housing provision to be addressed elsewhere. We would encourage you to provide greater clarity over these sources of supply, preferably by formally allocating them for development in the Plan.

This relates to the soundness tests of 'positively prepared', 'justified', 'effective' and 'consistent with national policy' in NPPF Paragraph 35.

Green Belt – Policy S3

Although the evidence base considers the role of individual land parcels in meeting the purposes of Green Belt, it does not appear to have considered the role and contribution of existing settlements in line with paragraph 140 of the NPPF.

Blackmore End straddles the administrative boundary between our authorities. Its general character is that of a low-density, suburban neighbourhood. Our own emerging Plan (currently at Examination) recognises the limited contribution that that part of Blackmore End within NHDC makes to Green Belt purposes. It proposes to inset Blackmore End from the Green Belt. Your emerging Plan seeks to retain the 'washed over' status of this area, potentially leading to a two-tier policy approach across the administrative boundary.

This relates to the soundness tests of 'justified' and 'consistent with national policy' in NPPF Paragraph 35.

Transport Strategy – Policy L18

The broad approach of this Policy, which seeks to facilitate sustainable travel where practicable, is supported. Direct highway connections between our two authorities are limited to B-roads and unclassified routes and I do not envisage any significant transport implications.

However, the current evidence base does not appear to contain any specific transport modelling and it is therefore not possible to come to a definitive view on this matter at present. In particular, NHDC would like to better understand the impacts of:

- i. Proposed growth at Harpenden which could impact upon journeys to and from the south-west of our District; and



- ii. The growth proposals in your Plan more generally on the A1 corridor which provides strategic north-south connectivity through the County.

This relates to the soundness tests of 'justified' and 'consistent with national policy' in NPPF Paragraph 35.

Education – Policy L21

Under Hertfordshire County Council's current school planning and admissions arrangements for secondary schools, Kimpton parish lies within the Harpenden and St Albans priority area. We are aware of the recently granted planning permission for a new secondary school at Harpenden.

Your Infrastructure Delivery Plan suggests that the new Local Plan contains sufficient provision to meet the anticipated needs over the Plan period. We would welcome clarification that this includes appropriate consideration of long-term secondary education needs arising from Kimpton.

This relates to the soundness test of 'effective' in NPPF Paragraph 35.

If you would like to discuss these comments in more detail, or arrange further meetings, please contact the Strategic Planning & Enterprise team at North Hertfordshire District Council using the details provided at the top of this letter.

Yours faithfully

Cllr David Levett

Executive Member for Planning, Enterprise and Transport

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10 October 2018

Ashwell Neighbourhood Plan
The Parish Council Office
6a Back Street
Ashwell
SG7 5PE

Our Ref: LP/18.
Your Ref: NP/Ashwell/2018
Consultation
Contact Officer: Clare Skeels
Direct Line: 01462 474424
E-mail: clare.skeels@north-herts.gov.uk

By email only

Dear Sir

Ashwell Neighbourhood Plan : Pre-submission Consultation Version (Regulation 14)
September 2018

Thank you for the opportunity to comment on the Ashwell Neighbourhood Plan. We recognise the significant amount of work that has been undertaken by the Parish Council and the Steering Group in preparation of this pre-submission consultation draft of the neighbourhood plan.

The Council has read the consultation document and has a number of comments to make. They are intended to help the Parish Council in preparing a neighbourhood plan which will meet the Basic Conditions and that can be used in determining planning applications during the lifetime of the plan.

General comments:

The National Planning Policy Framework (NPPF)

The Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework (NPPF) on 24 July 2018. The Council recognises that the preparation of this draft neighbourhood plan would have been undertaken using the 2012 version of the NPPF. However, the Parish Council will need to review all references to the NPPF in the draft neighbourhood plan as there have been a number of changes made which will need to be reflected in the neighbourhood plan.

Relationship between the draft neighbourhood plan and the emerging Local Plan

The Council has a number of concerns about the relationship between the draft neighbourhood plan and the emerging Local Plan which will need to be addressed:

1. The neighbourhood plan in Figures 5 and 6 show an area which is described in the key as a village boundary. The boundary shown does not reflect either the "selected village boundary" under the District Plan or the proposed settlement boundary in the emerging Local Plan. Is the area shown as the village boundary a statement of fact – in that it shows the built extent of the village, or is the neighbourhood plan looking towards defining a settlement boundary for Ashwell? If it is the intention of the neighbourhood

plan to amend the settlement boundary, then it would be necessary for the neighbourhood plan to be clear about the proposal and to provide a justification for the proposed boundary.

2. As the neighbourhood plan is currently drafted, the sites 1 (Partridge Hill) and 3 (land west of Gardiners Lane) would be considered as exception sites within the Rural Area under the emerging Local Plan and any development proposal would be assessed against the relevant policies, CGB1 and CGB2. Is this the intention of the neighbourhood plan or should the settlement boundary be amended through the neighbourhood plan to include these sites?
3. The neighbourhood plan is silent on the proposed Local Plan allocation at Claybush Road. Is it the intention of the neighbourhood plan to delete this allocation and replace it with the preferred sites? If this is the intention of the neighbourhood plan, what is the justification for this approach?
4. There are no references to either “settlement boundaries” or to “rural area beyond the green belt” in the neighbourhood plan. One of the basic conditions which the neighbourhood plan will be tested on at the independent examination will be whether the plan is in general conformity with the emerging Local Plan.
5. All of the references in this response to the emerging Local Plan are to the version of the plan submitted for examination in June 2017. However, the Parish Council should be aware that following the hearings sessions for the local plan examination, the District Council is expecting the Inspector to issue his Main Modifications to the Local Plan in the coming weeks. These Main Modifications may change the policies in the emerging local plan and should be considered when drafting the next version of the neighbourhood plan.

Strategic Environmental Assessment Screening Determination and potential land allocations in the neighbourhood plan

The District Council welcomes the ambition of the Parish Council to consider allocating a site or sites for development in the neighbourhood plan. However, before these options are considered further, the Parish Council should undertake some further work to establish the suitability of each of the possible sites and should complete the SEA/SA screening template, a copy of which is attached.

Given that this draft neighbourhood plan is considering the possibility of allocating sites for development, it is likely that once the SEA/SA screening template has been completed, it will demonstrate that a sustainability appraisal will need to be undertaken for each of the proposed sites. The District Council can help with providing the SEA/SA template but it might be more appropriate for the Parish Council to engage some additional assistance through the Neighbourhood Planning Support programme run by Locality. Technical support is available for neighbourhood planning groups which are dealing with complex issues, such as allocating sites. Full details of the support which is available can be found through the Locality website: <https://neighbourhoodplanning.org/>.

Locality has also prepared guidance for neighbourhood planning groups to assess and allocate sites for development in the neighbourhood planning area which should help the Parish Council in developing the policies in the neighbourhood plan. The advice note can be found here: <https://neighbourhoodplanning.org/toolkits-and-guidance/assess-allocate-sites-development/>

The Community Infrastructure Levy

There are several instances in the draft neighbourhood plan where there is a reference to the use of CIL funds for the provision of facilities and resolving existing car parking or highway issues. The Council is not currently looking to implement a Community Infrastructure Levy and is still securing S106 agreements with developers on schemes where this is appropriate. The Council is concerned that the references to using CIL funding in the draft neighbourhood plan are inaccurate and could raise expectations within the local community which might not be realised.

Local Green Spaces

A neighbourhood plan is an ideal opportunity to designate local green spaces where those spaces are demonstrably special to the local community (Planning Practice Guidance, Paragraphs: 005 Reference ID: 37-005-20140306 to 022 Reference ID: 37-022-20140306). For example, the draft neighbourhood plan in Section 4.2.1 refers to a site which might be considered as a local green space in Swan Street. Perhaps consideration should be given to designating some of these green spaces in the next version of the neighbourhood plan?

Availability of documentation

It would have been helpful if the supporting evidence for the neighbourhood plan had been made available on the website during the consultation period. This would enable all parties to make better informed comments to the draft neighbourhood plan. It would be helpful if this evidence is made available through the website in preparation for when the next stages of the neighbourhood plan are finalised.

Policy writing

In preparing the pre-submission version of the Neighbourhood Plan, the Parish Council are encouraged to refer to the Locality guide: "How to write planning policies for your Neighbourhood Plan" which might be helpful. The guide can be found on the following website: <https://neighbourhoodplanning.org/toolkits-and-guidance/write-planning-policies-neighbourhood-plan/>. There are some inconsistencies in the level of detail given for some of the policies in the draft plan. It might help to read the policies as a whole to determine where there might be some duplication or a need to provide additional supporting text.

Specific comments:

Page 9 : 5 th bullet point	Does this paragraph refer to this current consultation document or is it trying to reflect what might happen to the neighbourhood plan once it has gone through all of the statutory preparation stages?
Page 9 6 th bullet point	This sentence should be amended to reflect the status that is given to a "made" neighbourhood plan.
Page 10 Table 1	The description of the stages of neighbourhood plan preparation set out in the latter part of Table 1 do not reflect the stages set out in the Neighbourhood Planning Regulations. Suggested amendments are attached as Appendix 1 to these comments.
Page 15 Section 1.1	The Council would like to see this paragraph amended to better reflect how the housing target is derived – the housing target is not set by the government, but is the result of evidence commissioned for the Local Plan. It perhaps should be noted that only two of the developments mentioned

	in Figure 3 provided any affordable housing for the village, those at 61 Station Road and Walkdens.
Page 16 Section 1.1	The threshold for the provision of affordable housing is eleven or more dwellings. Private developments of less than ten dwellings will not meet the affordable housing threshold, which means that no affordable dwellings would be provided for Ashwell residents unable to afford market housing.
Page 16 Section 1.2	The revised version of the NPPF includes a change of emphasis for the three “dimensions” of sustainable development. The neighbourhood plan should be amended to reflect those changes.
Page 16 – 18 Sections 1.3 – 1.5 Page 17 Table 2 – points 1, 2 & 4	The District Council has comments about two aspects of this section of the neighbourhood plan, firstly in relation to the criteria for site selection and secondly more detailed comments which refer to the provision of affordable housing: 1. The consultation draft neighbourhood plan sets out criteria for identifying and assessing sites for housing development. Whilst the Council welcomes the ambition of the Parish Council to consider the allocation of sites for development in the neighbourhood plan, it is concerned that the criteria listed in the consultation draft for assessing sites is limited. In assessing sites for inclusion into the Local Plan, the District Council considers a much wider range of criteria, for example environmental, infrastructure, community, biodiversity, flood zones and heritage assets. If the consultation shows that there is a continuing interest in the Parish for the allocation of sites for development in the village, the District Council considers that more work will need to be undertaken to determine whether the sites are suitable for the proposed use and whether there is sufficient evidence to allocate the sites for elderly persons accommodation only. Once that work has been completed, the Policies 1a, 1b and 1c could be deleted from the neighbourhood plan and be replaced by one policy allocating a site for development. 2. In terms of the provision of affordable housing and the criteria listed, it is usual to provide advice to developers of affordable housing need, in accordance with the latest/ most up to date information available, where the affordable housing threshold is met. The District Council do not have specific evidence of need for market housing available and therefore if the size of development is limited to a maximum of 10 units, how will the need be determined? Once the Local Plan has been adopted, development outside the village boundary would be rural exception site and conditions would apply in any event.
Page 17 Section 1.4	What about provision for older households living in market housing and growing children living in affordable and /or market housing who are unable to afford to leave home and set up their own household? All new affordable housing should be offered to applicants with a local connection to the village in the first instance. If there are insufficient applicants with a local connection to Ashwell a cascade should be put in place for applicants with a local connection to:

	• Neighbouring parishes (to be named) • Any other rural parish in the District of North Hertfordshire • The District of north Hertfordshire
Page 18 Policy 1c	Policy HS4: “Supported, sheltered and older persons housing” in the proposed submission Local Plan provides details of the requirements to be met for planning permission to be granted for this type of housing. Would a policy in the neighbourhood plan simply duplicate the policy in the emerging Local Plan?
Page 19 Site 1	In addition to the general comments about the principle of allocating sites in the neighbourhood plan, the District Council has some additional comments for each of the specific sites mentioned in the consultation draft. Site 1: Land adjacent to Partridge Hill – this site is in close proximity to the Arbury Banks Scheduled Ancient Monument. The views of Historic England on any potential development of this site and the impact on the scheduled ancient monument should be sought. The consultation document also states that any development proposals should seek to retain and renovate Partridge Hall. It should be recognised that this might mean that a development scheme becomes unviable.
Page 20 Site 2	Site 2: Land of former factory adjacent to 41 West End In principle, the redevelopment of this brownfield site within the settlement boundary would be acceptable and policies in the emerging Local Plan would support such development.
Page 20 Site 3	Site 3: Land west of Gardiners Lane and north of the High Street The District Council’s Statement of Community Involvement (paragraph 6.6) encourages developers to engage with the local interest groups and residents but does not insist that such consultation is undertaken. It is difficult to envisage how the proposed requirement that a developer consults the village community on a detailed masterplan before a planning application is considered will happen in practice.
Page 21 – Page 25 Policies 2a and 2b	Section 2 : Design Considerations for New Developments The emerging Local Plan includes two design policies which would be taken into account when determining planning applications, Policy SP9: Design and Sustainability and Policy D1: Sustainable Design. The Parish Council should consider whether there are any gaps in these policies for Ashwell and whether there are parts of the Ashwell Village Design Statement which should be included in the neighbourhood plan. It should be noted that the Ashwell Village Design Statement, October 2000 was identified in a report to Cabinet in July 2017, as existing supplementary planning guidance which should be revoked upon the adoption of a relevant neighbourhood plan.
Page 22 Section 2.2.2	Could the wording of the first bullet point be simplified? As currently worded, the streets are described as rectilinear and as being rigidly

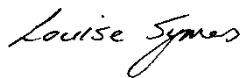
	straight.
Page 25 Section 2.2.3	Unlike the other features described in Section 2.2.3 Buildings, there are no features highlighted in blue text which perhaps should be noted?
Page 29 Policies 3a, 3b and 3c	The policies as currently worded are not policies which can be used in determining planning applications. The policies could be re-worded so that they say that development proposals related to the expansion or continuation of a business will be supported? If the Parish Council wishes to seek advice about retaining businesses in the community or encouraging new business initiatives, the District Council has an Economic Development Officer who might be able to offer some advice and assistance to the Parish Council.
Page 30 Policies 3d, 3e, 3f and 3g	Policies 3d and 3g are not issues which the neighbourhood plan can address, but where discussions with the Economic Development Officer might be helpful. However, Policy 3e could be re-worded to express support for development proposals which would result in a permanent location for the Post Office. Would it be preferable to limit the location of a site for the Post Office or would a permanent home be a better solution for the community? In terms of parking issues, it might be better for the neighbourhood plan to consider these all together in Section 8?
Page 30 Policies 3h, 3i and 3j	The emerging Local Plan includes a policy, ETC7 which states that planning permission will be granted for new shops and services within existing settlements and sets criteria for proposals which would result in the loss of any shops or facilities. Does the neighbourhood plan policy add any further detail to the policy in the Local Plan?
Page 32 Policies 4a, 4b and 4c	As written, these policies cannot be used in determining planning applications. However, the neighbourhood plan could include a policy which would be supportive of development proposals for new sport and recreation facilities within the Parish? The ambition to identify additional land for sports pitches and the provision of a multi-functional hall for indoor sports might best be progressed in the first instance through discussions with Sport England. Advice notes published on their website indicate that the costs involved of providing pitches, indoor facilities or pavilions are significantly higher than the estimated costs outlined in Section 4.1.3. It might be better to explore these ideas further before including policies in a neighbourhood plan. Policy 4b mentions that the use of funds from CIL will be considered. The Council is not currently looking to implement a Community Infrastructure Levy and is still securing S106 agreements with developers where this is appropriate. The Council is concerned that the draft policy will raise expectations within the local community which might not be realised.
Page 33 Policies 4d, 4e, 4f and 4g	Would a map of the “twitchels” (mentioned in the 2nd paragraph in Section 4.2.1) help to demonstrate the pedestrian links in the village? The supporting text of the neighbourhood plan at Section 4.2.2 states that

	the public houses should be treated as community assets – however, they have not been designated as Assets of Community Value by the District Council. The Parish Council could consider nominating the public houses as assets of community value? With some re-wording, Policies 4e and 4f are appropriate for inclusion in a neighbourhood plan. The policies could be re-worded to state that proposals which include provision for new or enhanced public rights of way or open space will be supported.
Page 34 Section 5.1	The definition of affordable housing in the revised NPPF includes accommodation for sale or rent for those whose needs are not met by the market (including housing that provides a subsidised route into home ownership).
Page 35 Policies 5a and 5b Policies 5c, 5d and 5e Page 37 Policies 6a, 6b and 6c	These policies are not land use policies which can be used in determining planning applications. They can be included in the neighbourhood plan but it must be clear that they are non land use policies.
Page 38 Paragraph 4 Page 39 3 rd paragraph	The 4 th paragraph starts with “As a consequence”, but it is not clear whether this relates to enclosure referred to in the 3 rd paragraph? This is also used in the 3 rd paragraph on page 39.
Page 39 4 th paragraph	The text in the 1st sentence should be amended to read: Natural England has prepared a number of Statements of Environmental Opportunity (SEO) for the <i>East Anglian Chalk character area</i>.
Page 40 Policies 7a, 7b, 7c, 7d, 7e and 7f	The Local Plan includes policies which address designated biodiversity and geological sites and sustainable drainage systems, policies NE6 and NE8. Do these policies address all of the issues that the Parish Council want to address in the neighbourhood plan? If they do not, where are the gaps? These policies as written also include references to commissioning work, these “policies” could be included in the neighbourhood plan, but only if it was clear that they cannot be used in determining planning applications.
Page 43 Policies 7g and 7h	Policies 7g and 7h are not land use policies which can be used in determining planning applications. They can be included in the neighbourhood plan but it must be clear that they are non land use policies. Is this an opportunity for the neighbourhood plan to identify non-listed buildings of local interest? This would link in with the emerging Local Plan which includes Policy, HE3 Local heritage.

Page 44 - 45 Policies 8a, 8b, 8c, 8d, 8e, 8f, 8g and 8h	Most of these policies are not land use policies which can be used in determining planning applications. However, the neighbourhood plan could consider parking standards for new development within the village based on the standards included in the Local Plan. There are a number of traffic management issues which are addressed in this section – these can be included in the neighbourhood plan but as non land use policies.
Page 45 Policies 8i, 8j and 8k	These policies are not land use policies which can be used in determining planning applications. They can be included in the neighbourhood plan but it must be clear that they are non land use policies.

I appreciate that these comments are extensive, but they are intended to help the Parish Council in preparing a neighbourhood plan which will meet the Basic Conditions and help to determine the shape of development in the Parish in the plan period up to 2031. Perhaps once the Parish Council has considered all of the responses to the consultation draft of the neighbourhood plan it would be appropriate to arrange a meeting with the Strategic Planning Team to discuss the issues raised further?

Yours faithfully



Louise Symes
Strategic Planning and Projects Manager



Ministry of Housing, Communities & Local Government

Consultation response form

If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space. Required fields are indicated with an asterix (*)

This form should be returned to:

shaleconsultation@communities.gsi.gov.uk

Or posted to:

Planning and Infrastructure Division
Ministry of Housing, Communities and Local Government
2nd floor, South East
Fry Building
2 Marsham Street
LONDON
SW1P 4DF

By 25 October 2018

Your details

First name*	David
Family name (surname)*	Levett
Title	Cllr
Address	Council Offices
City/Town*	Letchworth Garden City
Postal Code*	SG6 3JF
Telephone Number	01462 474 000
Email Address*	planning.policy@north-herts.gov.uk

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation.*

Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation.

[Click here to enter text.](#)

Please provide the name of the organisation (if applicable).

North Hertfordshire District Council

The definition of non-hydraulic fracturing

Question 1

a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration?

Yes

b) If No, what definition would be appropriate?

N/A

Question 2

Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right?

Yes

Development not permitted

Question 3

a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following?

- Areas of Outstanding Natural Beauty
- National Parks
- The Broads
- World Heritage Sites
- Sites of Special Scientific Interest
- Scheduled Monuments
- Conservation areas
- Sites of archaeological interest
- Safety hazard areas
- Military explosive areas
- Land safeguarded for aviation or defence purposes
- Protected groundwater source areas

Yes

b) If No, please indicate why.

N/A

c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?

Land that is flood zone 3, Habitat sites (Special Areas of Conservation (SAC's), Special Protection Areas (SPA's and Ramsar sites), Local designations (e.g. wildlife site).

Development conditions and restrictions

Question 4

What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?

Conditions as defined in General Development Permitted Order (2015) Part 17 Class K – use of land etc for mineral exploration.
Additional conditions may concern noise management plans, dust management plans, a community liaison group, hours of work, noise levels, reversing warning alarms and drilling rig details to protect the living conditions of nearby occupiers. Conditions may include species verification surveys, ecological impact surveys, hedgerow work restrictions, in the interests of biodiversity.
Conditions in relation to passing places, a traffic management plan, a dilapidation survey, highway debris, access visibility, site surfacing, HGV movements, the site access gradient and site parking and turning facilities would be necessary in respect of highway safety.

Prior approval

Question 5

Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?

Considerations that should be determined by the local planning authority are the conditions outlined in response to question 4.

Time-period for a permitted development right

Question 6

Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?

2 Years

Public sector equality duty

Question 7

Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

None

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**CABINET
18 DECEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: PLAYING PITCH STRATEGY & INDOOR SPORTS FACILITIES STRATEGY

REPORT OF: THE SERVICE DIRECTOR – REGULATORY AND THE SERVICE DIRECTOR – PLACE.

EXECUTIVE MEMBER FOR PLANNING, ENTERPRISE & TRANSPORT: COUNCILLOR DAVID LEVETT

EXECUTIVE MEMBER FOR LEISURE AND GREEN ISSUES: COUNCILLOR DAVID BARNARD

COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

- 1.1 The Playing Pitch Strategy and Indoor Sports Facilities Strategy and their associated Action Plans have been informed by their respective Assessment Reports. Facility providers, users and National Governing Bodies (NGBs) have provided input into the assessments, strategies and action plans and been given the opportunity to comment on the documents. While North Hertfordshire District Council has been responsible for the assessment work and preparing the strategies, the strategies are a partnership approach and all key stakeholders including the Council and NGBs will be jointly responsible for the overall delivery of the recommendations within the Action Plans. The Council, NGBs and other stakeholders will be able to use the strategies and action plans to identify projects and seek external sources of funding.
- 1.2 The Council has prepared a new Local Plan, containing planning policies and site allocations, which proposes to shape development in the District to 2031. As part of the evidence base for the Local Plan the Playing Pitch and Indoor Sports strategies have been updated as the Plan needs to ensure that sufficient provision is made for sport. An assessment was carried out of all the playing pitches and indoor sport facilities across North Hertfordshire to inform the strategies. The Assessment Report documents have already been published and agreed by Full Council on 11 April 2017 as part of the evidence base for the Local Plan.
- 1.3 The playing pitch assessment report has also informed the North Hertfordshire Green Space Management Strategy 2017–2021 and assists with the maintenance and management of sports facilities across the District.
- 1.4 This report seeks approval of the Playing Pitch Strategy and the Indoor Sports Facilities Strategy for North Hertfordshire, as well as agreement of their associated Action Plans, attached at Appendix A and B respectively. The Playing Pitch Strategy and Indoor Sports Facilities Strategy are joint strategies prepared for Planning and Leisure Services.

2. RECOMMENDATIONS

- 2.1 That Cabinet adopt the Playing Pitch Strategy and its associated Action Plan as set out in Appendix A.
- 2.2 That Cabinet adopt the Indoor Sports Facilities Strategy and its associated Action Plan as set out in Appendix B.
- 2.3 That Cabinet recommends that delegated authority is given to the Service Directors of Regulatory and Place to agree updates to the Playing Pitch Strategy and Indoor Sport Facilities Strategy and their associated Action Plans as required in consultation with the Executive Member for Planning, Enterprise and Transport and the Executive Member for Leisure and Green Issues.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Playing Pitch and Indoor Sport Facilities Strategies will ensure that North Hertfordshire continues to work in partnership with key organisations to provide accessible sport and leisure facilities to meet current and future needs across the District. The Action Plans recommend a number of projects for the District which seek to deliver the vision and aims contained in the strategies.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 No alternative options were considered as the Council's existing playing pitch and indoor sports strategies were no longer deemed suitable by Sport England, a statutory consultee, in light of current guidance and should be reviewed. The two strategies are required to plan effectively for the future sport and leisure needs of the District.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Meetings have been held with the Executive Member for Planning, Enterprise & Transport and the Executive Member for Leisure & Green Issues to ensure that the strategies, associated action plans and the supporting assessment reports are reflective of the Council's aspirations.
- 5.2 These are joint Strategies prepared by North Hertfordshire Council, Sport England and the relevant National Governing Bodies for sport. All stakeholders who took part in the assessment studies have been informed of the strategies and given the opportunity to comment on the draft strategies.
- 5.3 Full Council approved a report on 11th April 2017 to submit the Local Plan and associated documentation to the Secretary of State for examination. The Assessment reports for the Playing Pitch Strategy and Indoor Sports Facilities Study were included in the list of documents.

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 on the 16th April 2018.

7. BACKGROUND

- 7.1 The requirement to review the Council's Green Space and Facilities strategies prepared in 2009 and 2010 respectively was in response to Sport England, a statutory consultee to the Local Plan. Sport England informed the Council that they considered these strategies as not being suitable in seeking to address the current and future needs of the local community for outdoor and indoor sport provision for the purposes of plan making as set out in the National Planning Policy Framework (NPPF).
- 7.2 It is a requirement of the NPPF that planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. A revised outdoor and indoor sports study and strategy will inform the Local Plan and will guide Development Management in determining planning applications. It will also provide opportunities for Leisure Services in terms of management and provision of the Council's outdoor and indoor sports facilities, as well as working in partnership with other sport providers that meet the needs and aspirations of all sectors of the population, and will assist in guiding future investment for sport provision by the Council and other potential providers.
- 7.3 Consultants were appointed to undertake the necessary assessment studies and prepare the relevant strategies in accordance with Sport England's '*Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities*¹'. The assessment studies included an audit of outdoor and indoor sports facilities across the District; an assessment of the quantity and quality of the facilities; and consultation with providers, users, non-users and key stakeholders. These assessment reports have informed the preparation of policies in the emerging Local Plan and the Council's current Green Space Management Strategy 2017-2021, adopted by Cabinet on 24th January 2017.
- 7.4 The relevant Assessment documents were approved by Full Council on 11th April 2017 as part of the evidence base for the Local Plan. They provide the necessary background evidence for the preparation of the Playing Pitch (PPS) and the Indoor Sports Facilities (ISFS) strategies and the associated action plans, which are the subject of this report.

¹ Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities, Sport England 2014.

8. RELEVANT CONSIDERATIONS

- 8.1 As stated above, the Local Plan requires clear and robust evidence to ensure that the right sports facilities are provided in the right places. This evidence must be up-to-date and be able to inform policies, location, development and management of facilities.
- 8.2 The NPPF (National Planning Policy Framework) 2012 states that “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required”. (NPPF 2012 paragraph 73). The revised NPPF 2018 has made minor changes to this paragraph which now states that “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate. (NPPF 2018 para 96).
- 8.3 New housing development in the District will impact on the quantity and quality of indoor and outdoor sports facilities required to meet the aspirations of the local community. Facilities for new and existing residents and employees will need to be in accessible locations and of a type that is suitable to meet the required demand. Leisure Services need information on how best to provide and maintain sports and leisure facilities that are owned and maintained by the Council and to ensure that there is a range of providers.
- 8.4 The purpose of the Playing Pitch Strategy (PPS) is to assess the provision of public and private outdoor pitch and non-pitch facilities across the District, in accordance with Sport England’s Guidance and to seek to address a range of issues and key challenges that have emerged through the preparation of the Strategy in partnership with stakeholders.
- 8.6 Similarly, the purpose of the Indoor Sport Facilities Strategy (ISFS) is to assess the provision of public and private indoor facilities across the District in accordance with Sport England’s Guidance and to seek to address a range of issues and key challenges that have emerged through the preparation of the Strategy in partnership with stakeholders.
- 8.7 The Assessment Studies together with the Strategies will be used:
- ✦ As the basis for the planning policies in the emerging Local Plan;
 - ✦ To inform the assessment of development proposals that may affect sport and recreational land and buildings;
 - ✦ To contribute to the Infrastructure Delivery Plan (IDP) and the implementation of S106 planning obligations;

- ◀ To inform the long-term use, amount, type and location of facilities; and to inform on-going provision and management of facilities;
 - ◀ To inform and work in partnership with key stakeholders with respect to the facilities that they own or manage or have involvement with.
- 8.8 The Strategies cover a ten year period. Each strategy sets out a vision and aims to provide a clear coherent way forward for the management and delivery of sports facilities across the District through partnership working. They have been prepared in accordance with the Council's Corporate Priorities and have been developed in partnership with a range of agencies including national governing bodies of sport (NGBs) plus local clubs and leagues, Letchworth Garden City Heritage Foundation, Stevenage Leisure, Herts County Sports Partnership and North Hertfordshire District Council.
- 8.9 The Strategies and their associated Action Plans recommend a number of priority projects for the District to be delivered over the 10 year period. These are split between Short (1-2 years); Medium (3-5 years) and Long term (6+ years).
- 8.10 The Strategies are a partnership approach and all key stakeholders including the Council and NGBs will be jointly responsible for the overall delivery of the recommendations within the Action Plans. The Council will be responsible for the on-going monitoring and updating of the Action Plans as developments occur and demand changes overtime (See paragraph 8.14 below). In preparing the Action Plans, the Council and other partners have had to consider what they deem to be deliverable within the timescales identified and budgets available. Possible sources for external funding are also identified as no commitment on funding has been given by the Council.
- 8.11 As these Strategies are based on the current assessments it is proposed that these provide the baseline and once adopted the Action Plans can then be reviewed and updated as actions are completed or amendments need to be made to accord with changes in demand or available resources.
- 8.12 In order to monitor these changes and progress, it is a recommendation of both Strategies that Steering Groups be set up comprising relevant stakeholders who will be responsible for ensuring the Actions Plans are kept up to date and check for cross partnership working/funding possibilities. It is therefore recommended that Cabinet adopts the Strategies and their associated Action Plans as set out in Appendices A and B. See 'Next Steps' section below.

Next steps

- 8.13 The Strategies set the vision and objectives for playing pitch and indoor sports facilities within the District. The actions emanating from the Strategies will be delivered by and in partnership with other key stakeholders. These documents will provide clarity about the way forward, and allow key organisations, including the Council in terms of its own facilities, to focus on the key issues that they can directly influence and achieve, subject to available capital and revenue resources.

- 8.14 In order to ensure that the Action Plans are monitored, updated and delivered, there is a need to reinforce and build key partnerships between the various levels of Council (County, District and Parish), National Governing Bodies of Sport (NGBs), Sport England, schools, further education providers, community clubs and private landowners to maintain and improve sport provision. This would best be achieved through the establishment of a Steering Group which would meet on an annual basis. These meetings would be organised and facilitated by Council officers. The proposed list of stakeholders who could be included is outlined in the executive summary of each Strategy.

9. LEGAL IMPLICATIONS

- 9.1 Under the Terms of Reference for Cabinet Paragraph 5.6.1 of the Constitution states that the Cabinet can prepare and agree to implement policies and strategies other than those reserved to Council.
- 9.2 Under the Paragraph 14.3 of the Constitution decisions on executive functions may be taken by Officers.
- 9.3 Specific legal implications of the projects on the Action Plan will need to be considered as the projects commence.

10. FINANCIAL IMPLICATIONS

- 10.1 The consultant costs for undertaking the assessment studies and completing the Strategies have been funded from agreed budgets. The management of the consultants and consultation with key stakeholders in finalising the strategies has been undertaken by officers in Strategic Planning and Leisure Services and has been funded through existing budgets.
- 10.2 There will be some revenue implications identified with setting up the Steering Group and undertaking annual monitoring of the Action Plans. It is anticipated that annual monitoring will be carried out by Leisure Services and the organisation of the Steering Group meeting will be the responsibility of Strategic Planning. This is anticipated to be covered through existing service budgets and resources.
- 10.3 It is not intended that North Hertfordshire District Council should be solely responsible for the provision of sports facilities but to be an enabler in their provision. The Action Plans should assist the Council, the NGBs and other stakeholders in seeking external sources of funding for enhancements or provision of new facilities. The Council provides public indoor leisure facilities within the main settlements, including the major leisure centre in Letchworth and facilities in Hitchin and Royston, which provide an operational financial surplus to the Council. There is long-term planning for NHDC owned facilities to ensure their sustainability and any future public provision would need to be undertaken in accordance with the Council's Medium Term Financial Strategy. The Action Plans will also assist when determining sport requirements for planning applications.

11. RISK IMPLICATIONS

- 11.1 The Local Plan itself is a Cabinet top risk, and the risks associated with the Council's Green Space Management Strategy are reviewed and updated on the Council's performance and risk management software. The management and maintenance of the Council's green spaces are assessed as a low risk.
- 11.2 The risks associated with not undertaking the actions set out in this report include: lack of clarity and uncertainty for case officers and applicants when determining planning applications, lack of consistency with the emerging Local Plan as well as national planning policy and guidance, impact in securing funding towards for the Council's own Green Space Management Strategy and the lack of sport facilities that meet the aspirations of the local community.

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 An Equality Impact Assessment has been produced for the Council's Local Plan. This has been submitted as an evidence base document as part of the Local Plan Examination. The assessment has identified no negative impacts arising from the Local Plan. As planning guidance directly stems from the Local Plan policies, it can be inferred that there are no negative impacts arising from the proposed actions outlined in this report. As section 8.4 notes, the strategy will assess the suitability of the provision of these facilities across the District. This will seek to improve the opportunities to foster good relations between all elements of the community.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at Section 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 This is a joint Leisure and Planning project and the two services will work together with the NGBs, Sport England and other external organisations to set up annual meetings to monitor and progress actions as they become viable.
- 14.2 The monitoring of the relevant facilities in the Action Plans and administration of the annual meetings will result in some additional officer time.

15. APPENDICES

- 15.1 Appendix A - North Hertfordshire Playing Pitch Strategy & Action Plan
- 15.2 Appendix B - North Hertfordshire Indoor Sports Facilities Strategy & Action Plan

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17. BACKGROUND PAPERS

- 17.1 The Assessment Reports for the Playing Pitch Strategy and Indoor Sports Strategy were agreed as part of the evidence base for the submission Local Plan in a report to Full Council on 11th April 2017.
- North Hertfordshire Playing Pitch Strategy Assessment Report (August 2015)
 - North Hertfordshire Indoor Sports Facilities Study Assessment Report (February 2016)
- 17.2 The above two reports are available on the Council's website in the Local Plan Examination Library under Section 9. Sports, Open Space and Community at <https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/examination-library>
- 17.3 The NHDC Green Space Management Strategy 2017 - 2021 adopted by Cabinet on 24th January 2017 can be found at <https://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-and-action-plans>

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NORTH HERTFORDSHIRE

PLAYING PITCH STRATEGY & ACTION PLAN

Integrity, Innovation, Inspiration

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GLOSSARY

3G	Third Generation (artificial turf)
AGP	Artificial Grass Pitch
CSP	County Sports Partnership
ECB	England and Wales Cricket Board
EH	England Hockey
FA	Football Association
FE	Further Education
FIT	Fields in Trust
FPM	Facilities Planning Model
FTP	Football Turf Pitch
GIS	Geographical Information Systems
HE	Higher Education
KKP	Knight, Kavanagh and Page
NGB	National Governing Body
NHDC	North Hertfordshire District Council
NPPF	National Planning Policy Framework
PPS	Playing Pitch Strategy
RFU	Rugby Football Union
S106	Section 106
TGR	Team Generation Rate
VPWPP	Visits per Week Per Person

PART 1: EXECUTIVE SUMMARY

This is the Executive Summary of North Hertfordshire's Playing Pitch Strategy (PPS) 2015. The Study takes account of:

- ◀ Association Football (football)
- ◀ Athletics
- ◀ Bowls
- ◀ Cricket
- ◀ Hockey
- ◀ Rugby union
- ◀ Tennis
- ◀ Golf

Introduction

The purpose of the PPS is to assess the provision of outdoor pitch and non-pitch facilities across the district of North Hertfordshire in accordance with Sport England's Guidance and to address a range of issues and key challenges that have emerged through the Strategy in partnership with stakeholders.

The Strategy will be used:

- ◀ As the basis for emerging planning policies;
- ◀ To inform the assessment of development proposals that may affect sport and recreational land and buildings;
- ◀ To contribute to the Infrastructure Delivery Plan (IDP) and the implementation of S106 planning obligations and/or the Community Infrastructure Levy (CIL);
- ◀ To inform the long-term use, amount, type and location of facilities; and to inform on-going provision and management of facilities;
- ◀ To inform the strategies and action plans of all stakeholders with respect to the facilities that they own or manage or have involvement with.

No one stakeholder, Council, NGB or other body is responsible for delivering the recommendations within the Action Plan associated with the strategy. The strategy aims to provide a clear framework for delivery by working in partnership. In the case of NHDC's actions please refer to the Council's adopted Green Space Management Strategy (GSMS).

The PPS has been developed in partnership with a range of agencies including national governing bodies of sport (NGBs) plus local clubs and leagues, Letchworth Garden City Heritage Foundation, Stevenage Leisure, Herts County Sports Partnership and North Hertfordshire District Council. It will also be influenced by other councils such as Parish and County councils as well as other private providers.

Policy context

The key strategic themes and drivers with regard to outdoor pitch and non-pitch sports in the District of North Hertfordshire are considered to be:

- ◀ Providing a range of accessible and affordable opportunities at sports facilities for all ages, abilities and ethnicities to develop an active, healthy and successful District;
- ◀ Ensure sports facilities are recognised as a key component in the drive to address health inequalities;
- ◀ Provide sports facilities that contribute positively to the local economy, raising the profile of North Hertfordshire as a destination for sport;
- ◀ Ensure sports facilities provide opportunities for talented athletes to achieve their full potential;
- ◀ Provide well maintained and managed sports facilities that are viable and sustainable in the long term.

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

Methodology

This Strategy is based on an assessment of playing pitch facilities in accordance with Sport England's PPS Guidance: *An approach to developing and delivering a playing pitch strategy*. This methodology has been followed to develop a clear picture of the balance between the local supply of, and demand for, playing pitches and other outdoor sports facilities

Each National Governing Body has a range of policies and strategies which support the development of a PPS strategy in North Hertfordshire; a synopsis of which can be found in the main body of the text.

This study has been developed on the basis of NGB strategic drivers. Consequently there is a sport by sport analysis which addresses key challenges and issues. The agreed vision has been set out to provide a clear focus with desired outcomes for North Hertfordshire's Playing Pitch Strategy:

Vision and strategic challenges

The vision for North Hertfordshire is:

"All partners, subject to available capital and revenue resources, should aim to provide a balanced provision of pitches across the district to meet current and future needs".

The table below identifies key challenges and issues on a sport by sport basis. These have been arrived at by extensive consultation and site visits in accordance with Sport England's methodology.

Sport	Key challenges and issues
Cricket England & Wales Cricket Board (ECB)	▶ Pitch ownership and management is generally considered secure; ▶ Population forecasts indicate potential future growth of at least four men's teams and nine junior boy's teams plus increased demand for women's and girls' cricket; ▶ There is overall spare capacity of cricket pitches within North Hertfordshire although there is a shortfall within the Letchworth & Baldock and District analysis area.
Football The Football Association	▶ There are 150 grass football pitches across 71 sites in North Hertfordshire; ▶ Just over half (55%) of all pitches available to the community are of good quality; ▶ Population increases are likely to result in additional future demand of seven senior teams, 23 youth teams and nine mini teams.
Rugby Union Rugby Football Union	▶ There are four rugby clubs based within North Hertfordshire; ▶ There are 81 competitive rugby union teams within North Hertfordshire; ▶ Population growth (by 2037) is expected to create demand for one additional adult team, four junior teams and ten mini teams; equating to 2 match equivalent sessions per week; ▶ There is evidence to suggest a need for better training venues which could be sourced through investment into current pitches. ▶ Potential move of Stevenage Town RFC to the area shall require careful consideration in the future.

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

Sport	Key challenges and issues
Rugby Football League	- Protect play for North Herts Crusaders RFL club. - Ensure play is maximised for training and matches at King George V Playing Fields
Hockey England Hockey	- There are three hockey clubs in North Hertfordshire; - There are two full sized sand based AGPs in North Hertfordshire; - Based on 35 adult teams there is a requirement for five full sized AGPs.
Tennis Lawn Tennis Association	- There are 114 tennis courts in North Hertfordshire across 48 sites; - In order to capitalise on the good facilities and the aspirations of the clubs to increase participation a Tennis Development Plan could be developed in partnership with the LTA; - The standard of tennis courts is generally high: 40 courts are classed as good, with 56 standard and 18 poor.
Bowls Crown Green Bowls Association	- There are 13 flat green bowling greens in North Hertfordshire, servicing 15 clubs; - Of these 11 are good and the remainder standard quality; - Provision of bowling greens is sufficient to accommodate both current and future demand.
Athletics England Athletics	- There are no tracks within North Hertfordshire; - Increase the number of participation running programmes.
Golf England Golf	- There are seven golf courses servicing North Hertfordshire; - All clubs report an intention to increase membership in the future with the exception of Letchworth Golf Club and Tea Green Golf Centre.

Delivering the PPS within the district of North Hertfordshire

As part of the ongoing commitment to the PPS all parties involved should commit to influencing and where possible delivering the objectives set out within the action plan. This will include regular (at least two per year) steering group sessions over the life of the strategy.

Key partners such as the District Council, Parish Councils, NGB's, managing bodies for parks and recreation, education and health should make it a high priority to comprise a priority list of actions based on local priorities (including a year one action plan), NGB priorities and available funding.

North Hertfordshire District Council is a partner within the strategy but in many cases will facilitate the other partners identified to deliver the recommendations.

Many of the actions will be linked to housing growth in terms of funding and site provision where possible, other external sources of funding will also be sought.

The members of the steering group could include the following :

Hertfordshire County Sport Partnership
Hertfordshire Football Association (National Governing Body)
Rugby Football Union (National Governing Body)
England Hockey (National Governing Body)
Rugby Football League (National Governing Body)
England and Wales Cricket Board (National Governing Body)

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

England Athletics (National Governing Body)
Sport England
Parish Council representative
Strategic Planning and Project Manager (Council)
Head of Development & Building Control (Council)
Principal Strategic Planning Officer (Council)
Parks & Countryside Development Manager (Council)
Service Manager Grounds Maintenance (Council)

PART 2: INTRODUCTION

This is the Playing Pitch Strategy (PPS) for the district of North Hertfordshire. Building upon the preceding Assessment Report, it provides a clear, strategic framework for the maintenance and improvement of existing outdoor sports pitches and ancillary facilities between 2015 and 2025. It also identifies provision for additional facilities to meet increasing demand associated with housing growth over the plan period. The purpose of the PPS is to help prioritise and target resources particularly where resources are limited. The PPS covers the following playing pitches and outdoor pitch sports:

- ✦ Football pitches (grass and third generation turf (3G))
- ✦ Cricket pitches
- ✦ Rugby union pitches
- ✦ Hockey pitches (artificial grass pitches (AGPs))
- ✦ Tennis courts
- ✦ Bowling greens
- ✦ Athletics tracks
- ✦ Golf courses

The strategy is capable of:

- ✦ Providing adequate planning guidance to assess development proposals affecting playing fields, as appropriate, directing open space contributions secured through development and informing and shaping local planning policy.
- ✦ Informing the protection and provision of sports facilities and the Infrastructure Delivery Plan and S106 and CIL schedules.
- ✦ Informing land use decisions in respect of future use of existing outdoor sports areas and playing fields (capable of accommodating pitches) across the district;
- ✦ Providing a strategic framework for the provision and management of outdoor sports across the district;
- ✦ Supporting external funding bids and maximise support for outdoor sports facilities;
- ✦ Providing the basis for on-going monitoring and review of the use, distribution, function, quality and accessibility of outdoor sport.
- ✦ Informing on-going provision, maintenance and management of facilities

Structure

The Strategy and Action Plan recommends a number of priority projects for the district, which should aim to be implemented from 2015 to 2025. It provides a framework for improvement and future provision although resources may not currently be in place to implement it, potential partners and possible sources of external funding will be identified.

The recommendations that come out of this strategy may inform local planning policy and can support the local planning evidence base so there is a policy mechanism to support delivery and secure provision/investment where the opportunity arises.

There is a need to build key partnerships between the various levels of Council (County, District and Parish), National Governing Bodies of Sport (NGBs), Sport England, schools, further education providers, community clubs and private landowners to maintain and improve playing pitch provision. In these instances, the potential for the Council to take a strategic lead is more limited (except through planning applications in terms of Section 106 Agreements/future Community Infrastructure Levy). This document will provide clarity about the way forward, and allow key organisations to focus on the key issues that they can directly influence and achieve subject to available capital and revenue resources.

Context

North Hertfordshire is a mainly rural district with four towns and a number of villages located throughout the district. The total population of the district, based upon the 2014 Mid-Year Estimates, is 131,000. The Assessment Report provides a district wide assessment of outdoor sports facilities while also taking into account facilities provided in neighbouring authorities like Stevenage and Luton and by others further afield who provide specialised or national level facilities.

The North Hertfordshire District Council Corporate Plan 2016-2021 and North Hertfordshire Partnership Sustainable Communities Strategy 2009-2021 outline the vision for the district.

The vision for the Corporate Plan is 'Making North Hertfordshire a vibrant place to live, work and prosper.' To achieve this are three objectives:

- ◀ to work with our partners to provide an attractive and safe environment for our residents, where diversity is welcomed and the disadvantaged are supported;
- ◀ to promote sustainable growth within our district to ensure economic and social opportunities exist for our communities, whilst remaining mindful of our cultural and physical heritage;
- ◀ and to ensure that the Council delivers cost effective and necessary services to our residents that are responsive to developing need and financial constraints.

The Sustainable Communities Strategy includes themes of;

- ◀ Improving the life chances of children and young people
 - ◀ Improving the health and welfare of young people
 - ◀ Tackle obesity
 - ◀ Providing good quality affordable youth facilities
- ◀ Improving health and wellbeing
 - ◀ Help people live longer, healthier lives and tackle health inequalities
 - ◀ Increase participation levels from all sections of the community
 - ◀ Improving and developing the infrastructure for culture and leisure
 - ◀ Ensure access to culture, sport and leisure
 - ◀ Promote 'Sport for All'
 - ◀ Supporting excellence
- ◀ Enriching the lives of our elders
 - ◀ Respond to the different needs of 'older' people' recognising the wide range of ages, abilities and interests this term encompasses.

Therefore, it is clear that this Playing Pitch Strategy needs to deliver against a range of strategic drivers which include not only the quality of the infrastructure, but how it is used to meet wider sports development, performance sport, physical activity, health, and economic outcomes.

Planning context

The National Planning Policy Framework March 2012 (NPPF) recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

The NPPF requires that planning policies are based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.

Paragraph 74 of NPPF is concerned with the protection of existing open space, sports and recreational buildings and land, including playing fields. One of the matters set out is that such buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. National Planning Practice Guidance (March 2014) refers local authorities to Sport England's guidance on how to assess the need for sport and recreation facilities.

Vision

A vision has been set out to provide a clear focus with desired outcomes for the North Hertfordshire Playing Pitch Strategy:

"All partners, subject to available capital and revenue resources, should aim to provide a balanced provision of pitches across the district to meet current and future needs."

PART 3: SPORT SPECIFIC ISSUES SCENARIOS AND RECOMMENDATIONS

In order to help develop the recommendations/actions and to understand their potential impact a number of relevant scenario questions are tested against the key issues identified in the Assessment for some of the playing pitch sports, thereby resulting in sport specific recommendations.

Football key issues

- ◀ Future developments include pitch improvements at Walsworth Common (Hitchin & Southern Rural analysis area).
- ◀ Displaced demand has been expressed by one club, Ashwell Academicals FC youth team (displaced to Cambridge).
- ◀ Overall there is currently spare capacity of 8.5 match sessions for adult football across the district. However future demand shows a shortfall of 1.5 match sessions (equivalent to 1 pitch).
- ◀ Overall in the district there is currently spare capacity of 8 match sessions for youth football. However future demand shows a shortfall of 18 match sessions (equivalent to 9 pitches).
- ◀ Overall in the district there is an oversupply of mini soccer match sessions to meet total current demand (19 match sessions). When future demand is taken into account (9.5 match sessions), there is aggregate spare capacity of 9.5 mini soccer match sessions to meet total future demand.
- ◀ The removal of unsecured pitches still results in spare capacity existing on each type. When factoring in future demand, there is an increased undersupply of adult and youth pitches. Spare capacity on mini pitches reduces to 0.5 match equivalents.

Scenarios

- ◀ **Utilising spare capacity** – There are a total of 75 pitches across 60 sites with spare capacity (*with secured community use*)
- ◀ Opening up sites which are currently unavailable for community use i.e. school sites will accommodate future demand for mini pitches and unmet demand.

Recommendations – grass

- ◀ Existing quantity of football pitches to be protected albeit some reconfiguration at youth and mini formats is required.
- ◀ Retain spare capacity on adult pitches as strategic reserve to help protect/improve quality.
- ◀ In a phased approach, establish all mini soccer to be played on 3G pitches and explore options to reconfigure mini grass pitches to youth pitches to address shortfalls.
- ◀ Seek to improve poor quality pitches and prioritise investment in multi pitch sites and review maintenance regimes to ensure it is of an appropriate standard to sustain/improve pitch quality.
- ◀ Work with schools to maximise and secure access to pitches on sites which are currently unavailable for community use.
- ◀ Consider the future value of one and two pitch sites and where appropriate, fully mitigate loss and reinvest into the development of hub sites.
- ◀ Where appropriate, develop partnership and/or lease arrangements with large, sustainable, development-minded clubs to manage their own 'home' sites thus facilitating club development.

3G pitch key issues

- ✦ Of the football clubs that responded to the survey 39% express demand for additional training facilities - all specified 3G pitches as a requirement.
- ✦ The floodlight restriction placed on Hitchin Sports Centre (NH College The Edge) will have an impact on the training for teams as it reduces the amount of hours available, and therefore the availability of pitches within the Hitchin Letchworth analysis area).
- ✦ The FA model estimates that one full size AGP can service 55 teams. On the basis that there are 230 teams playing competitive football within North Hertfordshire, there is a recommended need for four full size 3G pitches to cater for football demand. Currently there are five, however only four are available for community use.
- ✦ The demand generated for AGP provision from the resident population of the district (129,318people) is around 2,792 visits per week in the peak period (vpwpp), the equivalent of about 4 pitches.
- ✦ All AGPs, despite the apparent 'surplus' indicated in the supply/demand balance are operating at full capacity at peak times according to the FPM model.
- ✦ The FPM calculates that 97.1% of the total demand for AGPs in North Hertfordshire is satisfied.
- ✦ Hertfordshire FA have identified three areas whereby due to the demand would be ideal locations for the development of new 3G Football Turf Pitches - Hertfordshire FA stadia (Letchworth), Hitchin and Knebworth.

Scenarios – 3G¹

- ✦ On the basis that 230 teams play competitive football within North Hertfordshire, there is a recommended need for five full size 3G pitches. As there are currently five in the area this target has been met, however, only four are available for community use.

Analysis area	Current number of teams	3G requirement	Current no. of 3G pitches	Potential shortfall
Hitchin & Southern Rural	123	2	2	0
Letchworth & Baldock & District	76	1	2	-
Royston	31	1	1	-
TOTAL	230	4	5	0

Recommendations – 3G

- ✦ Explore options to provide full size 3G pitches to meet current and future demand, taking into consideration current proposals and optimal strategic location to effectively service all analysis areas in the following areas:
 - ✦ Letchworth: the North of the district and the location of a number of clubs including Letchworth Eagles FC with 36 teams who are growing and require additional training and match facilities. The re-surfacing of the Hertfordshire FA stadia pitch to a 3G football turf pitch is one option.
 - ✦ Hitchin & Southern Rural: with the restriction on floodlights at Hitchin Sport Centre and Kingshott School having no community use a new 3G would ideally be located in this analysis area.
 - ✦ Hitchin & Southern Rural: located in Knebworth is the final location. Knebworth Youth FC use facilities located outside of the district for training. This is a growing area for football in particular mini soccer and youth football.

¹ Please refer to Appendix One for the full football scenario of programming 3G pitches for competitive play.

- ◀ Ensure that new 3G pitches are tested and subsequently FA registered. In addition, ensure that future 3G pitches are used to maximum potential to allow for future back to back programming of mini/youth matches at peak times.
- ◀ Ensure that sinking funds are in place to maintain 3G pitch quality in the long term.

Cricket key issues

- Four clubs report demand for additional training facilities; all state a need for an artificial turf wicket, practice nets and/or a mobile net.

Club	Demand expressed
Hitchin CC	Requires practice nets so that it can begin training on site. Ideally would like a mobile net.
Knebworth Park CC	Reports a need for an artificial wicket on at least one square. Also requires a mobile net and catching spring boards.
Preston CC	Requires improvements to the current practice nets as they are becoming too dangerous to use.
Weston CC	Reports a need for more practice nets so that teams within the Club can train more often and for longer.

- Six senior and four junior teams from within three clubs are displaced (to Stevenage, Central Bedfordshire and Buntingford. None report a desire for teams to return to play in North Hertfordshire.
- Population forecasts indicate potential future growth of at least four men's teams and nine junior boy's teams plus increased demand for women's and girls' cricket.
- Through consultation with NHCB no new nets are required at educational sites. However Hitchin Boys School wish to further develop the cricket facilities to cater for its play.
- 24 grass cricket squares show potential spare capacity amounting to 410 match sessions, however, only 7.5 pitches are available during peak time for senior cricket (Saturdays).
- There is overplay at one site (Weston Cricket Club) amounting to 37 matches.
- There is overall spare capacity of cricket pitches within the district although there is a shortfall within the Letchworth & Baldock Analysis Area. This shortfall is increased when factoring in displaced demand.
- Transfer of junior teams onto non-turf wickets would help reduce overplay at Weston Cricket Club. The best solution would be the installation of a non-turf wicket on site.

Scenarios

- Addressing overplay** – overplay expressed is not considered to be a significant issue as most of the play is both recreational teams and educational establishments hiring club facilities. Where overplay does exist at Weston Cricket Club, it would help to alleviate this overplay by seeking to sustain and improve the current, standard quality, square.
Improving quality – ensuring that quality is maintained/improved as required to meet league requirements is essential.

Recommendations

- Work with clubs to review quality issues on those pitches assessed as standard and poor quality and to ensure any potential overplay is accommodated.
- Work with clubs to ensure appropriate access to good ancillary facilities supports provision of pitches/sites.
- Retain good quality pitches across the district.
- Work with education establishments to implement practice nets where possible such as: Knights Templar School, Baldock; Fearnhill School, Letchworth; Hitchin Boys School and Kingshott School, Hitchin.

Rugby Union key issues

- ◀ There are 81 competitive rugby union teams within the district. Population growth (by 2025) is expected to create demand for one additional adult team, four junior teams and ten mini teams; equating to 2 match equivalent sessions per week
- ◀ Peak time for senior rugby union pitches is Sunday mornings.
- ◀ Two sites are currently overplayed: King George V Playing Fields (Hitchin RUFC) (3.5 match sessions) and Letchworth Garden City RUFC (8.5 match sessions).
- ◀ There is evidence to suggest a need for better training venues which could be sourced through investment into current pitches or artificial surfaces.
- ◀ Hertfordshire rugby union development also aims to grow the number of girls and women playing the game by an increase of three girls' teams at Hitchin RUFC.
- ◀ The All Schools programme takes place at Fearnhill School.

Scenarios

- ◀ **Reducing overplay** - Two sites are currently overplayed. Both are home to clubs; King George V Playing Fields (Hitchin RUFC) (3.5 match sessions) and Letchworth Garden City RUFC (8.5 match sessions). The main reason for this is training on match pitches. Improving the pitch quality by improving pitch maintenance at King George V Playing Fields (from standard to good) will result in an additional 6 match equivalent sessions per week which will accommodate the level of overplay expressed. Improving pitch maintenance at Letchworth Garden City RUFC (from poor to standard) will result in overplay being reduced to 0.5 match sessions.

Recommendations

- ◀ Work with clubs to access RFU social spaces investment where appropriate.
- ◀ Sustain the relationship with Fearnhill School in relation to the All Schools programme in North Hertfordshire.
- ◀ Improve ancillary facilities at club sites, where there is a need to do so, to allow clubs to accommodate women and girls rugby.

Rugby League Key issues

- ◆ One Rugby league clubs with four teams.
- ◆ Club have no aspirations to grow.
- ◆ The Club are located at Hitchin Rugby Union Club that play from King George V Playing Fields.

Recommendations

- ◆ Ensure that the Club are supported in terms of play at Recommendations King George V Playing Fields.
- ◆ If club has the aspirations to grow in the future ensure that pitches are available at current location working in partnership with the rugby union club,

Hockey key issues

- ◀ Latent demand amounting to one men's, two ladies and one junior team is expressed by Blueharts HC and Royston HC.
- ◀ Future demand from Royston HC totals one men's, one junior boys' and two junior girls' teams.
- ◀ Blueharts HC would like to increase the number of teams run in future but cannot quantify this at present.
- ◀ Based on 35 adult teams there is a requirement for five full sized AGPs. There are currently two, suggesting a shortfall of three AGPs.
- ◀ Proposed AGPs at Lucas Lane Recreation Ground and at Royston Heath would help reduce shortfalls, whilst also safeguarding the future of Blueharts HC and returning displaced demand from Royston HC out of the district.

Scenarios

- ◀ Based on 35 adult teams (including quantified displaced, latent and future demand) requiring a pitch at peak time (Saturday) there is a requirement for five (rounded up from 4.375) full sized, floodlit, hockey pitches based on teams playing home and away (and based on a floodlit AGP being able to accommodate a maximum of four matches on a Saturday).
- ◀ Proposals are in place for new AGP's located at Lucas Lane and Royston Heath. At the time of the production of the strategy the Lucas Lane AGP planning application had been granted.
- ◀ **Future demand** – During consultation, two of the clubs confirmed aspirations to increase the number of teams, at junior and senior level via links and partnerships with local schools and the community. Population growth alone (by 2025) is likely to result in additional demand equating to two senior teams and four junior teams.

Recommendations

- ◀ Retain a sufficient level and continued sustainability of sand AGPs to accommodate current and future hockey demand amidst a number of intended 3G pitch developments.
- ◀ Maximise use of and protect existing sand AGPs (Sites 17, 28, 32) to accommodate training and competitive demand through effective programming to meet the demands of Hockey development.
- ◀ Ensure that sinking funds are in place to maintain sand AGP pitch quality in the long term (these are to be held by the ownership of the pitch eg Council, FA, Club etc).
- ◀ Support all clubs that have aspirations to grow and work with partners to implement playing programmes at proposed new AGP's.

Tennis key issues

- ◀ No clubs report any latent demand and all clubs confirm that the number of courts available is adequate to meet the needs of members.
- ◀ Letchworth Sports and Tennis Club is an LTA East Regional priority club, has aims to grow its membership and build two new floodlit courts, as well as a seasonal air-hall.
- ◀ In general, the court quality in the district is considered adequate to meet the needs of current and future demand. Focus should be placed on improving courts rated poor.
- ◀ Development interest at the LTA in the district is limited although some clubs have received capital investment.
- ◀ Of the clubs that completed the survey there is a general desire to grow membership.
- ◀ In order to capitalise on the good facilities and the aspirations of the clubs to increase participation a Tennis Development Plan in partnership with the LTA could be developed.

Recommendations

- ◀ Ensure clubs can access the appropriate standard of courts to allow LTA competitions to be played.
- ◀ Although the number of courts in North Hertfordshire is adequate to meet current and future needs, explore options for poor quality courts to be refurbished in partnership with the LTA.
- ◀ Where population increases are expected improve the quality of courts if rating is poor.

Athletics key issues

- ◀ There are no tracks within the district, however, there is a track located outside the district in Stevenage at Ridlins Wood.
- ◀ There is one track and field club that takes its members from North Hertfordshire - Stevenage and North Hertfordshire Athletics Club. The club's membership has increased over the past 5 years and the club expects this growth to continue.
- ◀ England Athletics state; No new athletics tracks are planned to be constructed; any new tracks across the country will need to have a robust business plan. A funding agreement is in place with NHDC to create more Run England groups and 3-2-1 routes (3-2-1 is Run England's project which aims to provide a range of marked out running or jogging routes across the country that anyone can have a go at. It's a way of providing a meaningful challenge to help more people to get running when it best suits them).
- ◀ There are eight Run England groups within North Hertfordshire.
- ◀ The assessment and analysis of the needs for Stevenage in relation to athletics suggests that the priorities are to retain and improve the existing Ridlins Wood Stadium.

Recommendations

- ◀ Increase the number of accessible 3-2-1 routes across the district and formalise running groups.
- ◀ Increase participation through development programmes such as 3-2-1 routes, education programmes, trim trails and other suitable initiatives.
- ◀ Further develop the number of marked running routes to increase informal / formal running in partnership with England Athletics to encourage more people to take up running.

Bowls key issues

- ◀ Ten clubs express an intention to increase their membership. Where quantified, this amounts to an increase of 154 senior and 31 junior members.
- ◀ Three clubs report experiencing decreased senior membership over the last three years.
- ◀ All remaining clubs report senior membership to have remained static, apart from Baldock Town Bowls Club, which has grown by two teams.
- ◀ No clubs report an increase in junior membership; St Ippolyts Bowls Club reports a decrease.
- ◀ Seven clubs are operating below the average club/green membership and have capacity to increase usage. Baldock Town Bowls Club and Royston Bowls Club are operating at capacity, although neither reports enough demand to make a case for the provision of additional outdoor greens.
- ◀ Provision of bowling greens is sufficient to accommodate both current and future demand.

Recommendations

- ◀ Ensure that appropriate maintenance is applied to sites which are considered to be being played to capacity and beyond.
- ◀ Address spare capacity and maximise the availability of bowling greens for pay and play in order to raise the profile of the game, increase levels of membership and the revenue generated by sites.
- ◀ Support clubs which plan to attract younger people through hosting events such as family days as well as establishing links with local primary schools.
- ◀ Where demand exists, ensuring that quality of the greens is sustained or improved.

Golf key issues

- ◀ Tea Green Golf Centre is subject to a planning application for a housing development and the Club is concerned that the course could be lost.
- ◀ Golf participation in North Hertfordshire has generally remained static. Only Royston Golf Club reports a decrease in membership over the previous three years, whilst both Knebworth Golf Club and Letchworth Par 3 Family Golf Centre report an increase.
- ◀ Letchworth Golf Club currently operates a waiting list for members, which the Club believes is mainly due to having such a high reputation and a more selective acceptance procedure.
- ◀ All clubs report an intention to increase membership in the future with the exception of Letchworth Golf Club and Tea Green Golf Centre.
- ◀ Both Royston Golf Club and Knebworth Golf Club have sports development plans in place specifically to encourage more juniors and females to the game of golf.
- ◀ The current level of supply is deemed sufficient for residents.

Recommendations

- ◀ Work with the national Governing Body, England Golf to increase golf participation.
- ◀ Retain the quality of the courses and ensure appropriate maintenance is in place.

PART 4: AIMS

The following Strategy Aims are based on the key issues emerging from the Assessment Report. It is recommended that the following are adopted by the Council and its partners to enable it to achieve the overall vision of the Strategy:

AIM 1

To **protect** the existing supply of sports facilities where it is needed for meeting current or future needs.

AIM 2

To **enhance** outdoor sports facilities through working in partnership with others to improve the quality and management of sites.

AIM 3

To enable the **provision** of new outdoor sports facilities where there is current or future demand to do so.

PART 5: STRATEGIC RECOMMENDATIONS

The strategic recommendations for the Strategy have been developed from the key issues cutting across all outdoor sports and categorised under each of the Strategy Aims. They reflect overarching and common areas to be addressed by all partners which apply across outdoor sports facilities and may not be specific to just one sport.

AIM 1

To **protect** the existing supply of sports facilities where it is needed for meeting current or future needs.

Recommendations:

- a. Ensure local planning policy is in accordance with Government Guidance to protect sports facilities where there is a need to do so.
- b. Assist in securing tenure and access to sites for high quality, development minded clubs, through a range of solutions and partnership agreements.
- c. Maximise community use of outdoor sports facilities where there is a need to do so.
- d. Ensure local maintenance resources are protected to sustain standards and quality.

Recommendation (a) – Ensure local planning policy is in accordance with Government Guidance to protect sports facilities where there is a need to do so.

Based on the outcomes of the playing pitch strategy, and the requirements of the National Planning Policy Framework (NPPF paragraph 73) highlight Sport England's statutory consultee role on planning applications that affect playing field land.

NPPF paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- ✦ An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- ✦ The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- ✦ The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Furthermore any potential school sites which become redundant over the lifetime of the Strategy may offer potential for meeting community needs on a localised basis. Where schools are closed their playing fields may be dedicated to community use to help address any unmet community needs. Closed school playing fields should be considered in the first instance for becoming community playing fields for meeting the needs identified in the Strategy before being considered for other uses.

The following should be considered when assessing the suitability of conversion of former school playing fields for community use:

- ✦ Location and willingness of Local Authority/club or other party to take on ownership/lease /maintenance
- ✦ Size

- ◀ Quality
- ◀ Physical accessibility
- ◀ History of community access
- ◀ Availability of ancillary facilities
- ◀ Agreement of landowner

Recommendation (b) – Assist in securing tenure and access to sites for high quality, development minded clubs through a range of solutions and partnership agreements.

A number of school sites are being used within the district for competitive play, predominately for football. In all cases use of pitches has not been classified as unsecure, however, use is not necessarily formalised and further work (partnership between the School, Council, NGB, Clubs and leagues where appropriate should be developed) should be carried out to ensure an appropriate Community Use Agreement (CUA) is in place (including access to changing provision where required) at the following sites:

- ◀ Roysia Middle School (Royston Town FC)
- ◀ St John's Catholic Primary School (Baldock FC)
- ◀ Tannery Drift First School (Royston Town FC)
- ◀ Hartsfield Mixed Junior & Infant School (Baldock FC)
- ◀ Ickleford Primary School (Hitchin Belles FC)
- ◀ Mary Exton JMI School (Hitchin Belles FC)

In addition these sites currently do not have any play but they have been identified to have the potential to develop community use agreements in the future:

- ◀ Codicote C of E School
- ◀ St Marys Junior School (Letchworth & Baldock and District)
- ◀ Norton St Nicholas Primary School
- ◀ Garden City Academy
- ◀ Wilbury Junior School
- ◀ Kimpton Primary School
- ◀ Knebworth Nursery & Primary School
- ◀ Sandon JMI School

NGBs can often help to negotiate and engage with schools, particularly academies where the local authority may not have direct influence. For further information on this, please refer to recommendation (g).

Sport England has also produced guidance, online resources and toolkits to help open up and retain school sites for community use and can be found at: <http://www.sportengland.org/facilities-planning/use-our-school>

Local sports clubs should be supported by partners including the various Councils, NGBs or the County Sports Partnership (CSP) to achieve sustainability across a range of areas including management, membership, funding, facilities, volunteers and partnership working. For example, support club development and encourage clubs to develop evidence of business and sports development plans to generate an income through their facilities. All clubs could be encouraged to look at different management models such as registering as Community Amateur Sports Clubs (CASC)². Clubs should also be encouraged to work with partners locally whether volunteer support agencies or linking with local businesses.

² <http://www.cascinfo.co.uk/cascbenefits>

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As well as improving the quality of well-used, local authority sites, there are a number of sites (Council and Club) which have poor quality (or no) ancillary facilities. The Council should further explore opportunities where security of tenure could be granted to the clubs playing on these sites (minimum 25 years as recommended by Sport England and NGBs) so the clubs are in a position to apply for external funding to improve the ancillary facilities.

Further to this there could be examples where long term leases could be put into place for the continued use of a site. Each club should be required to meet service and/or strategic recommendations. However, an additional set of criteria should be considered, which takes into account the quality of the club, aligned to its long term development objectives and sustainability.

In the context of the Comprehensive Spending Review, which announced public spending cuts, it is increasingly important for the Council to work with voluntary sector organisations in order that they may be able to take greater levels of ownership and support the wider development and maintenance of facilities.

To facilitate this, the Council could support clubs to generate sufficient funds to allow this.

Recommended criteria for lease of sport sites to clubs/organisations

Club	Site
Clubs should have Clubmark/FA Charter Standard accreditation award. Clubs commit to meeting demonstrable local demand and show pro-active commitment to developing school-club links. Clubs are sustainable, both in a financial sense and via their internal management structures in relation to recruitment and retention policy for both players and volunteers. Ideally, clubs should have already identified (and received an agreement in principle) any match funding required for initial capital investment identified. Clubs have processes in place to ensure capacity to maintain sites to the existing, or better, standards.	Sites should be those identified as 'Club Sites' (recommendation d) for new clubs (i.e. not those with a District wide significance) but which offer development potential. For established clubs which have proven success in terms of self-management 'Key Centres' are also appropriate. As a priority, sites should acquire capital investment to improve (which can be attributed to the presence of a Clubmark/Charter Standard club). Sites should be leased with the intention that investment can be sourced to contribute towards improvement of the site. An NGB/Council representative should sit on a management committee for each site leased to a club.

The District Council, Parish Council and private landowners can further recognise the value of NGB club accreditation by adopting a policy of prioritising the clubs that are to have access to these better quality facilities. This may be achieved by inviting clubs to apply for season long leases on a particular site as an initial trial.

The District Council, Parish Council and private landowners should establish a series of core outcomes to derive from clubs taking on a lease arrangement to ensure that the most appropriate clubs are assigned to sites. As an example outcomes may include:

- ◆ Increasing participation.
- ◆ Supporting the development of coaches and volunteers.
- ◆ Commitment to quality standards.
- ◆ Improvements (where required) to facilities, or as a minimum retaining existing standards.

In addition, clubs should be made fully aware of the associated responsibilities/liabilities when considering leases of multi-use public playing fields.

Community asset transfer

The Council should continue to work towards adopting a policy which supports community management and ownership of assets to local clubs, community groups and trusts. This presents sports clubs and national governing bodies with opportunities to take ownership of their own facilities; it may also provide non-asset owning sports clubs with their first chance to take on a building.

Where the district council has the option to transfer a community asset to a third party this should be managed by key partners including the district council, NGB, facility and others on a case by case basis. The community asset transfer process refers to assets owned by the district council being transferred to third sector/community/sports groups by way of a long lease. The group taking on the asset then run, manage and maintain the asset. Further details regarding the CAT process can be found on the council's website at:
<http://www.north-herts.gov.uk/home/community/community-asset-transfer>

The Sport England Community Sport Asset Transfer Toolkit is a bespoke, interactive web based tool that provides a step by step guide through each stage of the asset transfer process: http://www.sportengland.org/support__advice/asset_transfer.aspx

Recommendation (c) Maximise community use of outdoor sports facilities where there is a need to do so

Education sites

In order to maximise community use of educational facilities it is recommended to establish a more coherent, structured relationship with schools. The ability to access good facilities within the local community is vital to any sports organisation, yet many clubs struggle to find good quality places to play and train. Pricing policies at facilities can be a barrier to access at some of the education sites but physical access and resistance from schools, especially academies, to open up provision is also an issue.

A large number of sporting facilities are located on education sites and making these available to sports clubs can offer significant benefits to both the school/college and the local clubs. The Council and other key partners should work with schools and colleges to develop an understanding of the issues that restrict or affect community access. Support should be provided, where appropriate, to address underlying problems. Consideration should be given to a centralised booking system for community use of schools and colleges to minimise administration and make access easier for the users.

It is not uncommon for school pitch stock not to be fully maximised for community use. Even on established community use sites, access to grass pitches for community use is limited. The action plan identifies a number of school sites that have the potential to be further used for community use to help meet future shortfalls identified in the Area:

- ◀ Wilshere-Dacre Junior School for football
- ◀ Codicote C of E School for football
- ◀ Meridian School for football
- ◀ Whitehill Junior School for football
- ◀ Garden City Academy for football
- ◀ Our Lady Catholic Primary School for football

- ◀ Wilbury Junior School for football
- ◀ Kimpton Primary School for football
- ◀ Knebworth Nursery & Primary School for football
- ◀ Ashwell Primary School for football
- ◀ Highover JMI School for football
- ◀ Pixmore Junior School for football
- ◀ Wymondley JMI School for football
- ◀ Sandon JMI School for football
- ◀ St John's Catholic Primary School for football
- ◀ The Highfield School for football
- ◀ Kingshott School AGP

As detailed earlier, Sport England has also produced guidance, online resources and toolkits to help open up and retain school sites for community use and can be found at:

<http://www.sportengland.org/facilities-planning/accessing-schools/>

Recommendation (d) – Ensure local maintenance resources are protected to sustain standards and quality.

The District Council and partners should use the playing pitch strategy to guide future discussions in relation to the budgets required to improve/retain the quality of pitches and non-pitches within North Hertfordshire.

The District Council and other facility management operators should consider committing to protecting existing open space resources and ensuring that the future needs of communities are planned for using the playing pitch strategy as a basis for decision making.

The key objectives of partners to ensuring maintenance resources are protected would be to ensure that:

- ◀ To protect and enhance networks of open space:
- ◀ To set standards for the quantity and quality of open space in new development and provide for its long-term maintenance;
- ◀ To provide guidance on planning for development of new sports and recreation facilities.

AIM 2

To **enhance** outdoor sports facilities through working in partnership with others to improve the quality and management of sites

Recommendations:

- e. Maintain the quality of sites (pitches) and improve (pitches) where appropriate.
- f. Adopt a tiered approach (hierarchy of provision) to the management and improvement of sites.
- g. Work in partnership with stakeholders to secure community funding.
- h. Secure developer contributions.

Recommendation (e) – Maintain the quality of sites (pitches) and improve (pitches) where appropriate.

There are a number of ways in which it is possible to increase pitch quality, including for example, addressing overplay and improving maintenance. These are explored in more detail below.

Addressing quality issues

Generally, where pitches are assessed as standard or poor quality and/or overplayed, review/improve maintenance regimes to ensure it is of an appropriate standard to sustain/improve pitch quality. Ensuring existing maintenance of good quality pitches continues is also important. This can be achieved by working with the NGBs (clubs and leagues) to source partnership funding to improve pitches/non pitches that require reinvestment.

Based on an achievable target using existing quality scoring to provide a baseline, a standard should be used to identify deficiencies and investment should be focused on those sites which fail to meet the proposed quality standard (the site audit database should be used, this is provided in electronic format as part of the Assessment Study).

For the purposes of the Quality Assessments, this Strategy will refer to pitches and ancillary facilities separately as Good, Standard or Poor quality. For example, some good quality sites have poor quality elements i.e. changing rooms or a specific pitch.

Good quality refers to pitches that have, for example, a good maintenance regime coupled with good grass cover, an even surface, are free from vandalism, litter etc. In terms of ancillary facilities, good quality refers to access for disabled people, sufficient provision for referees, juniors/women/girls and appropriate provision of showers, toilets and car parking. For rugby union, a good pitch is also pipe and/or slit drained.

Standard quality refers to pitches that have, for example, an adequate maintenance regime coupled with adequate grass cover, minimal signs of wear and tear, goalposts may be secure but in need of minor repair. In terms of ancillary facilities, standard quality refers to adequately sized changing rooms, storage provision and provision of toilets. For rugby union, drainage is natural and adequate.

Poor quality refers to pitches that have, for example, poor levels of maintenance coupled with inadequate grass cover, uneven surface and damage. In terms of ancillary facilities, poor quality refers to inappropriate size of changing rooms, no showers and toilets, no running water and old dated interior. For rugby union, drainage is natural and inadequate.

In terms of ancillary facilities, poor quality refers to inappropriate size of changing rooms, no showers, no running water and old dated interior. The following sites were highlighted through the non-technical assessments and club consultation as poor quality:

- ◀ St Johns Road (Site ID 53)
- ◀ Hexton Recreation Ground (Site ID 9908)
- ◀ Archers Way (Site ID 9907)
- ◀ Lucas Lane Recreation Ground (Site ID 32)
- ◀ Pirton Recreation Ground (Site ID 36)
- ◀ St Ippolyts Recreation Ground (Site ID 47)
- ◀ Cadwell Lane (Site ID 8)
- ◀ Bakers Close (Site ID 3)

Without appropriate, fit for purpose ancillary facilities, good quality pitches may be underutilised. Changing facilities form the most essential part of this offer and therefore key sites such as those mentioned above should be given priority for improvement.

In order to prioritise investment into key sites it is recommended that the steering group works up a list of criteria, relevant to the district, to provide a steer on future investment.

For improvement/replacement of AGPs refer to Sport England and the NGBs 'Selecting the Right Artificial Surface for Hockey, Football, Rugby League and Rugby Union' document for a guide as to suitable AGP surfaces:

www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/

In order to improve the quality of pitches and non-pitches all partners should work in a co-ordinated way to address the issues. By working with the NGBs through the key programmes as follows

- ◀ Grass pitches – addressing poor quality pitches through the Pitch Improvement Programme
- ◀ Rugby Union pitches – addressing quality issues at club sites through the RFU and implementing a groundsman programme.
- ◀ Cricket pitches – addressing poor quality wickets through technical assessments of wickets and pitches available through a Performance Quality Standard Assessment (PQS).
- ◀ Tennis courts – priority and improvements should be made to poor quality tennis courts.

Addressing overplay

In order to improve the overall quality of the playing pitches stock; it is necessary to ensure that pitches are not overplayed beyond recommended weekly carrying capacity. This is determined by assessing pitch quality (via a non-technical site assessment) and allocating a weekly match limit to each. Each NGB recommends a number of matches that a good quality pitch should take:

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Sport	Pitch type	No. of matches
Football	Adult pitches	3 per week
	Youth pitches	4 per week
	Mini pitches	6 per week
Rugby union*	Pipe and Slit Drained and a good level of maintenance (D3/M2)	3.5 per week
	Pipe drained and a good level of maintenance (D2/M2)	3.25 per week
	Natural (adequate) drainage and a good level of maintenance (D1/M2)	3 per week
Cricket	One grass wicket	5 per season
	One synthetic wicket	60 per season

* Please note that the RFU believes that it is most appropriate to base the calculation of pitch capacity upon an assessment of the drainage system and maintenance programme afforded to a site.

		Maintenance		
		Poor (M0)	Adequate (M1)	Good (M2)
Drainage	Natural Inadequate (D0)	Poor	Poor	Standard
	Natural Adequate (D1)	Poor	Standard	Good
	Pipe Drained (D2)	Standard	Standard	Good
	Pipe and Slit Drained (D3)	Standard	Good	Good
		Maintenance		
		Poor (M0)	Standard (M1)	Good (M2)
Drainage	Natural Inadequate (D0)	1	1	-
	Natural Adequate (D1)	2	4	-
	Pipe Drained (D2)	-	-	-
	Pipe and Slit Drained (D3)	-	1	-

There are also sites that are poor quality but are not overplayed. These sites should not be overlooked as often poor quality sites have less demand than other sites but demand could increase if the quality was to increase. Improving pitch quality should not be considered in isolation from maintenance regimes.

Whilst it works both ways, in so much as, poor pitch condition is a symptom of pitches being over played, potential improvements may make sites more attractive and, therefore, more popular; which in the long run can lead again to poor quality pitches if they are not maintained properly.

There is also a need to balance pitch improvements alongside the transfer of play to alternative pitch sites. Therefore, it is beneficial to work with clubs to ensure that sites are not played beyond their capacity and encourage play, where possible, to be transferred to alternative venues which are not operating at capacity.

Increasing pitch maintenance

Standard or poor grass pitch quality may not just be a result of poor drainage. In some instances ensuring there is an appropriate maintenance for the level/standard of play can help to improve quality and therefore increase pitch capacity. Each NGB can provide assistance with reviewing pitch maintenance regimes.

For example, the FA, ECB, RFL in partnership have introduced a Pitch Advisor Scheme and have been working in partnership with Institute of Groundsmanship (IOG) to develop a Grass Pitch Maintenance service that can be utilised by grassroots football clubs with the simple aim of improving the quality of grass pitches. The key principles behind the service are to provide football clubs with advice/practical solutions on a number of areas, with the simple aim of improving the club's playing surface.

In relation to cricket, maintaining high pitch quality is the most important aspect of cricket. If the wicket is poor, it can affect the quality of the game and can, in some instances, become dangerous. The ECB recommends full technical assessments of wickets and pitches available through a Performance Quality Standard Assessment (PQS). The PQS assesses a cricket square to ascertain whether the pitch meets the Performance Quality Standards that are benchmarked by the Institute of Groundsmanship. Please note that PQS assessments are also available for other sports.

Recommendation (f) – Adopt a tiered approach (hierarchy of provision) to the management and improvement of sites.

To allow for facility developments to be programmed within a phased approach the Council and key partners such as NGBs should adopt a tiered approach to the management and improvement of playing pitch sites and associated facilities. Please refer to Part 5: Action Plan for the proposed hierarchy.

Recommendation (g) – Work in partnership with stakeholders to secure community funding.

Partners, should ensure that appropriate funding secured for improved sports provision are directed to areas of need, underpinned by a robust strategy for improvement in playing pitch facilities.

In order to address the community's needs, to target priority areas and to reduce duplication of provision, there should be a coordinated approach to strategic investment. In delivering this objective there should be a regular dialogue with local partners and through the Playing Pitch Steering Group.

Investment in new provision will not be made by the District Council directly, it is important, however, that the various partners seek to direct and lead a strategic and co-ordinated approach to facility development by education sites, NGBs, sports clubs and the commercial sector to address community needs whilst avoiding duplication of provision.

Appendix Two provides further funding information which includes details of the current opportunities, likely funding requirements and indicative project costs.

Recommendation (h) –Secure developer contributions.

It is important that this strategy informs policies and supplementary planning documents by setting out the approach to securing sport and recreational facilities through new housing development where appropriate. As the District Council is not currently pursuing CIL, the

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Playing Pitch Assessment and Strategy should be used as the evidence base for securing and negotiating developer contributions.

The guidance should form the basis for negotiation with developers to secure contributions to include provision and/or enhancement of appropriate playing fields and its subsequent maintenance. Section 106 contributions could also be used to improve the condition and maintenance regimes of the pitches in order to increase pitch capacity to accommodate more matches. A number of planning policy objectives should be implemented to enable the above to be delivered:

- ▶ Planning permission should include appropriate conditions and/or be subject to specific planning obligations. Where developer contributions are applicable, a Section 106 Obligation or equivalent must be completed specifying the amount which will be linked to Sport England's Building Cost Information Service from the date of the Planning Committee, and timing of the Contribution(s) to be paid.
- ▶ Contributions should also be secured towards the first ten years of maintenance on new pitches. NGBs and Sport England can provide further and up to date information on the associated costs.
- ▶ External funding should be sought/secured to achieve maximum benefit from the investment into appropriate playing pitch facility enhancement and its subsequent maintenance.
- ▶ Where new multiple pitches are provided, appropriate changing rooms and associated car parking should be located on site.
- ▶ All new or improved playing pitches on school sites should be subject to community use agreements. For further guidance please refer to Sport England:
<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

Population/housing growth scenario

The current resident population in North Hertfordshire is 129,318³. The most recent ONS projections indicate a rise of 24.6% in North Hertfordshire's population (+31,573) over the 25 years from 2012 to 2037.

The proposed number of new homes at each of these allocations is set out below (for the period 2011-2031 as indicated by the district council in its Preferred Options Local Plan published December 2014) is as follows:

Location	Number of new homes
Hitchin & Southern Rural	6,876 new homes
Letchworth & Baldock and District	5,738 new homes
Royston	1,611 new homes

To account for the potential future demand required from increased housing the national average household size of 2.3 persons per dwelling is used to calculate the equivalent potential population increase (based on the proposed number of dwellings) for each analysis area:

The table below indicates the current population, the predicted number of new dwellings per analysis area and the population the number of new dwellings will bring.

³Source: ONS Mid-2013 Population Estimates for Lower Layer Super Output Areas in England and Wales by Single Year of Age and Sex and ONS 2012-based projections 2012-2032. Released: 29 May 2014

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Analysis area	Current Population	Predicted growth in dwellings up to 2031	Population
Hitchin & Southern Rural	61,584	6,876	141,643
Letchworth & Baldock and District	49,070	5,738	131,97
Royston	18,664	1,611	3705
NORTH HERTFORDSHIRE	129,318	14,225	158,546

The information provided above does not take into account a number of variables including age and gender and thus it does not show the number of new sports facilities that would need to be provided using the Team Generation Rates (TGR) model. Once the housing numbers and sites have been approved as part of the Local Plan, NHDC and partners can agree, the level of new sports provision likely to be generated from the new housing developments.

NHDC and partners should look to commit to further investigation and planning in relation to securing sports facility provision within North Hertfordshire through CIL and planning obligations.

AIM 3

To enable the **provision** of new outdoor sports facilities where there is current or future demand to do so.

Recommendations:

- i. Seek to address the quantitative shortfalls in the current pitch stock.
- j. Identify opportunities to add to the overall pitch stock to accommodate both current and future demand.

Recommendation (h) - Seek to address quantitative shortfalls in the current pitch stock.

The District Council and its partners should work to rectify identified inadequacies and meet identified shortfalls as outlined in the Assessment Report and the sport by sport specific recommendations.

It is important that the current levels of grass pitch provision are protected, maintained and enhanced to secure provision now and in the future. Maximising use of existing pitches through a combination of the following will help to reduce shortfalls:

- ◀ Improving pitch quality in order to improve the capacity of pitches to accommodate more matches.
- ◀ The re-designation of pitches for which there is an oversupply.
- ◀ Securing long term community use at school sites.
- ◀ Working with commercial and private providers to increase usage.

There are some minimal shortfalls in all football pitches (adult, youth and mini) across the district. The strategy recommends that all spare capacity is retained to help protect and enhance quality.

It has also been identified that there is a shortfall for future demand of 3G football turf pitches as identified through consultation although the sites locations are not confirmed, areas have been identified which include Letchworth and the Hitchin and Southern rural areas.

Unmet demand, changes in sport participation and trends, and proposed housing growth should be recognised and factored into future facility planning. Assuming an increase in participation and housing growth occurs, it will impact on the future need for certain types of sports facilities. Sports development work also approximates unmet demand which cannot currently be quantified (i.e. it is not being suppressed by a lack of facilities) but is likely to occur. The following table highlights the main development trends in each sport and their likely impact on facilities. However, it is important to note that these may be subject to change.

Furthermore, retaining some spare capacity allows some pitches to be rested to protect overall pitch quality in the long term. Therefore, whilst in some instances it may be appropriate to re-designate a senior pitch where there is low demand identified, a holistic approach should be taken to re-designation for the reasons cited. The site-by-site action plan will seek to provide further clarification on where re-designation is suitable.

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

Likely future sport-by-sport demand trends

Sport	Future development trend	Strategy impact
Football	The needs of the game will change significantly from the 2014/15 season with the implementation of the new recreation/ participation strategy.	Consider re-allocating leases to Community Charter Standard clubs with a large number of teams. Work with clubs to identify facility development opportunities.
	Demand for mini soccer and youth football is likely to increase based on current trends and the move to small sided football. County FA focus to maintain growth of youth football through to adults.	Sustain current stock but consideration given to reconfigure pitches if required.
Cricket	Demand is likely to increase in North Hertfordshire for grass wickets for both junior and adult participation.	Isolated pockets of demand for access to additional facilities where pitches are operating at capacity
	Women's and girls' cricket is a national priority and there is a target to establish two girls' and one women's team in every local authority over the next five years.	Support clubs to ensure access to segregated changing and toilet provision and access to good quality cricket pitches to support growth.
Rugby union	The Rugby World Cup (2015) is predicted to see a further increase in the demand for rugby provision.	Clubs are likely to field more teams in the future. It is important, therefore, to work with the clubs to maintain the current pitch stock and to support facility development where appropriate.
FTP's and AGP's	Demand for 3G football turf pitches for competitive football will increase. It is likely that future demand for the use of 3G pitches to service competitive football, particularly mini and youth will result in some reduced demand for grass pitches. Provision of 3G pitches which are World Rugby compliant will help to reduce overplay as a result of training on rugby pitches.	Ensure that access to new AGP or FTP provision across the District is maximised and that community use agreements are in place. Utilise Sport England/NGB guidance on choosing the correct surface: http://www.sportengland.org/media/30651/Selecting-the-right-artificial-surface-Rev2-2010.pdf
Tennis	It is likely that future demand for access to tennis courts in North Hertfordshire will generally remain static.	Poor quality courts will require future investment in order to retain usage, even for recreational play. Increasing court capacity through floodlighting and/or increasing the quality of provision could build in future capacity to accommodate growth.

Recommendation (i) - Identify opportunities to add to the overall pitch stock to accommodate both current and future demand

Site managers should use, and regularly (annually) update, the Action Plan within this Strategy for improvements to pitches whilst recognising the need to support partners. The Action Plan lists improvements to be made to each site focused upon both qualitative and quantitative improvements as appropriate for each area.

Furthermore any potential school sites which become redundant over the lifetime of the Strategy may offer potential for meeting community needs on a localised basis. Where schools are closed their playing fields may be converted to dedicated community use to help address any unmet community needs.

PART 6: ACTION PLAN

Introduction

The site-by-site action plan list below seeks to address key issues identified in the accompanying Assessment Report. It provides recommendations based on current levels of usage, quality and future demand, as well as the potential of each site for enhancement.

It should be reviewed in the light of staff and financial resources in order to prioritise support for strategically significant provision and provision that other providers are less likely to make. Recommendations below explain the hierarchy of priorities on the list. It is imperative that action plans for priority projects should be developed through the implementation of the strategy.

Key partners such as NGB's, managers of parks and recreation, education and health should make it a high priority to comprise a priority list of actions based on local priorities, NGB priorities and available funding.

Recommendation (j) - Adopt a tiered approach (hierarchy of provision) to the management and improvement of sites.

To allow for facility developments to be programmed within a phased system a tiered approach should be adopted for the management and improvement of playing pitch sites and associated facilities.

North Hertfordshire has a number of 'key centres', which are sites that are considered to be the most popular and therefore need to be of a high standard in order that they can accommodate a sufficient number of matches per week. This applies mostly to football pitch hire. However, this provision model should be extended to recognise the supply and demand issues identified throughout the Assessment Report (i.e. current levels of overplay) and the investment necessary to improve sites based on current levels of usage. The identification of sites is based on their strategic importance in a district-wide context (i.e. they accommodate the majority of play). In addition to this, there are a number of sites which have been identified as accommodating both senior and junior matches, sometimes concurrently. Not only could such sites require a mixture of mini, youth and senior pitches, but they also require ancillary facilities, in order to maximise their usage at all times.

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

Proposed tiered site criteria

Strategic sites	Key centres	Club or education sites	Reserve sites
Strategically located in the District. Priority sites for NGB.	Strategically located within the analysis area.	Serves the local community.	Serves the local community.
Accommodates three or more grass pitches. Including provision of an AGP.	Accommodates two or more grass pitches.	Accommodates more than one pitch.	Likely to be single-pitch site.
Single or multi-sport provision. Could also operate as a central venue.	Single or multi-sport provision. Could also operate as a central venue.	Single or multi-sport provision.	Supports informal demand and/ or training etc.
Management control remains within the local authority/other provider or with an appropriate lease arrangement through a committee or education owned.	Management control remains within the local authority or with an appropriate club on a lease arrangement.	Club either has long-term lease/hires the pitch for the entire season or owns the site. Management control remains within the local authority/other provider or with an appropriate lease arrangement through a committee or education owned.	Management control remains with the Council or existing management body.
Maintenance regime aligns with NGB guidelines.	Maintenance regime aligns with NGB guidelines.	Standard maintenance regime either by the club or in house maintenance contract.	Basic level of maintenance i.e. grass cutting and line marking as required.
Good quality ancillary facility on site, with sufficient changing rooms and car parking to serve the number of pitches.	Good quality ancillary facility on site, with sufficient changing rooms and car parking to serve the number of pitches.	Appropriate access changing to accommodate both senior and junior use concurrently (if required).	No requirement for access changing to accommodation.

Strategic sites are of district wide importance where users are willing to travel to access the range and high quality of facilities offered and are likely to be multi-sport. These have been identified on the basis of the impact that the site will have on addressing the issues identified in the assessment.

The financial, social and sporting benefits which can be achieved through development of strategic sites (also known as hub sites) are significant. Sport England provides further guidance on the development of community sports hubs at:

http://archive.sportengland.org/facilities_planning/planning_tools_and_guidance/sports_hubs.aspx

Key centres

Although these sites are more community focused, some are still likely to service a wider analysis area (or slightly wider). However, there may be more of a focus on a specific sport i.e. a dedicated site.

From a football perspective, these sites already seek to accommodate the growing emphasis on football venues catering for youth football (especially mini-soccer) matches. The conditions recommended for mini and youth football are becoming more stringent. This should be reflected in the provision of a unique tier of pitches for mini and youth football solely that can ensure player safety, as well as being maintained more efficiently. It is anticipated that both youth and mini-football matches could be played on these sites. Initial investment could be required in the short term and identified in the Action Plan.

Additionally, it is considered that some financial investment (working in partnership with key stakeholders such as NGBs, Parish Councils, Sport England, Clubs and School) will be necessary to improve the ancillary facilities at both Strategic sites and Key Centre sites to complement the pitches in terms of access, flexibility (i.e. single-sex changing if necessary), quality and that they meet the rules and regulations of local competitions.

Club/Education sites refer to those sites which are hired to clubs for a season, or are sites which have been leased on a long-term basis. Primarily they are sites with more than one pitch. The level of priority attached to them for Council-generated investment may be relatively low and consideration should be given, on a site-by-site basis, to the feasibility of a club taking a long-term lease on the site (if not already present), in order that external funding can be sought.

It is possible that sites could be included in this tier which are not currently hired or leased to a club, but have the potential to be leased to a suitable club. Such sites will require some level of investment, either to the pitches or ancillary facilities, and it is anticipated that one of the conditions of offering a hire/lease is that the club would be in a position to source external funding to improve the facilities.

Reserve sites could be used as overspill for neighbouring sites and/or for summer matches/competitions, training or informal play. They are most likely to be single-pitch sites with no ancillary facilities.

Management and development

The following issues should be considered when undertaking sports related site development or enhancement:

- ◀ Financial viability.
- ◀ Security of tenure.
- ◀ Planning permission requirements and any foreseen difficulties in securing permission.
- ◀ Adequacy of existing finances to maintain existing sites.
- ◀ Business Plan/Masterplan – including financial package for creation of new provision where need has been identified.
- ◀ Analysis of the possibility of shared site management opportunities.
- ◀ The availability of opportunities to lease sites to external organisations.
- ◀ Options to assist community groups to gain funding to enhance existing provision.
- ◀ Negotiation with landowners to increase access to private strategic sites.
- ◀ Football investment programme/3G pitches development with The FA.

Action plan

Partners

The column indicating Partners refers to the main organisation(s) who should work together in helping to deliver the actions. The next stage in the development of the action plan will be to agree a Lead Partner to help deliver the actions.

Site hierarchy tier and priority level

Strategic sites have a **high** priority level as they have District wide importance and have been identified on the basis of the impact that the site will have on addressing the key issues identified in the assessment.

Key centres are a **medium** priority and have analysis area importance. They have been identified on the basis of the impact that the site will have on addressing the issues identified in the assessment.

Low priority sites are club or education sites with local specific importance. They have been identified on a site by site basis as issues appertaining to individual sites but that may also contribute to addressing the issues identified in the assessment

Costs

The strategic actions have also been ranked as low, medium or high based on cost. The brackets in which these sit are:

(L) -Low - less than £50k; (M) -Medium - £50k-£250k; (H) -High £250k and above. These are based on Sport England's estimated facility costs which can be found at www.sportengland.org/media/198443/facility-costs-4q13.pdf

Timescales

The action plan has been created to be delivered over a ten year period. The information within the Assessment Report, Strategy and Action Plan will require updating as developments occur. The timescales relate to delivery times and are not priority based.

Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

Aim

Each action seeks to meet at least one of the three aims of the Strategy; **Protect, Enhance, Provision.**

Almost all sites are currently recommended to be protected. It is imperative therefore to **keep the action plan up to date and review regularly** as developments take place. With pitch improvements and/or facility developments the status of sites could therefore change, as could any site specific recommendations.

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

HITCHIN AND SOUTHERN RURAL SUMMARY

Football

Summary of pitches required to meet current and future demand

Pitch type	Actual spare capacity ⁴	Demand (match equivalent sessions)					
		Overplay	Strategic reserve (20%)	Latent demand	Current total	Future demand	Total
Adult pitches	10.5	2.5	2	0.5	-5.5	6	0.5
Youth pitches	6	1	1	2	-2	12	10
Mini pitches	10	-	2	-	-8	26	18

- ◀ Spare capacity exists on each pitch type currently, however, future demand results in a shortfall of each pitch type.
- ◀ Overplay exists on adult pitches at Ransome Recreation Ground, Hitchin; St Johns Playing Field, Hitchin; and Swinburne Recreation Ground, Hitchin. Youth pitches at King George V Playing fields, Hitchin are also overplayed.
- ◀ There are 15 youth teams playing on adult pitches.

Recommendations

- ◀ Users to improve pitch quality in order to increase potential capacity and better accommodate current/future demand.
- ◀ Alleviate overplay.
- ◀ Transfer youth teams playing on adult pitches to youth pitches.
- ◀ Consider 3G provision as a way to accommodate increased demand and shortfalls.
- ◀ Improve changing facilities at Pirton Recreation Ground and explore football use of changing facilities at Lucas Lane Recreation Ground, Hitchin.

3G pitches

- ◀ There is a requirement for three full size 3G pitches within the Analysis Area, of which there are currently two; Hitchin Sports Centre and Kingshott School, Hitchin. Of these, only Hitchin Sports Centre is available for community use.
- ◀ Hitchin Sports Centre is only available until 8pm on weekdays due to floodlight restrictions. The majority of use is taken up by the College during the day and Watford FC during the evening.
- ◀ The surface of the pitch at Kingshott School is over ten years old (1999).
- ◀ Neither pitch is FA certified to host competitive matches.

Recommendations

- ◀ Explore community use options at Kingshott School.
- ◀ Resurface the pitch at Kingshott School and ensure sinking funds are in place for both pitches in the Analysis Area.
- ◀ Seek FA testing at Hitchin Sports Centre so that it can be used to host competitive matches.
- ◀ Explore possible sites for a new full size 3G pitch in order to reduce shortfalls.

⁴ In match equivalent sessions

Cricket

- There are 16 grass wicket pitches available for community use.
- Actual spare capacity amounting to six match equivalents exists across the Analysis Area with no pitches overplayed.

Recommendations

- Extend lease arrangements for Lilley CC and Ickleford CC in order to provide greater security of tenure.
- Ensure proposed developments for ancillary and new cricket square facility improvements at Knebworth Park Cricket Club and Hitchin Cricket Club (Lucas Lane Recreation Ground) go ahead as planned.
- Increase and improve training provision, particularly at sites that do not contain practice nets.

Rugby union

- Senior pitches at King George V Playing Fields (used by Hitchin RUFC) are played to capacity, whilst mini pitches have actual spare capacity amounting to 4.5 match equivalent sessions.
- A senior pitch at the Priory School, Hitchin is used for training purposes by Hitchin RUFC and has one match equivalent of spare capacity.
- There are pitches at Hitchin Boys School Sports Centre and Kingshott School which are not available to the community.

Recommendations

- Improve quality from standard (M21/D2) in order to provide additional capacity on senior pitches at King George V Playing Fields.
- Explore community use possibilities at currently unavailable schools.
- Support Hitchin RUFC in its facility investment programme.

Hockey

- There is one full size hockey suitable AGP located at Hitchin Boys School.
- A proposal is in place for a sand-based AGP to be provided at Lucas Lane Recreation Ground.

Recommendations

- Support Blueharts Hockey Club in its proposal for an AGP at Lucas Lane Recreation Ground subject to planning permission.
- Ensure hockey play on the AGP is protected for current and future demand and retained as a suitable surface for hockey.
- Ensure sinking funds are in place.

Tennis

- The current supply of tennis courts is deemed adequate to accommodate current and future demand.

Recommendations

- ◀ Improve court quality to good across all sites.
- ◀ Support Pirton Tennis Club in its plans to resurface its courts and build a clubhouse, subject to planning permission.
- ◀ Support St Pauls Walden Tennis Club in its plans to provide floodlighting on its two remaining courts, subject to planning permission.

Athletics

- ◀ There are no athletics tracks in the Analysis Area and no plans to create one.

Recommendations

- ◀ Seek potential sites for creation of trim trails around pitches or open spaces with 3-2-1 routes.
- ◀ Support road running clubs.

Bowls

- ◀ There are five bowling greens in the Analysis Area, all of which are assessed as good quality.
- ◀ Current supply is deemed adequate to service demand, as the majority of bowling greens are considered to have spare capacity.

Recommendations

Retain the quality and usage of the greens.

Golf

- ◀ The Analysis Area contains three golf courses; Chesfield Downs Golf & Country Club, Tea Green Golf Centre and Knebworth Golf Club.
- ◀ Tea Green Golf Centre is subject to a proposal for a residential development.

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ⁵	Aim	Cost ⁶
7	Breachwood Green Recreation Ground (Breachwood Green CC)	Cricket	Club	One pitch (7 grass wickets) assessed as standard quality. No spare capacity identified in the peak period for cricket.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Club ECB	Club (L)	L	Protect Enhance	L
		Tennis		One macadam court assessed as good quality. One macadam court and one artificial turf court assessed as standard. Good quality court is floodlit.	Sustain quality.	Club LTA		L	Protect	L
8	Cadwell Recreation Ground, Hitchin	Football	District Council	One good quality adult pitch used by Hitchin Rovers FC with spare capacity of two matches per week.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council FA	Key centre (L)	L	Protect	L
9	Codicote Sports and Social Club	Cricket	Club	One pitch (10 grass wickets) assessed as good quality. No spare capacity identified in the peak period for cricket. Codicote CC rent the pitches and express that they are good quality, however the changing facilities are poor.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Investigate potential for funding to refurbish poor ancillary facilities.	Club ECB	Key centre (M)	M	Protect Enhance	M
		Football		One good quality adult pitch with spare capacity of 1.5 matches and one good quality mini soccer with spare capacity of four matches per week. Used by Codicote Youth FC.	Retain spare capacity in order to sustain / protect pitch quality.	Club FA	(L)	L	Protect	L
		Tennis		Three macadam courts, floodlit and assessed as good quality.	Sustain quality.	Club LTA	(L)	L	Protect	L
13	Graveley Cricket Club	Cricket	Club	One pitch (8 grass wickets) assessed as good quality. No spare capacity identified in the peak period for cricket. Gravely CC lease the pitches and express that they are standard quality.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Club ECB	Club (L)	L	Protect Enhance	M
17	Hitchin Boys School Sports Centre	Cricket	Education	One pitch (6 grass wickets) assessed as standard quality and used by Preston CC. No spare capacity identified in the peak period for cricket. Preston CC also expresses the desire for practice nets.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Investigate possibility for funding for practice nets.	Education ECB	Education (L)	L	Protect	n/a
		AGP		One full size floodlit sand dressed pitch that is utilised by Blueharts Hockey Club. The pitch was refurbished in 2011.	Ensure appropriate maintenance is in place and sinking funds for any refurbishments.	Education EH				
		Rugby union		Two poor quality mini pitches and one –poor quality senior pitch that are not available for community use.	Not current local demand for community use. Retain for school use.	Education RFU				
		Football		Three good quality pitches; adult, mini and youth (9v9). With spare capacity. Leased to Hitchin Town FC	Retain spare capacity in order to sustain / protect pitch quality.	Education FA				L
		Tennis		Five macadam courts assessed as good quality. Two courts are floodlit. All courts are available to the community and well used by HBS Lawn Tennis Club.	Sustain quality.	Education Club LTA		L	Protect	L

⁵ Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

⁶ (L) -Low - less than £50k; (M) -Medium - £50k-£250k; (H) -High £250k and above

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ⁵	Aim	Cost ⁶
18	Hitchin Girls School	Tennis	Education	Four macadam courts assessed as good and four assessed as poor. Not floodlit and not available to the community.	No local demand for community use. Improve poor quality courts for school use.	Education LTA	Education (L)	S	Enhance	M
19	Hitchin Sports Centre	AGP	Education	One full size floodlit 3G Football Turf Pitch. The pitch is currently used during peak community hours by a number of clubs including Watford FC academy. There is a restriction on the floodlights to 8pm.	Ensure 3G pitch is registered and subsequently included on the FA Football Turf Pitch Register. Ensure sinking fund is in place for the future replacement / refurbishment of the carpet. Seek to maximise community use of the FTP through extended floodlighting.	Education FA	Education (H)	S	Protect Enhance	L
20	Ickleford Sport & Recreation Club	Cricket	Parish Council	One pitch (10 grass wickets) assessed as good quality with nets and used by Ickleford CC. No spare capacity identified in the peak period for cricket. Ickleford CC leases the pitch from the council however there is less than 10 year remaining.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Ensure that community use agreement (lease) with Ickleford CC is renewed.	Parish Council	Education (L)	L	Protect	L
20	Ickleford Sport & Recreation Club	Football	Club	One good quality adult pitch with spare capacity of one match per week. One 7v7 and one 5v5 mini pitch good quality with spare capacity of 4.5 matches per week. Pitches are used by a number of clubs including FC Comets, Ickleford Sports FC and Hitchin Town FC.	Retain spare capacity in order to sustain / protect pitch quality.	Club FA	Club (L)	L	Protect	L
22	Kimpton Recreation Ground	Football	Parish Council	One good quality adult pitch with spare capacity of one match per week and two good quality mini soccer pitches with spare capacity of 4.5 matches per week. Pitch is leased to Kimpton Rovers from the parish council.	Retain spare capacity in order to sustain / protect pitch quality.	Parish Council FA	Key centre (L)	L	Protect	L
23	King George V Playing Fields, Hitchin	Football	County Council District Council	Two adult poor quality and one youth (9v9) poor quality pitch with overplay of one match per week.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	County Council FA	Strategic (H) (H) (M)	S	Protect	M
		Rugby union / Rugby League		Three standard quality (M1/D2) pitches used by Hitchin RUFC for training and matches that are overplayed by 3.5 matches. Three standard quality senior pitches with no spare capacity, pitches are also used by North Herts Crusaders RLFC (as of summer 2015). Pitches are also used during the summer by North Herts Crusaders Rugby League Club. (Four teams).	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council RFU RFL Club		S	Protect Enhance	H
		Tennis		One macadam court assessed as standard quality.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council LTA		M	Enhance Protect	L
24	King George's Way Playing Field,	Cricket	Parish Council	One pitch (4 grass wickets) assessed as poor quality and used by Whitwell CC. No spare	Ensure appropriate pitch maintenance is applied in order to sustain quality and	Parish Council	Strategic (H)	S	Protect Enhance	L

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ⁵	Aim	Cost ⁶
	Whitwell			capacity identified in the peak period for cricket. Whitwell CC rent the pitches and express that they are poor quality.	current usage. Ensure that community use agreement with Gravely CC remains in place.	ECB	(L)			
		Football		One good quality pitch with spare capacity of 2.5 matches per week.	Retain spare capacity in order to sustain / protect pitch quality.	Parish Council FA		L	Protect	L
25	Knebworth Park Cricket Club	Cricket	Club	One pitch (15 grass wickets) assessed as standard quality and used by Knebworth Park CC. No spare capacity identified in the peak period for cricket. Knebworth Park CC express that the ancillary facilities are poor. The Club reports a need for an artificial wicket on at least one square. Also requires a mobile net and catching spring boards. The Club lease the facilities on a one year rolling lease. The Club have an agreement to relocate the facilities within the park to a more ideal location.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Ensure that the lease remains in place. Further investigate the future need for artificial wicket at the site. Support the relocation of the Club and its facilities within the park.	Club ECB	Club (H)	S	Protect Enhance Provision	L
26	Knebworth Recreation Ground	Football	Parish Council	Three good quality adult pitches with considerable spare capacity of 7.5 matches per week. Two mini soccer pitches with spare capacity of 3.5 matches per week. Two youth pitches with spare capacity of 3.5 matches per week.	Retain spare capacity in order to sustain / protect pitch quality.	Parish Council FA	Club (L)	L	Protect	L
		Tennis		Four standard quality macadam courts which are floodlit.	Improve and sustain court quality.	Parish Council LTA	(M) (L)	M	Enhance Protect	L
		Bowls		A good quality green.	Sustain green quality.	Parish Council		L	Protect	L
30	Lilley Recreation Ground (Lilley CC)	Cricket	Parish Council	One pitch (10 grass wickets) assessed as standard quality and used by Lilley CC. Actual spare capacity identified in the peak period for cricket. Lilley CC have a lease which has less than 10 years remaining.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Ensure that the lease is renewed.	Club ECB Parish Council	Club (H)	S	Protect Enhance	L
31	Little Wymondley Playing Field	Football	Parish Council	One standard quality adult pitch with spare capacity of two matches per week. No changing facilities exist.	Investigate options to improve quality in order to address overplay and build future site capacity. Investigate potential for new changing / modular build facilities.	Parish Council FA	Key centre (L)	L	Protect Enhance	M
32	Lucas Lane Recreation Ground, Hitchin	Cricket	Club	One pitch (14 grass wickets) assessed as standard quality and used by Hitchin CC and one good quality non-turf wicket. Actual spare capacity identified in the peak period for cricket. Hitchin CC own the ground. Hitchin Cricket Club, who are based at Lucas Lane recreation ground are currently working with Hertfordshire Cricket to develop new changing facilities as the current clubhouse is old and worn. A planning application has been submitted and the Club await planning consent.	Ensure quality of the ground maintenance is retained. Ensure that plans to develop the club house and ancillary facilities are actioned.	ECB Club	Strategic (H)	S	Protect Enhance	H
		Football		Two adult standard quality pitches with spare capacity of 2.5 matches per week and one mini soccer (7v7) standard quality pitch with spare	Investigate options to improve quality in order to address overplay and build future site capacity.	FA		L	Protect Enhance	L

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ⁵	Aim	Cost ⁶
		AGP		capacity of 2.5 matches per week.						
				In September 2015 planning permission was granted for the development of a new full size floodlit sand dressed pitch for Blueharts Hockey Club. The Club will now be located at two locations Lucas lane and Hitchin Boys School.						
Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ⁷	Aim	Cost ⁸
34	Offley Sports and Social Club	Cricket	Club	One pitch (12 grass wickets) assessed as standard quality and rented from the Council by Offley & Stopsley CC and one standard quality non-turf wicket.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Club ECB	Club (L)	L	Protect Enhance	L
		Football		One adult good quality pitch with spare capacity of 0.5 matches per week. Two good quality mini soccer (5v5) and one good quality mini soccer pitches (7v7) both with spare capacity.	Retain spare capacity in order to sustain / protect pitch quality.	Club FA	(L)	L	Protect Enhance	L
35	Parkfield Crescent Sports Ground (Kimpton CC)	Cricket	Club	One pitch (12 grass wickets) assessed as standard quality. Actual spare capacity during peak time exists.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Club ECB	Club (L)	L	Protect Enhance	L
		Tennis		Three standard quality, floodlit, macadam courts.	Improve and sustain quality.	Club LTA	(M)	M	Protect Enhance	L
36	Pirton Recreation Ground	Cricket	Parish Council	One pitch (7 grass wickets) assessed as standard quality and one standard quality non-turf wicket. Actual spare capacity during peak time exists. Pitch is used by Pirton CC.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Parish Council ECB	Strategic (L)	L	Protect Enhance	L
		Football		Four good quality pitches; adult, youth (9v9) and mini soccer (5v5 and 7v7) all with spare capacity. Changing facilities are expressed as poor.	Retain spare capacity in order to sustain / protect pitch quality.	Parish Council FA	(M)	M	Protect	L
39	Preston Cricket Club	Cricket	Club	One pitch (12 grass wickets) assessed as standard quality with nets but club require additional nets. Actual spare capacity during peak time exists.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Investigate potential for more nets at the Club ground.	Parish Council ECB	Key centre (L)	L	Protect Enhance	L
40	Purwell Recreation Ground, Hitchin	Football	District Council	Two standard quality youth 11v11 pitches with spare capacity of 2.5 matches per week.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council FA	Key centre (L)	L	Protect Enhance	L
42	Ransome Recreation Ground, Hitchin	Football	District Council	One poor quality adult pitch with overplay of one match per week.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council FA	Key centre (H)	S	Protect Enhance	L
47	St Ippolyts Recreation Ground	Football	Parish Council	One good quality adult pitch with spare capacity of two matches per week.	Retain spare capacity in order to sustain / protect pitch quality.	Parish Council FA	Key centre (L)	L	Protect Enhance	L

⁷ Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

⁸ (L) -Low - less than £50k; (M) -Medium - £50k-£250k; (H) -High £250k and above

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ⁵	Aim	Cost ⁶
		Bowls		A good quality green.	Sustain green quality.	Parish Council	(L)	L	Protect	L
53	St. Johns Playing Field, Hitchin	Football	District Council	One poor quality adult pitch that is overplayed by one match per week. Changing facilities expressed as poor.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council FA	Key centre (H)	S	Protect Enhance	M
54	Swinburne Recreation Ground, Hitchin	Football	District Council	Two poor quality pitches; one adult with overplay of 0.5 matches per week and one youth (11v11) with no spare capacity. Changing facilities are poor.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council FA	Key centre (H)	S	Protect Enhance	M
58	The Holwell Recreation Ground	Cricket	Parish Council	One pitch (8 grass wickets) assessed as standard quality with no spare capacity within the peak period. Pitch is used by Ickleford CC.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Parish Council ECB	Key centre (L)	L	Protect Enhance	L
		Football		One good quality adult pitch with spare capacity of 2.5 matches per week.	Retain spare capacity in order to sustain / protect pitch quality.	Parish Council FA				
		Bowls		A good quality green.	Sustain green quality.	Parish Council				
60	The Priory School, Hitchin	Football	Education	Two good quality adult pitches with spare capacity of 2.5 matches per week and one youth (11v11) good quality pitch with spare capacity of 2.5 matches per week.	Retain spare capacity in order to sustain / protect pitch quality.	Education FA	Education (L)	L	Protect Enhance	L
		Rugby union		The Priory School has extensive links with Hitchin RUFC, the pitch was assessed as M1 / D1 (standard) with a good drainage system at the School and a good maintenance programme which is managed by the School.	Retain training use by Hitchin RUFC.	Education RFU Club				
		Tennis		Five tarmac courts assessed as standard. Not floodlit and not available for community use.	No local demand. Retain for school use.	Education LTA				
63	Top Field, Hitchin	Football	Club	One good quality adult pitch with spare capacity of two matches per week. The pitch is used by Hitchin Town FC,	Retain the quality of the pitch and ensure that appropriate maintenance is in place.	Club FA	Key centre (M)	M	Protect	L
64	Walsworth Common, Hitchin	Football	District Council	One good quality youth (9v9) pitch with spare capacity of three matches per week. Changing facilities expressed as poor.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council FA	Key centre (M)	M	Protect	L
66	Wilshire-Dacre Junior School, Hitchin	Football	Education	One good quality mini soccer (5v5) pitch with spare capacity of one match per week and one good quality mini soccer (7v7) pitch with spare capacity of 2.5 matches per week.	Retain the quality for the school and ensure any community use at the school.	Education FA	Education (L)	L	Protect	L
69	Riverain Bowls Club, Hitchin	Bowls	Club	A good quality green.	Sustain green quality.	Club	Club (L)	L	Protect	L

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ⁵	Aim	Cost ⁶
70	Kimpton Bowling Club	Bowls	Club	A standard quality green.	Support club in sustaining an improving green quality.	Club	Club (L)	L	Protect Enhance	L
71	Bancroft Recreation Ground, Hitchin	Bowls	Club	A good quality green. Another green on site is no longer in use and proposals for regeneration of the site would result in its permanent loss.	Sustain green quality. No demand for second green.	Club District Council	Club (L)	L	Protect	L
78	Wymondley Tennis Club	Tennis	Club	Two standard quality macadam courts. Not floodlit.	Improve and sustain court quality.	Club LTA	Club (M)	M	Protect Enhance	L
81	Hitchin Lawn Tennis Club	Tennis	Club	Three good quality, floodlit, macadam courts located in Bancroft Park.	Sustain court quality.	Club LTA	Club (L)	L	Protect	L
82	Bancroft Recreation Ground, Hitchin	Tennis	District Council	Closed.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council LTA	Club (H)	S	Enhance	M
87	Pirton Tennis Club	Tennis	Club	Four macadam courts, all of which are floodlit. Two are assessed as good quality after recently being resurfaced, whilst the remaining two are standard quality.	Sustain court quality.	Club LTA	Club (L)	L	Protect	L
88	St Pauls Walden Tennis Club, Whitwell	Tennis	Club	One standard quality macadam court and two poor quality macadam courts. Standard quality court is floodlit.	Improve poor quality courts.	Club LTA	Club (H)	S	Protect Enhance	M
9902	Kimpton Tennis Club	Tennis	Club	Three good quality, floodlit, macadam courts.	Sustain court quality.	Club LTA	Club (L)	L	Protect	L
9904	Kingshott School, Hitchin	Cricket	Education	One pitch (8 grass wickets) assessed as good with Spare capacity discounted due to non-availability for community use. One good quality non-turf wick.	Retain the quality and use for school.	Education FA RFU	Education (L)	L	Protect	L
		FTP		One full size 3G football turf pitch that is not available to community use and built in 1999.	Retain the pitch for education use.					
		Rugby union		At the independent school there are three mini poor quality pitches used for PE lessons only with no community use.	Not current local demand for community use. Retain for school use.					
9908	Hexton Recreation Ground	Football	Parish Council	One standard quality adult pitch with spare capacity of one match per week and one youth (11v11) standard quality pitch with spare capacity 1.5 matches per week. The pitches are leased to Hexton FC.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Retain spare capacity in order to protect pitch quality.	Parish Council FA	Key centre (L)	L	Protect Enhance	L
9909	Ickleford Primary School	Football	Education	One mini soccer (7v7) standard quality pitch with spare capacity of two matches per week. Pitch used by Hitchin Belles FC.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Retain spare capacity in order to protect pitch quality.	Education FA	Education (L)	L	Protect Enhance	L
9910	Mary Exton JMI School, Hitchin	Football	Education	One mini soccer (7v7) standard quality pitch with spare capacity of 2.5 matches per week. Pitch used by Hitchin Belles FC.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Retain spare capacity in order to protect pitch quality.	Education FA	Education (L)	L	Protect Enhance	L
9913	Cowards Lane, Codicote	Tennis	Parish Council	One poor quality macadam court. Not floodlit.	Improve court quality.	Parish Council	Club (H)	S	Protect Enhance	M

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ⁵	Aim	Cost ⁶
						LTA				
9914	Codicote C of E School	Football	Education	One mini soccer (7v7) and one youth (9v9) both standard quality pitches available for community use but not used.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (L)	L	Provision	L
9918	Whitehill Junior School, Hitchin	Football	Education	One mini soccer (7v7) and one youth (11v11) both standard quality pitches available for community use but not used.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provision	L
9921	Our Lady Catholic Primary School, Hitchin	Football	Education	One standard quality adult pitch not available for community use.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provision	L
9924	Kimpton Primary School	Football	Education	One mini soccer (7v7) and one youth (9v9) both standard quality pitches available for community use but not used.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provision	L
9925	Knebworth Nursery & Primary School	Football	Education	One youth (11v11) standard quality pitch available for community use but not used.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provision	L
9926	Ashwell Primary School	Football	Education	One mini soccer (7v7) standard quality pitch not available for community use.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provision	L
9929	Highover JMI School, Hitchin	Football	Education	One youth (9v9) and one youth (11v11) both standard quality pitches. Not available for community use.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provision	L
9932	Wymondley JMI School	Football	Education	One youth (9v9) and one youth (11v11) both standard quality pitches. Not available for community use.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provision	L
9933	Sandon JMI School	Football	Education	One youth (9v9) standard quality pitch available for community use but not used.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provision	L
9951	Chesfield Downs Golf & Country Club	Golf	Club	An 18-hole course privately owned by Crown Gold. Also contains a par 3 nine-hole course.	Retain course.	Club	Club (L)	L	Protect	L
9955	Tea Green Golf Centre	Golf	Club	A nine-hole par 3 course subject to a planning application for a housing development.	The privately owned nine-hole par 3 course is currently subject to a planning application for a housing development. Further investigation is required as to the development of housing and the impact on the Club.	Club	Club (M)	M	Provide	L
9956	Knebworth Golf Club	Golf	Club	An 18-hole course owned by the Club on a 75 year lease. The Club has 520 members.	Retain course.	Club	Club (L)	L	Protect	L

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

ROYSTON SUMMARY

Football

Summary of pitches required to meet current and future demand

Pitch type	Actual spare capacity ⁹	Demand (match equivalent sessions)					
		Overplay	Strategic reserve (20%)	Latent demand	Current total	Future demand	Total
Adult pitches	3	-	0.5	-	-2.5	1	-1.5
Youth pitches	3	-	0.5	-	-2.5	4	1.5
Mini pitches	7	-	1.5	-	-5.5	1	-4.5

- ◆ Spare capacity exists on adult and mini pitches both now and after taking into account future demand.
- ◆ Spare capacity of 2.5 match equivalents currently exists on youth pitches, however, future demand results in a potential shortfall of 1.5 match equivalent sessions.
- ◆ There is no recorded overplay.
- ◆ There are 10 youth teams playing on adult pitches.

Recommendations

- ◆ Improve pitch quality in order to increase potential capacity and better accommodate current/future demand.
- ◆ Retain small amounts of spare capacity where it can be used to protect/improve quality.
- ◆ Transfer youth teams playing on adult pitches to youth pitches.
- ◆ Consider 3G provision as a way to accommodate increased demand and shortfalls.

3G pitches

- ◆ There is a requirement for one full size 3G pitch within the Analysis Area and there is currently one pitch, located at Meridian School.
- ◆ The pitch is FA certified for competitive matches and available for community use.

Recommendations

- ◆ The School should ensure sinking fund is in place for eventual re-surfacing of the carpet at Meridian School.

Cricket

- ◆ There are five grass wicket pitches available for community use.
- ◆ Actual spare capacity of 1.5 match equivalents exists in the Analysis Area, with no pitches overplayed.

Recommendations

- ◆ Extend lease arrangement for Reed CC in order to provide greater security of tenure.
- ◆ Increase and improve training provision, particularly at sites that do not contain practice nets.

⁹ In match equivalent sessions

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

Rugby union

- ◀ The pitch at Heath Sports Centre used for senior matches and training by Royston RUFC is played to capacity.
- ◀ The pitch used by junior and mini teams has one match equivalent of spare capacity.

Recommendations

- ◀ Sustain quality of pitches in order to continue accommodating demand.

Hockey

- ◀ There are no hockey suitable AGPs in the Analysis Area despite demand existing from Royston Hockey Club. Teams within the Club are currently displaced.
- ◀ A proposal is in place for sand-based AGP at Royston Heath.

Recommendations

- ◀ Support the proposal for a new hockey suitable AGP at Royston Heath, which would be subject to planning permission.

Tennis

- ◀ The current supply of tennis courts is deemed adequate to accommodate current and future demand.

Recommendations

- ◀ Improve court quality to good across all sites.

Athletics

- ◀ There are no athletics tracks in the Analysis Area and no plans to create one.

Recommendations

- ◀ Seek potential sites for creation of trim trails around pitches or open spaces with 3-2-1 routes.
- ◀ Support road running clubs.

Bowls

- ◀ Royston Bowling Club provides the only green in the area.
- ◀ There is no reported demand for additional outdoor greens.

Recommendations

- ◀ Sustain good green quality at Royston Bowling Club.

Golf

- ◀ The Analysis Area contains two golf courses; Barkway Park Golf Club and Royston Golf Club.
- ◀ The current level of supply is deemed sufficient to meet demand.

Recommendations

- ◀ Retain the quality of the courses and ensure appropriate maintenance is in place.

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ¹⁰	Aim	Cost ¹¹
5	Barkway Recreation Ground	Football	Parish Council	Two adult good quality pitches with spare capacity of four matches per week and one mini soccer (7v7) good quality pitch with spare capacity of six matches per week. Pitches used by Royston Town FC who utilise the pitches for training and matches.	Retain quality and maintenance programme for club usage.	Parish Council FA	Key centre (L)	L	Protect	L
6	Barley Cricket Club	Cricket	Club	One pitch (12 grass wickets) assessed as standard quality. No spare capacity identified in the peak period for cricket. The ground is leased from the Council and practice nets are available.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Club ECB	Club (L)	L	Protect Enhance	M
10	Cokenach Cricket Club	Cricket	Club	One pitch (10 grass wickets) assessed as standard quality. With spare capacity identified in the peak period for cricket. There is also a non-turf wicket. The ground is leased from the Council. The Club are affiliated to Cambridgeshire Cricket Board.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Club ECB	Club (L)	L	Protect Enhance	M
14	Heath Sports Centre, Royston	Football	Private	One good quality adult pitch with spare capacity of one match per week. One standard quality youth (9v9) pitch with spare capacity of two matches per week and one standard quality with spare capacity of 3.5 matches per week.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. New sand based AGP to be located at the sports centre will result in the displacement of the youth pitch. The pitch will be used by Royston Hockey Club as the Clubs home base.	Town Council FA EH	Strategic (H)	S	Protect Enhance Provide	M
		Rugby Union		The Heath Sports Centre pitches (2) were assessed as M1 / D3 (Good) - good quality pitches, Royston RUFC confirmed that they are of good quality and that it has no drainage or maintenance issues. Access to changing is via a modular build.	Retain the quality of the pitches for the Club. Investigate the potential for a purpose built changing / community facility for the Club. Ensure lease is renewed when appropriate.	Town Council RFU Club	(H)	S	Protect Enhance	M
		Tennis		Six macadam courts assessed as good quality. Floodlit.	Sustain quality.	LTA	(L)	L	Protect	L
33	Meridian School, Royston	Cricket	Education	One good quality stand-alone non-turf wicket that is available for community use but not used.	Retain the quality for the wicket and explore options for community use.	Education ECB	Education (M)	M	Protect Provide	L
		Football		One good quality adult pitch with spare capacity of two matches per week and one good quality youth (11v11) pitch with spare capacity of four matches per week. Pitches are not available for community use.	Retain the quality for the wicket and explore options for community use.	Education FA	(L)	L		
		FTP		One full size floodlit 3G football turf pitch built in 2009 and funded by the football foundation. The pitch has been FA certified. Pitch is used to capacity during peak hours.	Retain the quality of the pitch. Ensure sinking funds are in place and retain all community use for football.					

¹⁰ Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

¹¹ (L) -Low - less than £50k; (M) -Medium - £50k-£250k; (H) -High £250k and above

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

		Tennis		Six macadam courts, three of which are over marked by netball. Not floodlit. Available to the community but unused.	No local demand. Retain for school use.	Education LTA	(L)	L		

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ¹²	Aim	Cost ¹³

38	Plaistow Recreation Field, Barley	Tennis	Parish Council	Two macadam courts assessed as standard quality. Not floodlit.	Improve and sustain quality.	Parish Council LTA	Key centre (L)	L	Protect Enhance	L
43	Reed Cricket Club	Cricket	Club	One pitch (17 grass wickets) assessed as standard quality. With no spare capacity identified in the peak period for cricket. The ground is leased from the Council and has less than 10 years remaining. The ground also has practice nets.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Club ECB	Club (L)	L	Protect Enhance	M
45	Roysia Middle School, Royston	Football	Education	Five standard quality pitches. One adult with overplay of one match per week. Two youth (9v9) with spare capacity of two matches per week, one mini soccer (7v7) with spare capacity of two matches per week and one mini soccer (5v5) with spare capacity of three matches per week.	Improve the quality of the adult pitch, whilst retaining the quality of the additional pitches. Ensure community use is secured and continues.	Education FA	Education (M)	M	Protect Enhance	L
46	Royston Town Football Club	Football	Club	One good quality adult pitch with spare capacity of 1.5 matches per week. The Club has aspirations to relocate however discussions have not taken place with the FA.	Retain the quality of the pitch and ensure that appropriate maintenance is in place. Ensure all partners are aware of and up to date with the Cubs aspirations in terms of relocation within the district.	Club FA	Club (M)	M	Protect	L
56	The Greneway School, Royston	Cricket	Education	One pitch (6 grass wickets) assessed as standard quality. With spare capacity identified in the peak period for cricket. The pitch is available for community use however it is not used.	Ensure appropriate pitch maintenance is applied in order to sustain quality and investigate the options for club usage for training and matches	Education ECB	Education (M)	M	Protect Provision	L
		Football		Five pitches located at the School. One standard quality youth (11v11) with no spare capacity, one good quality youth (9v9) pitch with spare capacity of six matches per week and two mini soccer (5v5 and 7v7) good quality pitches of five matches per week.	Retain the quality of the pitches and ensure that community use agreements are in place.	Education FA				
62	Therfield Recreation Ground	Cricket	Conservators of Therfield Heath	One pitch (8 grass wickets) assessed as standard quality. With spare capacity identified in the peak period for cricket. The pitch is used by Therfield & Kelshall CC rented to the Club from the Council.	Ensure appropriate pitch maintenance is applied in order to sustain quality and	Club ECB	Key Centre (M)	M	Protect Provision	L
		Football		One good quality adult pitch with spare capacity of four matches per week.	Retain the quality of the pitch and ensure that appropriate maintenance is in place.	Club FA	Key Centre (M)	M	Protect	L
77	Royston Bowling Club	Bowls	Club	A good quality green.	Sustain green quality.	Club	Club (L)	L	Protect	L
9905	Tannery Drift First School, Royston	Football	Education	One good quality mini soccer (7v7). The School has proposed an extension to its	Retain the quality for the school and ensure any community use at the school.	Education FA	Education (L)	L	Protect	L

¹² Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

¹³ (L) -Low - less than £50k; (M) -Medium - £50k-£250k; (H) -High £250k and above

				current facilities with a small multi use games area (MUGA)	Support expansion of School facilities ensuring that a community use agreement is in place.					
9911	Priory Gardens, Royston	Tennis	District Council	One macadam court assessed as standard quality. There is also an additional macadam court that is used for multi sport.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council LTA	Club (L)	L	Protect Enhance	L
9950	Barkway Park Golf Club	Golf	Club	A privately owned 18-hole course. Membership is unknown.	Retain course.	Club	Club (L)	L	Protect	L
9954	Royston Golf Club	Golf	Club	An 18-hole course rented from the Conservators of Therfield. The Club has 485 members in total.	Retain course.	Club	Club (L)	L	Protect	L

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

LETCHWORTH AND BALDOCK SUMMARY

Football

Summary of pitches required to meet current and future demand

Pitch type	Actual spare capacity ¹⁴	Demand (match equivalent sessions)					
		Overplay	Strategic reserve (20%)	Latent demand	Current total	Future demand	Total
Adult pitches	3.5	2.5	-	0.5	-0.5	3	2.5
Youth pitches	4.5	-	1	-	-3.5	10	6.5
Mini pitches	7	-	1.5	-	-5.5	2	-3.5

- ◆ Spare capacity exists on adult pitches amounting to 0.5 match equivalents of spare capacity. When taking into account future demand, there is a shortfall of 2.5 match equivalent sessions.
- ◆ Similarly, spare capacity totalling 3.5 match equivalents exists on youth pitches, however, future demand results in a shortfall of 6.5 match equivalent sessions.
- ◆ Spare capacity exists on mini pitches both now and in the future.
- ◆ Overplay exists on adult pitches at Bakers Close Playing Field and Grange Playing Field. No youth or mini pitches are overplayed.
- ◆ There are 19 youth teams playing on adult pitches.

Recommendations

- ◆ Improve pitch quality in order to increase potential capacity and better accommodate current/future demand.
- ◆ Retain small amount of spare capacity on mini pitches to protect/improve quality.
- ◆ Alleviate overplay.
- ◆ Transfer youth teams playing on adult pitches to youth pitches.
- ◆ Consider 3G provision as a way to accommodate increased demand and shortfalls.

3G pitches

- ◆ There is a requirement for one full size 3G pitch within the Analysis Area; there are currently two (Knights Templar Sports Centre, Baldock and The Arena, Baldock).
- ◆ Both pitches are available for community use and well used.
- ◆ Letchworth Garden City Eagles FC, users of Knights Templar Sports Centre, report a need for additional provision in order to accommodate training demand.
- ◆ A new 5v5 3G FTP which is to be installed at Lordship Farm Primary school should be maximised for community usage.

Recommendations

- ◆ Seek to further investigation as to improvements to be made at the Arena following FA 3G testing.
- ◆ Ensure sinking fund is in place for eventual re-surfacing.

¹⁴ In match equivalent sessions

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

- ◀ Explore possible locations for future 3G pitch provision in order to accommodate additional demand. The resurfacing of Hertfordshire FA stadia pitch, in Letchworth, to a 3G pitch is one option.

Cricket

- ◀ There are five grass wicket pitches available for community use.
- ◀ Weston Cricket Club is overplayed by 37 match equivalents, whilst no pitches have actual spare capacity.

Recommendations

- ◀ Alleviate overplay at Weston Cricket Club.
- ◀ Increase and improve training provision, particularly at sites that do not contain practice nets.

Rugby union

- ◀ Senior pitches at Letchworth Garden City RUFC are overplayed by 8.5 match equivalents sessions.
- ◀ The Recreation Ground (Site ID 61) has spare capacity of 1.5 match equivalent sessions.
- ◀ Pitches at Knights Templar Sports Centre and Fearnhill School are available to the community but unused.

Recommendations

- ◀ Improve quality in order to reduce overplay at Letchworth Garden City RUFC.
- ◀ Consider additional floodlighting.

Hockey

- ◀ There is one full size hockey suitable AGP located at Letchworth Corner Sports Club, which is deemed sufficient to meet demand.

Recommendations

- ◀ Ensure a sinking fund is in place.

Tennis

- ◀ The current supply of tennis courts is deemed adequate to accommodate current and future demand.

Recommendations

- ◀ Improve court quality to good across all sites.
- ◀ Support Letchworth Sports & Tennis Club in its plans to build two new floodlit courts and a seasonal air-hall, which would be subject to planning permission.

Athletics

- ◀ There are no athletics tracks in the Analysis Area and no plans to create one.

Recommendations

- ◀ Seek potential sites for creation of trim trails around pitches or open spaces with 3-2-1 routes.
- ◀ Support road running clubs.

Bowls

- ◀ There are six bowling greens in the Analysis Area, all of which are assessed as good quality with the exception of Howard Garden, Letchworth.
- ◀ Current supply is deemed adequate to service demand, as the majority of bowling greens are considered to have spare capacity.

Recommendations

- ◀ Sustain quality of bowling greens.

Golf

- ◀ The Analysis Area contains two golf courses; Letchworth Golf Club and Letchworth Par 3 Family Golf Centre.
- ◀ The current level of supply is deemed sufficient to meet demand.

Recommendations

- ◀ Retain the quality of the courses and ensure appropriate maintenance is in place.

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ¹⁵	Aim	Cost ¹⁶
1	Ashwell Recreation Ground (Ashwell CC)	Cricket	Club	One pitch (9 grass wickets) assessed as standard quality. Actual spare capacity identified in the peak period for senior cricket. Changing provision available and rated as poor quality.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage. Explore future options to accommodate demand/shortfalls from other Areas/sites.	Club ECB	Club	M	Protect Provide Enhance	M
2	Avenue Park Sports and Social Club, Baldock (Baldock CC)	Cricket	District Council	One pitch (9 grass wickets) assessed as standard quality. Actual spare capacity identified in the peak period for senior cricket. Changing provision available and rated as standard quality.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	Club ECB District Council	Club	M	Protect Provide Enhance	M
		Football		One poor quality youth (9v9) pitch used by Baldock Town FC with no spare capacity.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	FA District Council		H		
3	Bakers Close Playing Field, Baldock	Football	District Council	One adult poor quality pitch with overplay of one match per week. The pitch is used by Baldock Town FC and The Boot Baldock FC.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council FA	Key centre	S	Protect Provide Enhance	M
4	Baldock Road Recreation Ground, Letchworth	Football	Council	Two poor quality adult pitches with spare capacity 9of 0.5 matches per week. Used by Letchworth Garden City Eagles FC. No changing facilities exist.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council FA	Key centre	S	Protect Provide Enhance	M
11	Fearnhill School, Letchworth	Cricket	Education	One pitch (4 grass wickets) assessed as good quality. Actual spare capacity identified in the peak period. However not used by the community.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage for the school.	Education ECB	Education	L	Protect	L
		Football		One adult good quality pitch with spare capacity of three matches per week. And two youth (11v11) good quality pitches with spare capacity of eight matches per. Week. Pitches not available for community use.	Retain quality for school use.	FA				
		Rugby union		One poor quality pitch, with no community use. Indoor facilities community use is managed by Stevenage Leisure Limited, however, outdoor provision has no community use.	Retain quality for school use.	Education RFU		M	Protect Enhance	L
		Tennis		Four tarmac courts unavailable to the community and not floodlit. Assessed as standard quality.	No local demand. Retain for school use.	Education LTA		L	Protect	L
15	Herts FA County Ground, Letchworth	Football	Club	One adult good quality pitch with spare capacity of 1.5 matches per week. Home to Herts FA.	Investigate the potential for the refurbishment of the main stadia pitch to a 4G football turf pitch.	FA	Club	S	Protect Provide	H
21	Jackmans Playing Field, Letchworth	Football	District Council	Two poor quality adult pitches with no capacity. Used by Letchworth Garden City	Please refer to NHDCs Green Space Strategy	District Council	Club	S	Protect	M

¹⁵ Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

¹⁶ (L) -Low - less than £50k; (M) -Medium - £50k-£250k; (H) -High £250k and above

				FC.	for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	FA			Enhance	
27	Knights Templar Sports Centre, Baldock	Cricket	Education	One non-turf pitch assessed as good quality. Actual spare capacity identified in the peak period. Available to the community and unused.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage for the school.	Education ECB	Education	L	Protect Enhance Provide	L
		Tennis		Four tarmac courts not floodlit. Available to the community and assessed as standard quality.	Improve and sustain court quality.	Education LTA		L		
		Football		One good quality adult pitch with spare capacity of one match per week and one mini soccer pitch (7v7) with spare capacity of six matches per week.	Retain spare capacity in order to sustain / protect pitch quality	Education FA		L		
		FTP		One full size floodlit 3G football turf pitch. That has been certified on the FA register used extensively during peak community hours by clubs such as Baldock Town FC and Letchworth Eagles FC.	Retain the quality of the pitch, ensure sinking funds are in place and retain community use hours.			L		
		Rugby union		Two poor quality mini pitches that have spare capacity of 2.5 ma5tch equivalents, however, there is no community use.	Seek to improve the quality of the pitches to accommodate any shortfalls within the analysis area.	Education RFU		M		M
28	Letchworth Corner Sports Club, Letchworth	Cricket	Club	One pitch (14 grass wickets) assessed as standard quality. Actual spare capacity identified in the peak period. Leased to Letchworth Garden City CC. The ground has nets and good quality ancillary facilities.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Club ECB	Strategic	L	Protect Enhance	L
		Football		One good quality adult with spare capacity of two matches per week and one good quality mini soccer (7v7) with spare capacity of six matches per week. Leased to Whitehorn Wanderers from the Council.	Retain spare capacity in order to sustain / protect pitch quality	Club FA		L		
		AGP		One full size sand dressed floodlit pitch that was refurbished in 2014 and used by Letchworth Hockey Club.	Retain the quality of the AGP with appropriate maintenance and sinking funds.	Club EH		L		
		Bowls		A good quality green.	Sustain green quality	Club		L		
29	Letchworth Garden City RUFC	Rugby Union	Letchworth Garden City Heritage Foundation	There are four poor quality pitches, one of which is floodlit and one of which is specifically used for training. The site is overplayed by 8.5 match equivalents. The site is home to Letchworth Garden City RUFC with a lease to 2036.	Ensure lease is renewed when appropriate. Investigate potential for further floodlights on a second pitch. Investigate access to further RFU funding to improve the pitches.	Club RFU	Club	S	Protect Enhance	H
34	Offley Sports & Social Club	Tennis	Club	Two macadam courts assessed as poor quality.	Improve court quality.	Club LTA	Club	S	Protect Enhance	M
37	Pixmore Playing Fields, Letchworth	Football	Club	Eight good quality pitches; adult, mini soccer (5v5v and 7v7) and youth (9v9) and two standard quality pitches all with spare capacity.	Retain spare capacity in order to sustain / protect pitch quality.	Council FA	Club	L	Protect	L
49	St Francis College, Letchworth	Tennis	Education	Five good quality macadam courts. Not floodlit.	Sustain quality and retain for college use.	Education LTA	Education	L	Protect	L
50	St John's Catholic Primary School,	Football	Education	One standard quality mini soccer (5v5) pitch with spare capacity of 1.5 matches per week.	Retain the quality for the school and ensure any community use at the school.	Education FA	Education	L	Protect	L

	Baldock			One standard quality youth (11v11) youth pitch used to capacity.						
55	The Arena, Baldock	FTP	Club	One full size floodlit 3G football turf pitch built in 2007. Used extensively by Letchworth Eagles FC. Also has community use and other teams	Partners should ensure sinking funds are in place for the replacement of the pitch in 2017.	Club FA	Club	H	Enhance Protect	M
57	The Highfield School, Letchworth	Football	Education	One good quality adult pitch with spare capacity of three matches per week. Not available for community use.	Retain the quality for the school and ensure any community use at the school.	Education FA	Education	L	Enhance Protect	M
		Tennis		Three tarmac courts assessed as poor quality. Not floodlit and not available to the community.	No local demand. Improve court quality and retain for school use. <i>Plans were agreed in February 2015 for the rebuilding of the School. The outdoor sports facilities will be replaced with a new multi use games area.</i>	Education LTA		S		
61	The Recreation Ground (SG4 7AA, Weston)	Football	Parish Council	One good quality adult pitch with spare capacity of three matches per week and one good quality youth (9v9) pitch with spare capacity of four matches per week.	Retain spare capacity in order to sustain / protect pitch quality	Parish Council FA	Strategic	L	Protect Enhance	L
		Rugby union		One poor quality senior pitch with spare capacity of 1.5 match equivalents and no floodlights. The ground is home to Weston RUFC. Weston RUFC currently leases the ground from NHDC as an open ended lease with currently no fixed term.	Ensure appropriate pitch maintenance is applied in order to sustain quality.	Parish Council RFU Club		M		M
		Tennis		Two macadam courts assessed as standard quality.	Improve and sustain quality.	Parish Council LTA		L		L
65	Weston Cricket Club	Cricket	Club	One pitch (8 grass wickets) assessed as standard quality. The pitches are overplayed by 37 matches per season. The Club express poor ancillary facilities and a need for more practice nets so that teams within the Club can train more often and for longer.	Ensure appropriate pitch maintenance is applied in order to maintain quality and sustain overplay. Overplay can be accommodated without the need for additional pitches/wickets. Support the Club to investigate funding opportunities in order to refurbish changing provision and install additional non turf practice facilities.	Education ECB	Education	S	Protect Enhance	H
73	Norton Bowling Club, Norton, Letchworth	Bowls	Club	A good quality green.	Sustain green quality.	Club	Club	L	Protect	L
74	Letchworth Garden City Bowls Club, Norton Common, Letchworth	Bowls	Club	A good quality green.	Sustain green quality.	Club	Club	L	Protect	L
75	Willian Bowls Club, Norton Common, Letchworth	Bowls	Club	A good quality green.	Sustain green quality.	Club District Council	Club	L	Protect	L
76	Avenue Park Bowls Club, Baldock	Bowls	Club	A good quality green.	Sustain green quality.	Club District Council	Club	L	Protect	L
83	Norton Common, Letchworth	Tennis	District Council	Seven macadam facilities (4 mini courts, 2 full size courts and a MUGA), floodlit and assessed as standard quality.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council LTA	Club	L	Protect Enhance	L

NORTH HERTFORDSHIRE PLAYING PITCH STRATEGY

Site ID	Site	Sport	Management	Current status	Recommended actions	Partners	Site hierarchy tier (priority level)	Timescales ¹⁷	Aim	Cost ¹⁸
84	Letchworth Sports & Tennis Club	Tennis	Letchworth Garden City Heritage Foundation	One macadam court assessed as good, three polymeric courts assessed as standard and four artificial turf courts assessed as good. All courts are floodlit.	Sustain quality.	Club LTA	Club	L	Protect	L
85	Avenue Park, Baldock	Tennis	District Council	Two macadam courts assessed as standard quality. Floodlit.	Please refer to NHDCs Green Space Strategy for action plan recommendations. Click here for link. http://www.north-herts.gov.uk/home/parks-and-open-spaces/green-space-strategy-2014-2019	District Council Club LTA	Key centre	L	Protect	L
86	Ashwell Tennis Club	Tennis	Club	Two macadam courts assessed as standard quality. The courts are not floodlit. 210 members access the courts.	Improve and sustain court quality.	Club LTA	Club	L	Protect Enhance	L
89	Howard Garden, Letchworth	Bowls	Club	A standard quality green.	Improve and sustain green quality.	Club District Council	Club	L	Protect Enhance	L
9901	Smallgains (off Station Road, Ashwell.)	Football	Parish Council	One good quality mini soccer (7v7) with spare capacity of six matches per week and one good quality youth (9v9) pitch with spare capacity of two matches per week.	Retain spare capacity in order to sustain / protect pitch quality.	Parish Council FA	Key centre	L	Protect	L
9903	Brandles School, Baldock	Tennis	Education	Two tarmac courts assessed as poor quality and unavailable to the community.	No local demand. Retain and improve for school use.	Education LTA	Education	S	Protect	M
9906	Hartsfield Mixed Junior & Infant School, Baldock	Football	Education	One standard quality youth (11v11) pitch with spare capacity of one match per week. Two mini soccer (7v7) standard quality pitches with spare capacity of seven matches per week. All pitches are used by Baldock Town FC.	Ensure appropriate pitch maintenance is applied in order to sustain quality and current usage.	Education	Education	M	Protect	L
9952	Letchworth Golf Club	Golf	Club	An 18-hole golf course home to 850 members, making it the most popular course in North Hertfordshire.	Retain course.	Club	Club	L	Protect	L
9953	Letchworth Par 3 Family Golf Centre	Golf	Club	A nine-hole par 3 course which is leased until 2023. The Club has 44 members in total.	Retain course. Ensure quality continues to improve after previously being run down.	Club	Club	L	Protect Enhance	L
9919	Garden City Academy, Letchworth	Football	Education	One youth (11v11) standard quality pitch available for community use but not used.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provide	L
9922	Wilbury Junior School, Letchworth	Football	Education	One youth (11v11) standard quality pitch available for community use but not used.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provide	L
9930	Pixmore Junior School, Letchworth	Football	Education	One mini soccer (7v7) standard quality pitch not available for community use.	Explore opportunities to open up for community use to help meet shortfalls identified.	Education	Education (M)	M	Provide	L
	Lordship Primary School	Football	Education	New 5v5 3G FTP available for school and community use (opened 2016)	Ensure community use is maximised	Education	Education (L)	L	Provide	L

¹⁷ Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

¹⁸ (L) -Low - less than £50k; (M) -Medium - £50k-£250k; (H) -High £250k and above

PART 7: DELIVER THE STRATEGY AND KEEP IT ROBUST AND UP TO DATE

Delivery

The Playing Pitch Strategy seeks to provide guidance for maintenance/management decisions and investment made across North Hertfordshire. By addressing the issues identified in the Assessment Report and using the strategic framework presented in this Strategy, the current and future sporting and recreational needs of North Hertfordshire can be satisfied. The Strategy identifies where there is a deficiency in provision and identifies how best to resolve this in the future.

It is important that this document is used in a practical manner, is engaged with partners and encourages partnerships to be developed, to ensure that outdoor sports facilities are regarded as a vital aspect of community life and which contribute towards the achievement of District Council, Parish Councils, NGB, Clubs and League priorities.

The production of this Strategy should be regarded as the beginning of the planning process. The success of this Strategy and the benefits that are gained are dependent upon regular engagement between all partners involved and the adoption of a strategic approach.

Each member of the steering group (see executive summary) should take the lead to ensure the PPS is used and applied appropriately within their area of work and influence. The role of the steering group should not end with the completion of the PPS document

To help ensure the PPS is well used it should be regarded as the key document within the study area guiding the improvement and protection of playing pitch provision. It needs to be the document people regularly turn to for information on the how the current demand is met and what actions are required to improve the situation and meet future demand. In order for this to be achieved the steering group need to have a clear understanding of how the PPS can be applied and therefore delivered.

The process of developing the PPS will hopefully have already resulted in a number of benefits that will help with its application and delivery. These may include enhanced partnership working across different agendas and organisations, pooling of resources along with strengthening relationships and understanding between different stakeholders and between members of the steering group and the sporting community. The drivers behind the PPS and the work to develop the recommendations and action plan will have also highlighted, and helped the steering group to understand, the key areas to which it can be applied and how it can be delivered.

Monitoring and updating

It is important that there is regular annual monitoring and review against the actions identified in the Strategy. This monitoring should be led by the local authority and supported by all members of, and reported back to, the steering group. Understanding and learning lessons from how the PPS has been applied should also form a key component of monitoring its delivery. This should form an on-going role of the steering group.

As a guide, if no review and subsequent update has been carried out within three years of the PPS being signed off by the steering group, then Sport England and the NGBs would consider the PPS and the information on which it is based to be out of date.

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The nature of the supply and in particular the demand for playing pitches will likely to have changed over the three years. Therefore, without any form of review and update within this time period it would be difficult to make the case that the supply and demand information and assessment work is sufficiently robust.

Ideally the action plan could be reviewed on an annual basis from the date it is formally signed off by the steering group. This will help to maintain the momentum and commitment that would have been built up when developing the PPS. Taking into account the time to develop the PPS this should also help to ensure that the original supply and demand information is no more than two years old without being reviewed.

An annual review should not be regarded as a particularly resource intensive task. However, it should highlight:

- ◀ How the delivery of the recommendations and action plan has progressed and any changes required to the priority afforded to each action (e.g. the priority of some may increase following the delivery of others)
- ◀ How the PPS has been applied and the lessons learnt
- ◀ Any changes to particularly important sites and/or clubs in the area (e.g. the most used or high quality sites for a particular sport) and other supply and demand information, what this may mean for the overall assessment work and the key findings and issues
- ◀ Any development of a specific sport or particular format of a sport
- ◀ Any new or emerging issues and opportunities.

Once the PPS is complete the role of the steering group should evolve so that it:

- ◀ Acts as a focal point for promoting the value and importance of the PPS and playing pitch provision in the area
- ◀ Monitors, evaluates and reviews progress with the delivery of the recommendations and action plan
- ◀ Shares lessons learnt from how the PPS has been used and how it has been applied to a variety of circumstances
- ◀ Ensures the PPS is used effectively to input into any new opportunities to secure improved provision and influence relevant programmes and initiatives
- ◀ Maintains links between all relevant parties with an interest in playing pitch provision in the area;
- ◀ Reviews the need to update the PPS along with the supply and demand information and assessment work on which it is based. Further to review the group should either:
 - ◀ Provide a short annual progress and update paper;
 - ◀ Provide a partial review focussing on particular sport, pitch type and/or sub area; or
 - ◀ Lead a full review and update of the PPS document (including the supply and demand information and assessment details).

Alongside the regular steering group meetings a good way to keep the strategy up to date and maintain relationships may be to hold annual sport specific meetings with the pitch sport NGBs and other relevant parties. These meetings could look to update the key supply and demand information, if necessary amend the assessment work, track progress with implementing the recommendations and action plan and highlight any new issues and opportunities.

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These meetings could be timed to fit with the annual affiliation process undertaken by the NGBs which would help to capture any changes in the number and nature of sports clubs in the area. Other information that is already collected on a regular basis such as pitch booking records for local authority and other sites could be fed into these meetings. The NGBs will also be able to indicate any further performance quality assessments that have been undertaken within the study area. Discussion with the league secretaries may also indicate annual league meetings which it may be useful to attend to pick up any specific issues and/or enable a review of the relevant club details to be undertaken.

The steering group should regularly review and refresh area by area plans taking account of any improvements in pitch quality (and hence increases in pitch capacity) and also any new negotiations for community use of education sites in the future.

It is important that the steering group maintains the data contained with the accompanying Playing Pitch Database. This will enable it to refresh and update area by area plans on a regular basis. The accompanying databases are intended to be refreshed on a season by season basis and it is important that there is cross-departmental working, including for example, grounds maintenance and sports development departments, to ensure that this is achieved and that results are used to inform subsequent annual sports facility development plans. Results should be shared with partners via a consultative mechanism.

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Checklist

To help ensure the PPS is delivered and is kept robust and up to date, the steering group can refer to the new methodology Stage E Checklist: Deliver the strategy and keep it robust and up to date:

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>

Stage E: Deliver the strategy and keep it robust and up to date	Tick 	
	Yes	Requires Attention
Step 9: Apply & deliver the strategy		
1. Are steering group members clear on how the PPS can be applied across a range of relevant areas?		
2. Is each member of the steering group committed to taking the lead to help ensure the PPS is used and applied appropriately within their area of work and influence?		
3. Has a process been put in place to ensure regular monitoring of how the recommendations and action plan are being delivered and the PPS is being applied?		
Step 10: Keep the strategy robust & up to date		
1. Has a process been put in place to ensure the PPS is kept robust and up to date?		
2. Does the process involve an annual update of the PPS?		
3. Is the steering group to be maintained and is it clear of its on-going role?		
4. Is regular liaison with the NGBs and other parties planned?		
5. Has all the supply and demand information been collated and presented in a format (i.e. single document that can be filtered accordingly) that will help people to review it and highlight any changes?		
6. Have any changes made to the Active Places Power data been fed back to Sport England?		

APPENDIX ONE: STRATEGIC CONTEXT

The recommendations within this Strategy have been developed via the combination of information gathered during consultation, site visits and analysis. They reflect key areas to be addressed over its lifetime. However, implementation must be considered in the context of financial implications and the need for some proposals to also meet planning considerations.

National context

The provision of high quality and accessible community outdoor sports facilities at a local level is a key requirement for achieving the targets set out by the Government and Sport England. It is vital that this strategy is cognisant of and works towards these targets in addition to local priorities and plans.

Sport England: A Sporting Habit for Life (2012-2017)

****a new strategy is currently being developed by Sport England for release in 2016.***

In 2017, five years after the Olympic Games, Sport England aspires to transforming sport in England so that it is a habit for life for more people and a regular choice for the majority. Launched in January 2012 the strategy sets out how Sport England will invest over one billion pounds of National Lottery and Exchequer funding during the five year plan period. The investment will be used to create a lasting community sport legacy by growing sports participation at the grassroots level following the 2012 London Olympics. The strategy will:

- ◀ See more people starting and keeping a sporting habit for life
- ◀ Create more opportunities for young people
- ◀ Nurture and develop talent
- ◀ Provide the right facilities in the right places
- ◀ Support local authorities and unlock local funding
- ◀ Ensure real opportunities for communities

The vision is for England to be a world leading sporting nation where many more people choose to play sport. There are five strategic themes including:

- ◀ Maximise value from current NGB investment
- ◀ Places, People, Play
- ◀ Strategic direction and market intelligence
- ◀ Set criteria and support system for NGB 2013-17 investment
- ◀ Market development

A specific target is to increase the number of 14 to 25 year olds playing sport. To accomplish these aims the strategy sets out a number of outcomes:

- ◀ 4,000 secondary schools in England will be offered a community sport club on its site with a direct link to one or more NGBs, depending on the local clubs in a school's area.
- ◀ County sports partnerships will be given new resources to create effective links locally between schools and sport in the community.
- ◀ All secondary schools that wish to do so, will be supported to open up, or keep open, their sports facilities for local community use and at least a third of these will receive additional funding to make this happen.

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- ◀ At least 150 further educational colleges will benefit from a full time sports professional who will act as a College Sport Maker.
- ◀ Three quarters of university students aged 18-24 will get the chance to take up a new sport or continue playing a sport they played at school or college.
- ◀ A thousand of our most disadvantaged local communities will get a Door Step Club.
- ◀ Two thousand young people on the margins of society will be supported by the Dame Kelly Holmes Legacy Trust into sport and to gain new life skills.
- ◀ Building on the success of the Places People Play, a further £100 million will be invested in facilities for the most popular sports.
- ◀ A minimum of 30 sports will have enhanced England Talent Pathways to ensure young people and others fulfil their potential.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out planning policies for England. It details how these changes are expected to be applied to the planning system. It also provides a framework for local people and their councils to produce distinct local and neighbourhood plans, reflecting the needs and priorities of local communities.

The NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies that the planning system needs to focus on three themes of sustainable development: economic, social and environmental. A presumption in favour of sustainable development is a key aspect for any plan-making and decision-taking processes. In relation to plan-making the NPPF sets out that Local Plans should meet objectively assessed needs.

The 'promoting healthy communities' theme identifies that planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Specific needs and quantitative or qualitative deficiencies or surpluses in local areas should also be identified. This information should be used to inform what provision is required in an area.

As a prerequisite the NPPF states existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless:

- ◀ An assessment has been undertaken, which has clearly shown that the open space, buildings or land is surplus to requirements.
- ◀ The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- ◀ The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In order for planning policies to be 'sound' local authorities are required to carry out a robust assessment of need for open space, sport and recreation facilities.

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The FA National Game Strategy (2015 – 2019)

The Football Association's (FA) National Game Strategy provides a strategic framework that sets out key priorities, expenditure proposals and targets for the national game (i.e., football) over a four year period. The main issues facing grassroots football are identified as:

The Football Association (FA)	Working to deliver the FA National Facilities Strategy (2015 – 2019) ◆ Sustain and Increase Participation ◆ Ensure access to education sites to accommodate the game. ◆ Help players to be the best that they can be and provide opportunities for them to progress from grassroots to elite ◆ Recruit, retain and develop a network of qualified referees ◆ Support clubs, leagues and other competition providers to develop a safe, inclusive and positive football experience for everyone. ◆ Support Clubs and Leagues to become sustainable businesses, understanding and serving the needs of players and customers. ◆ Improve grass pitches through the pitch improvement programme to improve existing facilities and changing rooms ◆ Deliver new and improved facilities including new Football Turf Pitches. ◆ Work with priority Local Authorities enabling 50% of mini-soccer and youth matched to be played on high quality artificial grass pitches

Champion Counties – England and Wales Cricket Board (ECB) Strategic Plan (2013 – 2017)

“Champion Counties” - continues to focus on the four pillars, as identified in the ECB's previous strategy: “Grounds to Play”. The pillars are:

- ◆ Energising people and partnerships through effective leadership and governance
- ◆ Building a **Vibrant** domestic game through operational excellence and delivering a competition structure with appointment to view
- ◆ **Engaging** participants through the maintenance of existing facilities, supporting club/school links , supporting volunteers and expanding women's and disabilities cricket
- ◆ Delivering **Successful** England teams and world class global events

The key measures for the life span of the plan are as follows:-

- ◆ Increase the subset of participation measured by Sport England's Active People Survey from 183,400 to 197,500.
- ◆ Increase attendances at LV= CC, YB50 and FLT20 by 200,000.
- ◆ Complete sponsorship and broadcasting agreements through 2019.
- ◆ Win the World Test Championship and Women's
- ◆ World Cup in 2017.
- ◆ Win The Ashes and World Cup in 2015.
- ◆ Expand the number of clubs participating in NatWest Cricket Force from 2,000 to 2,200.
- ◆ Complete co-operation agreements for each of the 39 County Boards with their First Class County or Minor County partner.
- ◆ Deliver two world class global events in 2017 which exceed budget and exceed customer satisfaction targets.
- ◆ Increase the number of cricket's volunteers to 80,000 by 2017.

PLAYING PITCH ASSESSMENT

- ◀ Expand the number of participants in women's and disabilities cricket by 10% by 2017.
- ◀ Award all Major Matches through 2019 by December 2014.
- ◀ To increase the number of TwelfthMan members from 220,000 to 250,000 by 2017.
- ◀ Complete an approved Community Engagement programme with all 18 First Class Counties and MCC.
- ◀ Provide First Class Counties with total fee payments of £144m between 2014 and 2017.
- ◀ For each £1 provided in facility grants through the Sport England Whole Sport Plan grant programme ensure a multiplier of 3 with other funding partners.
- ◀ Provide a fund of £8.1m of capital investment to enhance floodlights, sightscreens, replay screens, power sub-stations and broadcasting facilities at First Class County venues.
- ◀ Provide an interest-free loan fund to community clubs of £10 million.
- ◀ Leverage the 2014 tour by India to engage with a minimum of 10,000 cricket supporters of Asian origin. Qualify and engage 50 Level 4 coaches to support the development of professional cricketers.
- ◀ Expand the number of coaches who have received teacher level 1, 2 or 3 qualifications to 50,000.
- ◀ Deliver an annual fixture for the Unicorns against a touring (Full, A or U19) ICC member nation.
- ◀ Provide a fund of £2 million for community clubs to combat the impact of climate change.
- ◀ Introduce a youth T20 competition engaging 500 teams by 2017.

The Rugby Football Union National Facilities Strategy (2013-2017)

The recently launched RFU National Facility Strategy 2013-2017 provides a framework for development of high-quality, well-managed facilities that will help to strengthen member clubs and grow the game in communities around them. In conjunction with partners, this strategy will assist and support clubs and other organisations, so that they can continue to provide quality opportunities for all sections of the community to enjoy the game. It sets out the broad facility needs of the sport and identifies investment priorities to the game and its key partners. It identifies that with 470 grass root clubs and 1500 players there is a continuing need to invest in community club facilities in order to:

- ◀ Create a platform for growth in club rugby participation and membership, especially with a view to exploiting the opportunities afforded by RWC 2015.
- ◀ Ensure the effectiveness and efficiency of rugby clubs, through supporting not only their playing activity but also their capacity to generate revenue through a diverse range of activities and partnerships.

In summary the priorities for investment which have met the needs of the game for the Previous period remain valid:

- ◀ Increase the provision of changing rooms and clubhouses that can sustain concurrent adult and junior male and female activity at clubs
- ◀ Improve the quality and quantity of natural turf pitches and floodlighting
- ◀ Increase the provision of artificial grass pitches that deliver wider game development

It is also a high priority for the RFU to target investment in the following:

- ◀ Upgrade and transform social, community and catering facilities, which can support the generation of additional revenues

PLAYING PITCH ASSESSMENT

- ◆ Facility upgrades, which result in an increase in energy-efficiency, in order to reduce the running costs of clubs
- ◆ Pitch furniture, including rugby posts and pads, pitch side spectator rails and grounds maintenance equipment

England Hockey (EH)

‘The right pitches in the right places’¹⁹

In 2012, EH released its facility guidance which is intended to assist organisations wishing to build or protect hockey pitches for hockey. It identifies that many existing hockey AGPs are nearing the end of their useful life as a result of the installation boom of the 90’s. Significant investment is needed to update the playing stock and protect the sport against inappropriate surfaces for hockey as a result of the rising popularity of AGPs for a number of sports. EH is seeking to invest in, and endorse clubs and hockey providers which have a sound understanding of the following:

- ◆ Single System – clubs and providers which have a good understanding of the Single System and its principles and are appropriately placed to support the delivery.
- ◆ ClubsFirst accreditation – clubs with the accreditation are recognised as producing a safe effective and child friendly hockey environment
- ◆ Sustainability – hockey providers and clubs will have an approved development plan in place showing their commitment to developing hockey, retaining members and providing an insight into longer term goals. They will also need to have secured appropriate tenure.

England Hockey (EH) - A Nation Where Hockey Matters (2013-2017)

EH have a clear vision, a powerful philosophy and five core objectives that all those who have a role in advancing Hockey can unite behind. With UK Sport and Sport England’s investment, and growing commercial revenues, EH are ambitious about how they can take the sport forward in Olympic cycles and beyond.

“The vision is for England to be a ‘Nation Where Hockey Matters’. A nation where hockey is talked about at dinner tables, playgrounds and public houses, up and down the country. A nation where the sport is on the back pages of our newspapers, where children dream of scoring a goal for England’s senior hockey team, and where the performance stirs up emotion amongst the many, not the few”

England Hockey aspires to deepen the passion of those who play, deliver and follow sport by providing the best possible environments and the best possible experiences. Whilst reaching out to new audiences by making the sport more visible, available and relevant and through the many advocates of hockey.

Underpinning all this is the infrastructure which makes the sport function. EH understand the importance of volunteers, coaches, officials, clubs and facilities. The more inspirational people can be, the more progressive Hockey can be and the more befitting the facilities can be, the more EH will achieve. The core objectives are as follows:

¹⁹

<http://englandhockey.co.uk/page.asp?section=1143&sectionTitle=The+Right+Pitches+in+the+Right+Places>

PLAYING PITCH ASSESSMENT

- ◀ Grow our Participation
- ◀ Deliver International Success
- ◀ Increase our Visibility
- ◀ Enhance our Infrastructure
- ◀ Be a strong and respected Governing Body

England Hockey has a Capital Investment Programme (CIP) that is planned to lever £5.6 million investment into hockey facilities over the next four years, underpinned by £2m million from the National Governing Body. With over 500 pitches due for refurbishment in the next 4-8 years, there will be a large focus placed on these projects through this funding stream. The current level of pitches available for hockey is believed to be sufficient for the medium term needs, however in some areas, pitches may not be in the right places in order to maximize playing opportunities

‘The right pitches in the right places’²⁰

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England Hockey Strategy

EH's new Club Strategy will assist hockey clubs to retain more players and recruit new members to ultimately grow their club membership. EH will be focusing on participation growth through this strategy for the next two years. The EH Strategy is based on seven core themes. These are:

- 1 Having great leadership
- 2 Having Appropriate and Sustainable Facilities
- 3 Inspired and Effective People
- 4 Different Ways to Play
- 5 Staying Friendly, Social and Welcoming
- 6 Being Local with Strong Community Connections

²⁰

<http://englandhockey.co.uk/page.asp?section=1143&sectionTitle=The+Right+Pitches+in+the+Right+Places>

7 Stretching and developing those who want it

Raising Our Game: The Strategic Plan for England Golf (2014-2017)

The recently launched England Golf Strategy 2014-2017 focuses on preventing the continued decline of people participating in golf. Since 2004, membership at clubs has declined by around 180,000 members, which is seriously challenging the economy and culture of the sport within England. Active People Survey data shows a current latent demand of 830,000 adults, with a further 2 million golfers playing independently.

The ambition of the strategy is to:

- ◆ Reverse the decline in club membership which has been occurring annually since 2005 and stabilise club membership at the July 2014 level of 675,000 members
- ◆ Increase the number of people who play golf at least once a week from the baseline of 750,000 in 2014 to 910,000 by March 2017.
- ◆ Strengthen the talent development pathway from club to national level, leading to even more international success for English players.
- ◆ Improve communications, governance and partnerships at all levels within England Golf.

There are a number of measurable performance indicators within this strategic plan, with progress tracked and reported on a regular basis. There will be an annual review of progress in April each year, commencing in April 2015 and this will be reported as part of the Annual Report of England Golf. To achieve its aims, England Golf will concentrate on seven key themes:

- ◆ More players - Increasing the number of players who play golf regularly.
- ◆ More members - Increasing the number of players in club membership.
- ◆ Stronger clubs - Supporting clubs to attract and retain members and to achieve a sustainable business model.
- ◆ Winning golfers - Identifying and developing talented golfers at every level, leading to international amateur success.
- ◆ Outstanding championships - Providing excellent championships and competitions for golfers of all levels.
- ◆ Improved image - Changing the perception of golf and improving communications within the sport.
- ◆ Excellent governance - Improving the governance, building the infrastructure and strengthening the partnerships to develop golf in England.

2015-2018 British Tennis Strategy

The new strategy is presented in a concise one page framework that includes key strategies relating to three participation "focus" areas, six participation "drivers" and three participation "enablers". To achieve success, the 12 strategy areas will need to work interdependently to stem the decline and unlock sustainable growth:

The three participation "focus" areas are where tennis is consumed:

- ◀ Deliver great service to clubs
- ◀ Build partnerships in the community, led by parks
- ◀ Enhance the tennis offer in education

The six participation "drivers" are the areas that will make the biggest difference where tennis is consumed. They must all be successful on a standalone and interconnected basis and include:

- ◀ Becoming more relevant to coaches
- ◀ Refocusing on recreational competition
- ◀ Providing results orientated facility investment
- ◀ Applying best in class marketing and promotion
- ◀ Jump starting the peak summer season
- ◀ Establishing a "no compromise" high performance programme with focus

The final layer is comprised of three participation "enablers" that underpin our ability to be successful. These enablers are rooted in how the LTA will get better; how the entire network of partners must be harnessed to work together and the need to raise more financial resources to fund our sport's turnaround. They include:

- ◀ Becoming a more effective and efficient LTA
- ◀ Harnessing the full resource network
- ◀ Generating new revenue

For further information and more detail on the framework please go to <http://www.lta.org.uk/about-the-lta/structure-vision>

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- ◀ Excellent governance - Improving the governance, building the infrastructure and strengthening the partnerships to develop golf in England.

England Athletics: Whole Sport Plan 2013-2017

The England Athletics plan outlines a strategy to attract and retain 3 million athletics participants by 2017, from a current base of 1.9 million as measured by Active People, whilst cementing athletics as the most popular individual sporting activity in England.

“The ambition is to make England an athletic nation. Traditional athletics for some, running for many, fitness for all”.

In order to achieve this, the goals of the strategic plan are:

- ◀ To grow and sustain participation levels in the sport.
- ◀ To improve the experiences of every participant in the sport.
- ◀ To improve performance levels and to grow the next generation of senior athletic champions.

The plan also reflects a total commitment to delivering an inclusive sport, setting specific disability targets that are woven into the core measures for growth and retention of participation. Key personnel within the England Athletics staffing structure will now lead this area of work, focusing on:

- ◀ Delivering inclusive formats of the sport.
- ◀ National policy and programme development.
- ◀ Coaching and teaching resources.

UK Athletics Facilities Strategy (2014-2019)

Facilities are essential to attracting, retaining and developing athletes of the future. Having the right facilities in the right place will be crucial in meeting growing demand, increasing participation in physical activity and athletics, improving the health of the

nation and supporting a new generation of athletes in clubs and schools through to national and world class level.

UKA and the Home Country Athletics Federations (HCAFs) recognise the challenges faced by facility owners and venue operators, and our 5 year Facility Strategy (2014-2019) uses a Track & Field facility model designed to support a sustainable UK network of development, training and competition venues that meet Home Country needs aligned to UKA's Athlete/Participant Development Model. In addition to Track and Field provision, UKA recognises the huge amount of club activity that takes place on roads, paths and trails and the strategy also maps out a plan for future "running" facilities.

The strategy does not seek to identify priority facilities, clubs or geographical areas. Instead, it provides the direction and guidance that will enable the four Home Country Athletics Federations (England Athletics, Athletics Northern Ireland, Scottish Athletics and Welsh Athletics) to establish their own priorities and deliver the principles of the UKA Facilities Strategy within their own national context.

UKA's 2014-19 Facilities Strategy key outcomes:

- ◆ Increased participation across all athletics disciplines
- ◆ Increased club membership by providing facilities that support a participation pathway from novice through to club member
- ◆ Increased talent pool
- ◆ Long term improvement in the development of athletes of all ages and abilities
- ◆ Securing the long term future of existing facilities
- ◆ More attractive and inspiring facilities for existing and potential athletes
- ◆ Improving the athletics experience for all participants
- ◆ Improved relationships and interactions between stakeholders, particularly clubs and facility operators

British Crown Green Bowling Association

Please note there is no current facility guidance provided by British Crown Green Bowling Association responsible for crown green bowls in England.

<http://crowngreenbowls.sharepoint.com/Pages/default.aspx>

Bowls England: Strategic Plan 2014-2017

Bowls England will provide strong leadership and work with its stakeholders to support the development of the sport of bowls in England for this and future generations.

The overall vision of Bowls England is to:

- ◆ Promote the sport of outdoor flat green bowls.
- ◆ Recruit new participants to the sport of outdoor flat green bowls.
- ◆ Retain current and future participants within the sport of flat green bowls.

In order to ensure that this vision is achieved, ten key performance targets have been created, which will underpin the work of Bowls England up until 31st March 2017.

- ◆ 115,000 individual affiliated members.

- 1,500 registered coaches.
- Increase total National Championship entries by 10%.
- Increase total national competition entries by 10%.
- Medal places achieved in 50% of events at the 2016 World Championships.
- 35 county development plans in place and operational.
- County development officer appointed by each county association.
- National membership scheme implemented with 100% uptake by county associations.
- Secure administrative base for 1st April 2017.
- Commercial income to increase by 20%.

Despite a recent fall in affiliated members, and a decline in entries into National Championships over the last five years, Bowls England believes that these aims will be attained by following core values. The intention is to:

- Be progressive.
- Offer opportunities to participate at national and international level.
- Work to raise the profile of the sport in support of recruitment and retention.
- Lead the sport.
- Support clubs and county associations.

APPENDIX TWO: FUNDING PLAN

Funding opportunities

In addition to using the planning system to lever in contributions through Section 106 or CIL, it is recognised that external partner funding will need to be sought to deliver much of the action plan. Although seeking developer contributions in applicable situations and other local funding/community schemes could go some way towards meeting deficiencies and/or improving provision, other potential/match sources of funding should be investigated. Below is a list of current funding sources that are relevant for community improvement projects involving sports facilities.

Awarding body	Description
Big Lottery Fund http://www.biglotteryfund.org.uk/	Big invests in community groups and to projects that improve health, education and the environment
Sport England : - Improvement Fund - Sportsmatch - Small Grants - Protecting Playing Fields - Inspired Facilities - Strategic Facilities Fund http://www.sportengland.org/funding.aspx http://www.sportengland.org/funding/our-different-funds/strategic-facilities/	Sport England is keen to marry funding with other organisations that provide financial support to create and strengthen the best sports projects. Applicants are encouraged to maximise the levels of other sources of funding, and projects that secure higher levels of partnership funding are more likely to be successful.
Football Foundation http://www.footballfoundation.org.uk/	This trust provides financial help for football at all levels, from national stadia and FA Premier League clubs down to grass-roots local development.
Rugby Football Foundation - The Grant Match Scheme www.rugbyfootballfoundation.org	The Grant Match Scheme provides easy-to-access grant funding for playing projects that contribute to the recruitment and retention of community rugby players. Grants are available on a 'match funding' 50:50 basis to support a proposed project. Projects eligible for funding include: 1. Pitch Facilities – Playing surface improvement, pitch improvement, rugby posts, floodlights. 2. Club House Facilities – Changing rooms, shower facilities, washroom/lavatory, and measures to facilitate segregation (e.g. women, juniors). 3. Equipment – Large capital equipment, pitch maintenance capital equipment (e.g. mowers).
EU Life Fund http://ec.europa.eu/environment/funding/intro_en.htm	LIFE is the EU's financial instrument supporting environmental and nature conservation projects throughout the EU.
EH Capital Investment Programme (CIP)	The CIP fund is for the provision of new pitches and re-surfacing of old AGPs. It forms part of EH's 4 year Whole Sport's Plan.

Awarding body	Description
National Hockey Foundation http://www.thenationalhockeyfoundation.com/	The Foundation primarily makes grants to a wide range of organisations that meet one of our chosen areas of focus: Young people and hockey. Enabling the development of hockey at youth or community level. Smaller Charities.
Lawn Tennis Association http://www.lta.org.uk/venue-management/	Applying for facility funding British Tennis has £5.125m million pounds of new funding per annum to enhance tennis facilities, with the aim of getting more people playing more often. The LTA have three funding streams available to support clubs and community projects. Easy Access Loan Funding Any LTA registered club that can demonstrate that the facility development will retain or grow membership can apply for this funding at any time. Growing the Game – now closed Any LTA registered venue that can demonstrate sustainable growth through facility development and a tennis development plan can apply for this funding. The Community Tennis Fund Any registered venue that can demonstrate the ability to grow community participation through tennis facility development. This fund will be allocated throughout the year.

Inspired Facilities

Sport England's 'Inspired Facilities' funding programme will be delivered where clubs, community and voluntary sector groups and local authorities can apply for grants of between £25k and £150k where there is a proven local need for a facility to be modernised, extended or modified to open up new sporting opportunities.

The programmes three priorities are:

- ◆ Organisations that haven't previously received a Sport England Lottery grant of over £10k.
- ◆ Projects that are the only public sports facility in the local community.
- ◆ Projects that offer local opportunities to people who do not currently play sport.

Besides this scheme providing an important source of funding for potential voluntary and community sector sites, it may also provide opportunities for the Council to access this funding particularly in relation to resurfacing the artificial sports surfaces

Strategic Facilities Fund

Facilities are fundamental in providing more people with the opportunity to play sport. The supply of the right facilities in the right areas is key to getting more people to play sport. Sport England recognises the considerable financial pressures that local authorities

are currently under and the need to strategically review and rationalise leisure stock so that cost effective and financially sustainable provision is available in the long-term. Sport England has a key role to play in the sector, from influencing the local strategic planning and review of sports facility provision to investing in major capital projects of strategic importance.

The Strategic Facilities Fund will direct capital investment into a number of key local authority projects that are identified through a strategic needs assessment and that have maximum impact on growing and sustaining community sport participation. These projects will be promoted as best practice in the delivery of quality and affordable facilities, whilst demonstrating long-term operational efficiencies. The fund will support projects that bring together multiple partners, including input from the public and private sectors and national governing bodies of sport (NGBs). The fund is also designed to encourage applicants and their partners to invest further capital and revenue funding to ensure sustainability. Sport England has allocated a budget of circa £30m of Lottery funding to award through this fund (2013-17).

Key features which applications must demonstrate are:

- ◀ A robust needs and evidence base which illustrates the need for the project and the proposed facility mix
- ◀ Strong partnerships which will last beyond the initial development of the project and underpin the long-term sustainability of the facility
- ◀ Multi-sport provision and activity that demonstrates delivery against NGB local priorities
- ◀ A robust project plan from inception to completion with achievable milestones and timescales.

Lottery applications will be invited on a solicited-only basis and grants of between £500,000 and £2,000,000 will be considered.

The Strategic Facilities Fund will prioritise projects that:

- ◀ Are large-scale capital developments identified as part of a local authority sports facility strategic needs assessment/rationalisation programme and that will drive a significant increase in community sports participation
- ◀ Demonstrate consultation/support from two or more NGBs and delivery against their local priorities
- ◀ Are multi-sport facilities providing opportunities to drive high participant numbers
- ◀ Are a mix of facility provision (indoor and/or outdoor) to encourage regular & sustained use by a large number of people
- ◀ Offer an enhancement, through modernisation, to existing provision and/or new build facilities
- ◀ Have a long-term sustainable business plan attracting public and private investment
- ◀ Show quality in design, but are fit for purpose to serve the community need
- ◀ Have effective and efficient operating models, combined with a commitment to development programmes which will increase participation and provide talent pathways.

Projects will need to demonstrate how the grant will deliver against Sport England's strategic priorities. The funding available is for the development of the capital infrastructure, which can contribute to the costs of new build, modernisation or

refurbishment and purchasing of major fixed equipment as part of the facility development.

Funder's requirements

Below is a list of funding requirements that can typically be expected to be provided as part of a funding bid, some of which will fall directly out of the Playing Pitch Strategy:

- ✦ Identify need (i.e., why the Project is needed) and how the Project will address it.
- ✦ Articulate what difference the Project will make.
- ✦ Identify benefits, value for money and/or added value.
- ✦ Provide baseline information (i.e., the current situation).
- ✦ Articulate how the Project is consistent with local, regional and national policy.
- ✦ Financial need and project cost.
- ✦ Funding profile (i.e., Who's providing what? Unit and overall costs).
- ✦ Technical information and requirements (e.g., planning permission).
- ✦ Targets, outputs and/or outcomes (i.e., the situation after the Project/what the Project will achieve)
- ✦ Evidence of support from partners and stakeholders.
- ✦ Background/essential documentation (e.g., community use agreement).
- ✦ Assessment of risk.

Indicative costs

The indicative costs of implementing key elements of the Action Plan can be found on the Sport England website:

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/cost-guidance/>

These costs are broken down into two areas:

- ✦ Facility capital costs
- ✦ Lifecycle costs

Facility capital costs

Facility capital costs are calculated using estimates of what it typically costs to build modern sports facilities, including fees and external works.

Costs are updated regularly in conjunction with information provided by the BCIS (Building Cost Information Service) and other Quantity Surveyors.

The document is often referred to as the Planning Kitbag costs as the figures are often used by Planners and Developers when reviewing potential Planning Contributions to site developments.

Facility life cycle costs

Life cycle costs are how much it costs to keep a facility open and fit-for-purpose during its lifetime.

It includes costs for major replacement and planned preventative maintenance (day to day repairs).

The costs are expressed as a percentage of the capital cost.

The importance of regular maintenance and the expense in maintaining a facility throughout its life should not be underestimated.



NORTH HERTFORDSHIRE

INDOOR SPORTS FACILITIES STRATEGY & ACTION PLAN

Integrity, Innovation, Inspiration

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**NORTH HERTFORDSHIRE
INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN**

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NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

PART 1: EXECUTIVE SUMMARY

This is the Executive Summary of North Hertfordshire's Indoor Sports Facilities Strategy & Action Plan March 2017. The Study takes account of facilities and the sporting activities that take place within:

- ◀ Sports Halls
- ◀ Health and Fitness Facilities
- ◀ Swimming Pools
- ◀ Other Indoor Facilities

Introduction

The purpose of the Indoor Sports Facilities Study (ISFS) is to assess the provision of indoor facilities across the district of North Hertfordshire in accordance with Sport England's Guidance and to address a range of issues and key challenges that have emerged through the Strategy in partnership with stakeholders.

The Strategy will be used:

- ◀ As the basis for emerging planning policies;
- ◀ To inform the assessment of development proposals that may affect sport and recreational land and buildings;
- ◀ To contribute to the Infrastructure Delivery Plan (IDP) and the implementation of S106 planning obligations and/or the Community Infrastructure Levy (CIL);
- ◀ To inform the long-term use, amount, type and location of facilities; and to inform on-going provision and management of facilities;
- ◀ To inform the strategies and action plans of all stakeholders with respect to the facilities that they own or manage or have involvement with.

The ISFS has been developed in partnership with a range of agencies including national governing bodies of sport (NGBs) plus local clubs and leagues, Letchworth Garden City Heritage Foundation, Stevenage Leisure, Herts County Sports Partnership and North Hertfordshire District Council. It will also be influenced by other councils and organisations such as Parish and Town Councils as well as local schools and other private providers.

No one stakeholder, Council, NGB or other body is responsible for delivering the recommendations within the Action Plan associated with the strategy. The strategy aims to provide a clear coherent way forward for the management and delivery of sports facilities through partnership working.

Methodology

This Strategy is based on an assessment of indoor sports facilities in accordance with Sport England's Guidance: *Assessing needs and opportunities guide for indoor and outdoor sports facilities*. This methodology has been followed to develop a clear picture of the balance between the local supply of, and demand for, indoor sports facilities.

Vision and Objectives

The vision for North Hertfordshire's Indoor sports Facilities Strategy is:

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

To create a network of high quality, accessible and sustainable sport and leisure facilities, which offer inclusive services for all; enabling the inactive to become active and more residents to fulfil their potential by participating in sport and physical activity, thus improving their long-term health and well-being.

To achieve this, North Hertfordshire in partnership with key stakeholders¹ will seek to deliver the following objectives:

- ◆ Provide a range of accessible and affordable opportunities at sports facilities for all ages, abilities and ethnicities to develop an active, healthy and successful District.
- ◆ Ensure sports facilities are recognised as a key component in the drive to address health inequalities.
- ◆ Provide sports facilities that contribute positively to the local economy, raising the profile of North Hertfordshire as a destination for sport.
- ◆ Ensure sports facilities provide opportunities for talented athletes to achieve their full potential.
- ◆ Provide well maintained and managed sports facilities that are viable and sustainable in the long term.

General Priorities

The following summary identifies the key facility related priorities for North Hertfordshire. These have been arrived at by extensive consultation with NGB's and other providers and sites visits in accordance with Sport England's methodology.

- ◆ North Hertfordshire is not a priority area for the majority of national governing bodies and investment has mainly been limited.
- ◆ Development of any new sports facilities in North Hertfordshire should aim to meet the technical specification of key NGBs and any wider enhancements for storage and ancillary facilities that will facilitate the use for events and competitions as well as training.
- ◆ Indoor tennis and indoor bowls currently have just one facility each in the area to accommodate demand. This has been sufficient but should be protected to ensure continued supply, however due to significant growth in tennis membership in 2016 Letchworth Sports and Tennis Club is proactively looking to enhance their indoor provision. Should facilities in neighbouring authorities close or relocate, the demand on these facilities may increase.
- ◆ There is a large growth of futsal in the wider area and the potential for further growth is large, however there are currently no facilities available within North Hertfordshire to accommodate this demand.
- ◆ Frustration across a number of NGBs and local clubs is evident as access to facilities is limited leading to unmet demand. Development programmes and initiatives are limited.
- ◆ There is a need to make room for further development of participation initiatives, such as Back 2 Netball and Smash Up badminton in sports halls, rather than domination from other sports.
- ◆ There is a need to provide adequate links to high performance and club sport outside of the District where it is not supported from within.

¹ Key stakeholders include North Hertfordshire District Council, Sport England, National Governing Bodies of sport, the education sector, the private sector.

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

- ▶ Work in partnership with North Hertfordshire District Council to identify investment opportunities to make the necessary upgrades to individual facilities.
- ▶ The Council, its partners and other stakeholders should aim to work with local schools to ensure that their sports facilities are available for community use throughout the full week.
- ▶ Where new secondary school provision is developed, consideration should be given to ensuring there is sufficient sports hall space not only for the school, but to address any small deficiency in the supply of sports halls across the District.
- ▶ The Council, its partners and other stakeholders should consider how they might expand the health and fitness offer at core leisure centre sites in order to accommodate more members and have a positive impact on the revenue cost of facilities.
- ▶ The Council should work in partnership with specialist facility operators and NGBs to ensure that ongoing relationships and sports development initiatives with NGBs are maximised.

Reviewing and Delivering the Indoor Sports facilities Strategy within the district of North Hertfordshire

As part of delivering the ISFS all parties involved should work in partnership to influence and where possible deliver the aims set out within the action plan. This will be subject to available capital and revenue resources. It is recognised that priorities will change over time and there will be a need to review the strategy to identify opportunities to ensure that actions become deliverable in the future.

Sport England's guidance identifies that the assessment of need should be reviewed on an annual basis, following sign off by the steering group, (see listed below).. Key partners such as the District Council, Parish Councils, NGB's, managing bodies for recreation, education and health should make it a high priority to comprise a priority list of actions based on local priorities (including a year one action plan), NGB priorities and available funding.

North Hertfordshire District Council is a partner within the strategy but in many cases will facilitate the other partners identified to deliver the recommendations.

Many of the actions will be linked to housing growth in terms of funding and site provision where possible, other external sources of funding will also be sought.

The members of the steering group could include the following:

Hertfordshire County Sport Partnership
Hertfordshire Football Association (NGB)
Badminton England (NGB)
Amateur Swimming Association (NGB)
England and Wales Cricket Board (NGB)
Volleyball England (NGB)
Lawn Tennis Association (NGB)
England Basketball (NGB)
England Squash and Racketball (NGB)
Sport England
Parish Council representative
Strategic Planning and Project Manager (Council)

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Head of Development & Building Control (Council)
Strategic Sites Planning Officer (Council)
Contracts and Projects Manager (Council)

1 - STRATEGY VISION AND OBJECTIVES

1.1 Background

The Indoor Sports Facilities Strategy for North Hertfordshire sets the vision and objectives for indoor sports facilities within the District. Whilst North Hertfordshire District Council (NHDC) has been the key driver in delivering the strategy, the plans and actions emanating from the strategy can only be delivered by and in partnership with other key stakeholders.

The Strategy builds upon the conclusions identified within the Indoor Sports Facility Assessment Report (February 2016) and provides a clear, coherent way forward for the management and delivery of sports facilities and how they contribute to the wider vision and objectives of the North Hertfordshire District Council Corporate Plan 2016-2021 and Sport England Strategy 'Towards an Active Nation 2016-2021'.

1.2 Key Documents

North Hertfordshire District Council Corporate Plan 2016-2021

The Council has the following vision for the District 'Making North Hertfordshire a vibrant place to live, work and prosper.' In seeking to achieve this vision The Council has three objectives:

- ◀ **Attractive and Thriving**
to work with our partners to provide an attractive and safe environment for our residents, where diversity is welcomed and the disadvantaged are supported;
- ◀ **Prosper and Protect**
to promote sustainable growth within our District to ensure economic and social opportunities exist for our communities, whilst remaining mindful of our cultural and physical heritage;
- ◀ **Responsive and Efficient**
to ensure that the Council delivers cost effective and necessary services to our residents that are responsive to developing need and financial constraints.

<http://www.north-herts.gov.uk/sites/northherts-cms/files/Corporate%20Plan%202016.pdf>

North Hertfordshire Partnership (NHP)

The NHP is made up of 13 member organisations who meet on a regular basis to progress the vision above. Their aspirations for the District includes themes of:

- ◀ We will support 'civic engagement' - Encouraging communities and individuals to have a greater voice and participate in local activities and community groups.
- ◀ We will support individuals and businesses to develop and grow by provision of training and skills.

Sporting Future: A new strategy for an active nation

A new Government strategy for sport was released in December 2015. 'Sporting Future: A new strategy for an active nation'. This strategy confirms the recognition and understanding that sport makes a positive difference through broader means and that it will help the sector to deliver five simple but fundamental outcomes: physical health, mental health, individual development, social and community development and economic development. In order to measure its success in producing outputs which accord with these aims it has also adopted a series of 23 performance indicators under nine key headings, as follows:

- ◀ More people taking part in sport and physical activity.
- ◀ More people volunteering in sport.
- ◀ More people experiencing live sport.
- ◀ Maximising international sporting success.
- ◀ Maximising domestic sporting success.
- ◀ Maximising the impact of Major Events.
- ◀ A more productive sport sector.
- ◀ A more financially and organisationally sustainable sport sector.
- ◀ A more responsible sport sector.

The strategy outlines a number of outcomes to increase participation, specifically in the 14-25 age bracket. Included in these is the provision of community sports clubs on secondary school sites, effective links between schools and community, facility investment, and support to secondary schools to open, or keep open their sports facilities for community use. These specific outcomes have been considered in North Hertfordshire, specifically those targets that are supported with professional support or investment, such as the Places People Play funding opportunities.

Sport England: Towards an Active Nation

Sport England's response to the Government's strategy was to develop Towards an Active Nation:

Figure 1: Sport England Strategy: Towards and Active Nation 2016-2021

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

SPORT ENGLAND STRATEGY 2016–2021

/ AN OVERVIEW OF
OUR STRATEGY

2016
SPORT ENGLAND
WORKING
DIFFERENTLY

HOW WE WORK

Investment principles
Behaviour change
Partnership
Insight and evaluation

WHERE WE INVEST

Tackling inactivity
Children and young people
Volunteering
Mass markets
Sustaining the core market
Working locally
Facilities

MORE PEOPLE
ENGAGED IN SPORT

SUPPORT FOR
THE SECTOR

More people from every
background regularly and
meaningfully engaging in sport
and physical activity

Inactive people becoming active

More resilient habits

More positive attitudes among
young people

More diverse volunteers

Improved progression and
inclusion in talent development

A more productive,
sustainable and responsible
sport sector

A more demand-led sport sector
that welcomes everyone

Improved governance

Improved financial efficiency

Increased and more diverse
revenue generation

Increased diversity in leadership

A diverse and
productive workforce

OUR
CONTRIBUTION TO
THE GOVERNMENT'S
FIVE OUTCOMES

PHYSICAL WELLBEING

MENTAL WELLBEING

INDIVIDUAL
DEVELOPMENT

SOCIAL & COMMUNITY
DEVELOPMENT

ECONOMIC
DEVELOPMENT

Sport England has identified that it will invest in:

- ◀ Tackling inactivity
- ◀ Children and young people
- ◀ Volunteering – a dual benefit
- ◀ Taking sport and activity into the mass market
- ◀ Supporting sport's core market
- ◀ Local delivery
- ◀ Facilities

These seven investment programmes will be underpinned by a new Workforce Strategy and a new Coaching Plan, to be prepared by Sport England.

1.3 Planning and Guidance

The National Planning Policy Framework specifies that Local Plans should meet objectively assessed housing needs. Planning policy when considering objectively assessed need should be based on robust, up-to-date assessments of the need for open space, sports and recreation facilities and opportunities for new provision.

North Hertfordshire own proposed Local Plan 2011-2031 includes policies and background evidence to support the retention and provision of appropriate facilities based upon this assessed need.

Sport England reflects the NPPF promoting a planned approach to the provision of facilities and opportunities to participate in sport, in doing so adding value to the work of others and helping to deliver sustainable development goals through:

- ◀ Recognising and taking full advantage of the unique role of sport and active recreation in contributing to a wide array of policy and community aspirations, including leisure, health and education.
- ◀ Using sport and recreation as a fundamental part of the planning and delivery of sustainable communities.
- ◀ The development of partnership working using sport and active recreation as a common interest.

In line with the Government's National Planning Policy Framework (NPPF para 73), and as presented in the diagram below, Sport England advocates that at the core of planning for sport should be a robust and up-to-date assessment of the needs for sport and active recreational facilities and opportunities for new provision. The results of the assessment should be developed into a clear strategy for meeting the identified needs and integrated into Forward Planning and applied within Development Management.

Figure 2: Sport England Strategic Planning Model



This Indoor Sports Facilities Strategy seeks to provide all partners and stakeholders in North Hertfordshire with a valuable tool that guides internal and external investment decisions, supports applications for external funding and informs key management decisions.

1.4 Context

The District of North Hertfordshire covers an area of approximately 145 square miles and has a population of 129,318, according to the 2013 ONS mid-year estimate. This is expected to increase to 160,001 by 2037, with a particular growth expected in the 55+ age group, where population is expected to increase by 21,245.

A higher proportion of residents classify their ethnicity as White (89.5%) which is higher than the national rate of 85.4%. As a result there is a lower percentage of Asian residents (5.4%) and Black residents (2.0%) than nationally.

Population density

The most densely populated areas in North Hertfordshire are concentrated within Hitchin, Letchworth Garden City, Baldock and Royston. According to the 2010 indices of deprivation², ODPM³, just 3.8% of the population live in the 30% of most deprived areas, suggesting that a relatively small percentage of the population live in deprived areas and generally the authority is less deprived than the country as a whole.

² It should be noted that the 2010 IMD has been used for this study given that the 2015 updated deprivation indices were published following the completion of the initial draft and subsequent comments from the Council.

³ Office of the Deputy Prime Minister, no longer exists since 2006

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In relation to the socio-economic profile of the District, the dominant Mosaic profile is the 'Professional Rewards group, which makes up 16.3% of households, this approaches twice the national rate (9.1%). This profile is scattered around the District and is particularly notable across the more rural and less deprived areas.

Participation rates

The Sport England Active People Survey indicates that:

- ✦ The percentage of adults in North Hertfordshire doing at least 1 x 30 minutes moderate intensity sport per week is just under 4 in 10 (38.9%). This was above both the national average (35.8%) and the regional average (35.2%).
- ✦ North Hertfordshire has a population that has more club membership than national counter parts - over 3 in 10 (32.9%) of residents are members of sports club, compared with 22% and 21.6% respectively, regionally and nationally.
- ✦ More people in North Hertfordshire receive sports tuition (28.0%) than regional and national neighbours and more people had taken part in competitive sport (17.6%) than regionally (14.0%) or nationally (13.3%).

1.5 Vision and objectives

The vision for North Hertfordshire's Indoor Sports Facilities Strategy is:

North Hertfordshire Indoor Sports Facilities Strategy Vision

To create a network of high quality, accessible and sustainable sport and leisure facilities, which offer inclusive services for all; enabling the inactive to become active and more residents to fulfil their potential by participating in sport and physical activity, thus improving their long-term health and well-being.

To achieve this, North Hertfordshire in partnership with key stakeholders⁴ will seek to deliver through the following objectives:

- ✦ Provide a range of accessible and affordable opportunities at sports facilities for all ages, abilities and ethnicities to develop an active, healthy and successful District.
- ✦ Ensure sports facilities are recognised as a key component in the drive to address health inequalities.
- ✦ Provide sports facilities that contribute positively to the local economy, raising the profile of North Hertfordshire as a destination for sport.
- ✦ Ensure sports facilities provide opportunities for talented athletes to achieve their full potential.
- ✦ Provide well maintained and managed sports facilities that are viable and sustainable in the long term.

⁴ Key stakeholders include North Hertfordshire District Council, Sport England, National Governing Bodies of sport, the education sector, the private sector.

2 - RESEARCH FINDINGS

The following key conclusions can be derived from the indoor sports facilities assessment report⁵:

2.1 Context

- ✦ North Hertfordshire has an active population in comparison to other parts of the country and as such its residents have a high propensity to participate in a wide range of sport and physical activities.
- ✦ The area is relatively affluent with 4% of the population living in the 30% most deprived communities in the country and 66% living in the 30% least deprived.
- ✦ The Council's six main sports facilities are managed by Stevenage Leisure Limited (SLL); under a management contract.

2.2 Sports Halls

- ✦ North Hertfordshire appears to have an under supply of sports halls in terms of numbers, capacity and distribution; this equates to approximately one badminton court worth of additional provision according to the FPM (Facilities Planning Model). However the FPM is based on parameters that may not be in line with actual availability in North Hertfordshire so this along with consultation suggests that the actual real figure may be higher.
- ✦ The impact of natural growth of population in the area will see the need for an additional 9.63 badminton courts worth of sports hall space.
- ✦ A number of clubs have expressed a wish to access additional sports hall time in order to increase capacity and participation in various sports.
- ✦ The sports hall stock is generally old and would also benefit from investment. As an example, Fearnhill Sports Centre in Letchworth is well-used by clubs however, due to its condition it is under used by the public. Similarly, the FPM assumes that both Meridian School in Royston and Princess Helena College in Pirton are assumed to be less attractive given their age and lack of refurbishment.
- ✦ Although many school sports halls are available for community use, the easiest way to have a positive impact on supply is to encourage access to existing facilities. In particular, Highfield School in Letchworth has relatively limited community hours and increasing the availability of this facility would help relieve pressure in this part of the District.
- ✦ Community Use Agreements are not in place across school sports facilities; this should be considered to secure the use of facilities for local community groups.
- ✦ SLL has already pushed 5-a-side football to the fringes of its sports hall programmes; therefore, this approach could be adopted at other sports hall sites to enable the development of non-football participation initiatives.

⁵ North Hertfordshire Indoor Sports Facilities Study Assessment Report (KKP Feb 2016)

2.3 Swimming Pools

- ◀ North Hertfordshire appears to have a good supply of swimming pools in terms of numbers, capacity and distribution. However, stock is generally ageing and would benefit from investment.
- ◀ Hitchin Swimming Centre in particular, is a well-used facility that has seen some investment, however further investment could improve the facility further, specifically in the pool area.
- ◀ North Hertfordshire Leisure Centre requires investment in the sports hall and wet changing facilities. The Council has started work on site to make investment into this facility, which would include these areas.
- ◀ Swimming clubs report demand for more water space that cannot be met by operators at times that are suitable/acceptable to them.
- ◀ There does not appear to be a strong need to provide additional swimming pool capacity but there is a need to ensure that demand is spread evenly across pools.
- ◀ Outdoor swimming pools in Hitchin and Letchworth provide a useful additional source of supply; however this does not necessarily relate to the peak usage times for indoor pools.
- ◀ A challenge identified, mainly relative to swimming pools, is the need to make 50% of all pool time available for casual swimmers. This has an impact on the programming of pools across the area; it limits the capacity of swimming clubs to accommodate swimmers and also appears to contribute to the swimming lesson waiting lists at facilities. However, the flip side of this is that it ensures that the public can access the pool when they wish, thereby enabling more people to take part in physical activity.

2.4 Health and Fitness Facilities

- ◀ There are 16 health and fitness facilities in North Hertfordshire, which generally offer good quality facilities.
- ◀ There is a broad mix of commercial and publicly accessible health and fitness facilities throughout the area.
- ◀ UK penetration rates suggest that there are enough fitness stations to cater for the population; however, local authority facilities are operating at or near to capacity.
- ◀ This information suggests that there is the potential for growth in demand for health and fitness facilities and consideration needs to be given to increasing supply to meet this. The recent investment in local authority sites has gone some way to address this, but further expansion is potentially required.

2.5 Other Indoor Facilities

- ◀ North Hertfordshire has sufficient squash courts, indoor tennis and indoor bowls facilities to meet the needs of residents. There are plans to develop key participation drives in tennis, squash and indoor bowls within the area.
- ◀ It is important to protect the provision of facilities at Riverain Bowls Club, Hitchin and Letchworth Sports and Tennis Club facilities who are also looking to increase the number of indoor courts to meet future demand. As the only sports specific facilities in the area, both will be required to meet both current and future demands.

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The following should be considered in the development of an overarching indoor sports facilities strategy for North Hertfordshire:

- ◀ The Council and other partners and stakeholders should consider how it will accommodate future increases in demand for sports facilities in the longer term, especially swimming pools.
- ◀ The Council should continue with its plan to refurbish the swimming pool changing facilities at North Herts Leisure Centre, Letchworth, commencing in 2016.
- ◀ The Council, its partners and other stakeholders should aim to work with local schools to ensure that their sports facilities are available for community use throughout the full week.
- ◀ The Council and its partners should seek to develop a programming policy across all school and community sports facilities which maximises sports development outcomes for priority sports.
- ◀ Where new secondary school provision is developed, consideration should be given to ensuring there is sufficient sports hall space not only for the school, but to address any small deficiency in the supply of sports halls across the District.
- ◀ The Council should continually seek to address the quality of indoor and outdoor swimming pool provision across the area, subject to available funding.
- ◀ The Council, its partners and other stakeholders should consider how they might expand the health and fitness offer at core leisure centre sites in order to accommodate more members and have a positive impact on the revenue cost of facilities.
- ◀ The Council should work in partnership with specialist facility operators and NGBs to ensure that ongoing relationships and sports development initiatives with NGBs are maximised.

2.6 NGB priorities

National Governing Bodies of sport have their own key drivers and strategic priorities for facility development both nationally and locally. Below is a summary of those, where they exist.

England Basketball

The main focus of basketball in Hertfordshire is currently Hertfordshire Warriors Basketball Club, where Basketball England has recently invested £400,000 in their facility. Hertfordshire Warriors BC are based in Hertsmere Borough. In comparison North Hertfordshire is not an area where basketball is strong, there are no sports halls with 5 or even 8-10 courts, which is what basketball would require ideally and as the governing body has limited resources, for this reason is not a priority area. As a result, local basketball activity is limited. The governing body would like any new development in the area to consider accommodating basketball in sports halls.

England Netball

There are some capacity issues for netball and basketball by virtue of the heavy use of sports halls for badminton and football. England Netball is keen to further develop participation programmes in the District including Back to Netball alongside Pay & Play sessions as currently these are limited.

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The County is home to a Super League franchise - Hertfordshire Mavericks, which play home fixtures at Hertfordshire Sports Village in the neighbouring borough of Welwyn Hatfield.

There are a number of different leagues around the North Hertfordshire area. Teams from the District travel to play in competitions. Central venue leagues include those in Bedford (Bedford and District Netball League), Stevenage (Herts Indoor Netball League, Stevenage Arts & Leisure Centre), East Hertfordshire (Hertford District League, Ware and Bishops Stortford District Netball League) and St Albans (St Albans Indoor Netball League, Marlborough School). There is no central venue league in North Hertfordshire. Any new development in the authority should consider the needs to netball when planning.

Volleyball England

Areas in the locality that are active for volleyball are St Albans and Watford. St Albans is home to the 2012 London Olympics beach volleyball court, which was moved to the Club as part of the Olympic Legacy. North Hertfordshire is not an authority area where volleyball is active, so it is currently not a focus for Volleyball England. Should there be any demand created for the sport in the area then the NGB would be very supportive of this.

Badminton England

The Badminton England National Strategy has a particular focus on Community Sport Networks, Smash Up sites and Play Badminton sites. Smash Up is Badminton England's youth participation initiative

No Strings Badminton is pay and play activity for 16+ age. In North Hertfordshire No Strings is offered at Hitchin Sports Centre and Royston Leisure Centre. There isn't any recorded Smash Up Badminton in the area yet. Although take up of the NGB initiatives is lower than other areas, the provision of pay and play or casual badminton is offered in many sports halls and demand is high.

Badminton England recognises the good work done by clubs in the area and supports them; however, there is a relatively low take up of NGB initiatives in the area. Badminton England recognise the work and good relationship with SLL and would like to see SLL take a more proactive approach to developing initiatives such as 'no strings badminton' but appreciates that the availability of courts has an impact on this.

The leagues generally operate on a home and away basis for fixtures, so a club will replace training nights with matches to ensure the consistent weekly booking of a sports hall. Hitchin Boys School Sports Centre is well used by a number of badminton clubs, this could be due to the badminton focus of the facility, and sprung wood floor and halogen lighting, it meets top national standards for badminton.

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Lawn Tennis Association

The LTA are working to increase tennis participation across community, club and educational environments. The LTA have a tiered approach to local authorities for prioritising investment. North Hertfordshire is currently engaged in this process. While North Hertfordshire is not currently an LTA 'focus area', Letchworth Sports and Tennis Club is a 'focus club' and they are working closely with the NGB to grow membership and tennis participation. As participant numbers continue to grow there will be an increasing need for more year-round facilities including additional indoor provision. It is likely that the LTA will provide investment in the future to support the club to further develop their facilities. There are no other private facilities and no plans for a David Lloyd Centre in the area.

The FA

The FA currently employs a full time futsal development officer, with North Hertfordshire being a priority area for futsal. There are currently no facilities available to hire for additional futsal activity. Clubs regularly enquire about availability of facilities as they look to extend sessions and there is frustration at the lack of available space in North Hertfordshire.

There is a large growth of futsal in the surrounding areas of both youth/adult participation and leagues. The potential for growth of the sport in North Hertfordshire is significant and there is funding in place for strategic growth of the game. Ideally an additional 20 hours of hall space in North Hertfordshire for futsal would support this growth. The FA identified that Letchworth Garden City Eagles is a large club locally with the potential to create a number of teams.

Cricket (ECB and Hertfordshire Cricket Ltd)

The England and Wales Cricket Board has recently launched its Cricket Unleashed initiative which is a drive to get more people playing cricket. Even though Hertfordshire has three purpose built indoor cricket centres these cannot accommodate all indoor cricket activity within the area. Therefore there is a need to ensure that other suitable facilities (e.g. sports halls) are able to accommodate some of this demand.

The current priority for the East Region is the shorter formats of the game, which includes potential indoor options (e.g. indoor league or an indoor activity). Over the next year there is likely to be a new offering from the NGB which could work in sports halls, enabling leisure operators to develop cricket programmes. This will potentially operate in a similar way to other NGB offerings (e.g. Badminton).

2.7 Summary

The following summary of the NGB consultation identifies the facility related priorities for North Hertfordshire, namely:

- ◀ North Hertfordshire is not a priority area for the majority of national governing bodies and investment has mainly been limited.
- ◀ Development of any new sports facilities in North Hertfordshire should aim to meet the technical specification of key NGBs and any wider enhancements for storage and ancillary facilities that will facilitate the use for events and competitions as well as training.
- ◀ Indoor tennis and indoor bowls currently have just one facility each in the area to accommodate demand. This has been sufficient but should be protected to ensure continued supply, however due to significant growth in tennis membership in 2016 Letchworth Sports and Tennis Club is proactively looking to enhance their indoor provision. Should facilities in neighbouring authorities close or relocate, the demand on these facilities may increase.
- ◀ There is a large growth of futsal in the wider area and the potential for further growth is large, however there are currently no facilities available within North Hertfordshire to accommodate this demand.
- ◀ Frustration across a number of NGBs and local clubs is evident as access to facilities is limited leading to unmet demand. Development programmes and initiatives are limited.
- ◀ There is a need to make room for further development of participation initiatives, such as Back 2 Netball and Smash Up badminton in sports halls, rather than domination from other sports.
- ◀ There is a need to provide adequate links to high performance and club sport outside of the District where it is not supported from within.
- ◀ Work in partnership with North Hertfordshire District Council to identify investment opportunities to make the necessary upgrades to individual facilities.

The above reinforces that in many circumstances there is not sufficient access to facilities in North Hertfordshire, however investment has been made. Other facilities are still requiring refurbishment to improve the quality of the stock in the District. Although the area is not a priority for national governing bodies and no performance programmes are based here, it is still important to provide quality community facilities in order to contribute towards increasing participation.

3 - STRATEGY AIMS AND RECOMMENDATIONS

This strategy is a partnership approach. All parties involved should commit to influencing and where possible deliver the recommendations set out within the Action Plan. The strategy aims to provide a clear framework for delivery by working in partnership.

Aims

The following strategy aims are based on the key issues emerging from the Assessment Report.

Aim 1

To **protect** the existing supply of indoor sports facilities where it is needed for meeting current or future needs.

Aim 2

To **enhance** indoor sports facilities through working in partnership with others to improve the quality and management of sites.

Aim 3

To enable the **provision** of new indoor sports facilities where there is a current or future demand to do so.

3.1 Recommendations

The following strategy recommendations are identified from the assessment of need identified within the North Hertfordshire Indoor Sports Facilities Study Assessment Report. The recommendations reflect the strategic drivers highlighted by Sport England's Strategic Planning Model (i.e. Protect, Provide, Enhance). The recommendations reflect these drivers and draw together the overarching need in the area for key stakeholders to work together and deliver.

PROTECT

Aim 1

To **protect** the existing supply of indoor sports facilities where it is needed for meeting current or future needs.

R1 To seek to protect the existing facility infrastructure in North Hertfordshire to ensure as many residents have access to sport and physical activities.

This does not mean that the existing infrastructure should remain static with no change. However, there is a need to ensure that where appropriate facilities exist they are used by the local community and protected as community facilities in the longer term. In addition, the sole facilities, such as the indoor tennis and indoor bowls facilities should be protected to ensure continued provision of these in the area.

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R2 To ensure facility owners are encouraged to invest in the long term maintenance of all existing indoor and outdoor sports facilities.

In order for facilities to be sustainable in the longer term there is a need to ensure that they are maintained to a high standard and have the appropriate budgets for refurbishment and periodic upgrade so that they do not fall into the state of disrepair. This will be especially important as the network of facilities which serves the District is a mixed economy of providers with varying degrees of priority given to the sports facility component of their operations. Examples would be investment in the sports hall at Fearnhill Sports Centre and North Hertfordshire Leisure Centre, both in Letchworth, plus the pool areas at Hitchin Swimming Centre and Letchworth Outdoor Pool. In addition, education facilities would benefit from investment, especially at Hitchin Sports Centre and the Priory School in Hitchin.

R3 To protect as a minimum the current public access arrangements at existing facilities through the development of community use agreements and the expansion of concessionary pricing policies.

Where community access to facilities (especially school sports facilities) is currently available there is a need to ensure access arrangements are protected via community use agreements. The Council together with Sport England should work with appropriate schools and potentially NGBs to develop agreements which reflect the needs of local communities and clubs. Aligned to these community use agreements there will be a need for an appropriate range of hire charges to be agreed across the range of facility providers in order that community clubs are not priced out of facilities.

R4 To ensure that recommendations are encapsulated in planning policy documents (Local Plans) and other relevant NHDC strategies.

It is crucial to recognise the importance of this study and ensure recommendations are acted upon. The protection of and opportunities for future provision of indoor sports facilities should be captured through policies in the emerging Local Plan and other relevant NHDC strategies. Funding arrangements through CIL (Community Infrastructure Levy) and other sources should be explored. Recommendations from this study could inform the preparation of a CIL Regulation 123 list should the Council decide to proceed with the preparation of a CIL and identification of infrastructure requirements within the NHDC Infrastructure Delivery Plan (IDP). The IDP is being prepared alongside the emerging Local Plan.

ENHANCE

Aim 2

To **enhance** indoor sports facilities through working in partnership with others to improve the quality and management of sites.

R5 To enhance the programming of facilities to provide activity, in order that residents have a wide range of opportunities to live an active lifestyle.

The programming of the sports halls and swimming pools in local authority owned facilities should be designed to accommodate as many participants as possible. Where appropriate, reviewing the programming has the potential to increase through put levels in most facilities, resulting in more participants. Ensuring the community sports facilities have a positive impact on the local community is crucial to this. North Hertfordshire District Council and Stevenage Leisure Limited should work together and consider amending the programming of facilities to increase participation opportunities, and agree targets to monitor the effectiveness of this reprogramming. Amended programming should also consider access by NGBs and local clubs to support development programmes and participation initiatives, to achieve an increase in participation and longer term participation in club settings.

R6 To enhance the quality of existing sports facilities to have a positive impact on participation opportunities in sport and physical activity across the District.

Expectations in the area are such that residents expect high quality facilities to be provided. It is clear that some of the facilities in North Hertfordshire across all sectors are in need of investment to improve quality rather than expand facilities. Key areas of investment could include improving the quality of pool area at Hitchin Swimming Centre, and the wet changing and sports hall at North Hertfordshire Leisure Centre in Letchworth. Other possible areas of investment are at Fearnhill Sports Centre, Letchworth, Knights Templar Sports Centre in Baldock, Meridian School in Royston and Princess Helena College in Pirton.

R7 To enhance the amount of provision readily available and accessible to community groups to increase sports development opportunities and participation in sport and physical activity.

Independent schools in the District have a range of sports facilities that are used by various community groups. St Christopher School in Letchworth has a main swimming pool, main sports hall, activity hall and health and fitness suite. Princess Helena College in Pirton has a main sports hall, activity hall and a lido. St Francis College in Letchworth has an activity hall and main swimming pool. Subject to resources, it would be advantageous to develop relationships with the schools in order to coordinate a clear facility offer across the District. The potential benefits to schools to expand the offer to community groups include a greater awareness of the school and facilities, greater participation opportunities for school pupils, and improved community connection. The development of a concessionary pricing policy may also be advantageous to support local sports participation and development.

PROVIDE

Aim 3

To enable the **provision** of new indoor sports facilities where there is a current or future demand to do so.

R8 Through the effective use of the Council's planning system develop new community accessible sports facilities to address future under supply of provision as a result of population increases.

NHDC's Planning Department should develop robust planning policies that set out an approach to securing sport and recreational facilities for the longer term, where appropriate via new developments in the area. Guidance should form the basis for negotiation with developers to secure contributions to develop new provision and/or the enhancement of existing indoor facilities. In recognition of the undersupply of sports halls the Council should consider identifying new provision on the Council's Regulation 123 list should it proceed with the preparation of a Community Infrastructure Levy.

Section 106 contributions or CIL, where introduced, should be used to improve the quality and scope of existing indoor facilities to enable increased capacity and use to be accommodated, enhancing the operator's ability to increase participation at relevant centres. Consideration should also be given to applying such funds to improve the quality of school sports facilities, where they enhance and extend the community use of schools.

There will be a need for NHDC to ensure that any new school developments within the Local Plan proposed strategic housing land allocations have community use agreements as part of the planning process. This will ensure that facilities are available for community use.

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Through the continued review of supply and demand the Council should also seek to clarify if any of the facilities should have a specification other than that required for a new school (e.g. sports hall available for futsal or county netball). Although this additional specification may not be funded through DfE capital funding for a new school, planning gain (e.g. Section 106 or CIL) could be used to meet any funding gap.

In relation to swimming provision, although there is no need for additional provision, where possible there will be a need to use planning gain and other possible funding opportunities available to enhance provision to enable existing facilities to accommodate increased demand as a result of population growth.

R9 To provide the right facilities in the right place; which are programmed in the right way to have maximum community benefit for residents of North Hertfordshire.

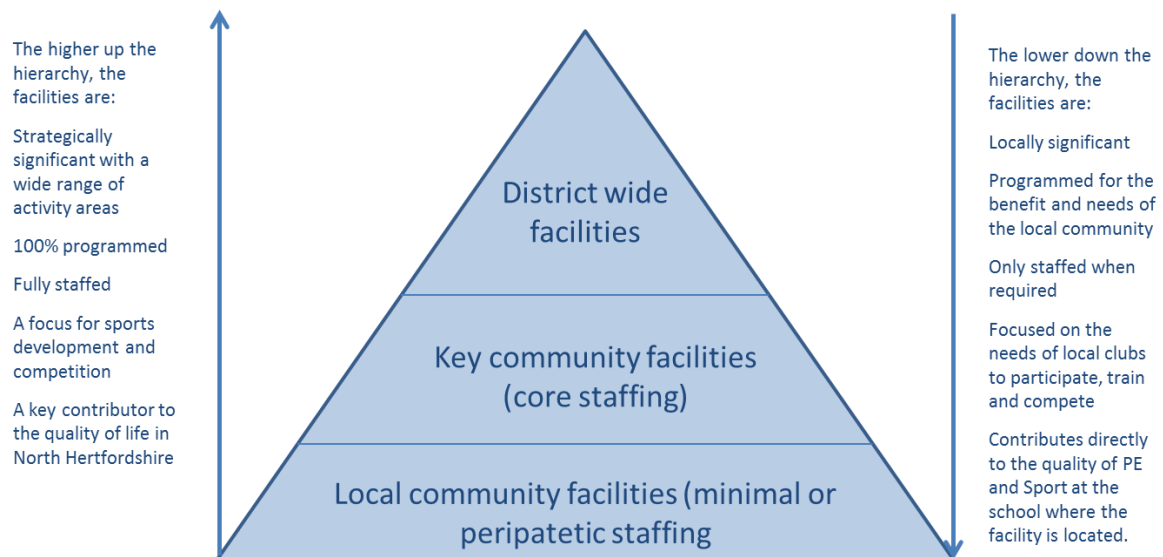
It is imperative that North Hertfordshire has the right mix of facilities in the right places. The development of a new learner/teaching/training pool at North Herts Leisure Centre, in Letchworth, is a positive addition to the swimming pool stock in North Hertfordshire and will have a positive impact in reducing the waiting lists for swimming lessons.

Alongside the potential new development there is a need to ensure that this and all other facilities are programmed in an appropriate way so that they meet the needs of local communities and sports clubs. As such, the local authority and its partners should consider how they ensure that the network of sports facilities across the District works to maximum benefit and that where possible each facility performs a specific role and function in the drive to increase participation in sport and physical activity and contribute to the wider health and well-being benefits that this delivers.

There will be a need to define a hierarchy of sports facilities across North Hertfordshire in which specific facilities have distinct roles and functions, outlined in Figure 3. Hence District-wide and key community facilities deliver orchestrated physical activity geared to extended participation and improving health whilst key neighbourhood facilities offer accredited clubs opportunities to develop their sports. Broad principles are illustrated in the hierarchy diagram shown below.

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Figure 3: Suggested facility hierarchy for North Hertfordshire – core principles



As an example, it is assumed that District wide facilities will include wet and dry facilities such as Royston and North Hertfordshire leisure centres, with key community facilities including Hitchin and Knights Templar sports centres. This then leaves schools with community use to pick up the local community need.

R10 Provide an advocacy role in developing a North Hertfordshire definition of community use which other community sports facility operators and stakeholders sign up to.

It is clear that there are variable definitions of community use currently in play in North Hertfordshire by the range of operators of community sports facilities.

The range of operators include: Stevenage Leisure Limited, the voluntary sector, academy schools and community schools, as well as the commercial sector which has a different rationale for its use. It has become apparent that not all providers are aware or concerned with other local facilities managed by other operators. A clear definition will assist in a more effective approach to community use for the benefit of local residents, to ensure that maximum value is gained through the use of the resources available.

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Community use

It is important that all potential stakeholders understand a common approach to community use and that they clearly understand the outcomes it is trying to achieve. As such the following definition of community use should be agreed by all partners in the context of North Hertfordshire's wider strategic objectives:

Community use in North Hertfordshire

The efficient, effective programming and use of leisure facilities and services for the benefit of local communities so that their use directly assists the achievement of key (national and local) targets such as:

- ◀ Improving the quality of life for residents in North Hertfordshire.
- ◀ Connecting local people to local services to enable them to make informed decisions about their health and well-being.
- ◀ Contributing to people having a more active, less sedentary lifestyle.
- ◀ Increasing participation in sport and physical activity.
- ◀ Enabling participants to achieve their full sporting potential.

By adopting the above definition and a common approach to managing facilities and services, this requires the partners involved in North Hertfordshire facilities (e.g. NHDC, individual schools, national governing bodies, local sports clubs, health partners, etc.) to:

- ◀ Ensure that they know who their users and customers are, the extent to which they currently participate and have the wherewithal to communicate effectively with them.
- ◀ Develop, use and apply their knowledge and understanding of the demographic profiles and needs of local residents.
- ◀ Develop and keep up-to-date, accurate knowledge and understanding of community need, through continually engaging and consulting with local representative agencies such as youth services, residents associations, older peoples groups, local pressure groups, etc.
- ◀ Develop and maintain a detailed knowledge and understanding of the sporting infrastructure within their community.
- ◀ Understand and appreciate the strategic definitions of 'need' applied across the District by key partner agencies such as health, housing, regeneration, education, etc.
- ◀ Commit to the achievement of strategic impacts and outcomes within the local area.

Therefore, there is a need for North Hertfordshire District Council and its wider sporting partners to work together in defining what community use should be and the objectives to be achieved from it. Adopting this approach to managing public sports and leisure facilities will enable partners to continue to:

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- ◀ Develop the various activities offered in such a way that people in local communities are able to make informed choices about them.
- ◀ Provide a variety of programmes to accommodate a broad range of sport and activity from introductory levels through recreational involvement on to performance.
- ◀ Offer a combination of direct delivery and intervention programmes with partners (e.g. sports clubs, health partners, NGBs etc.).
- ◀ Collect management information and local insight to underpin actions to extend the reach of the service, which will:
 - ◀ Introduce new people and communities to existing activities and club opportunities.
 - ◀ Introduce existing users/customers to new activities and club opportunities.
 - ◀ Enable operators to develop innovative programmes and processes to improve service impact among hard to reach groups.
- ◀ Continually re-present the sport and leisure offer to local communities.

R11 Take a more strategic approach to facility programming on a District-wide basis; including access to schools.

This objective considers how North Hertfordshire and its partners might implement a definition of community use dependant on available resources and funding. North Hertfordshire District Council could provide the link between NGB's, community sports clubs and facilities (mainly schools) in seeking to ensure that there is a District wide 'fit' to programming and the implementation of sports development and physical activity initiatives across the District.

Therefore, dependant on available resources and funding, the key drivers for North Hertfordshire District Council working in partnership with key stakeholders could be as follows:

- ◀ To achieve buy-in from NHDC leisure management, schools, academies and third sector organisations to a common definition and rationale for community use of sports facilities across the District.
- ◀ To create an advocacy group (of operators) whose role it is to influence the sport and physical activity opportunities across the District.
- ◀ To work with schools, clubs and NGB's to co-ordinate (where appropriate) the sport specific role and function of specific facilities on a community or district-wide basis.
- ◀ Ensure that all facilities, including schools, are programmed and animated to their maximum capacity reflecting local needs and contexts.
- ◀ Where feasible, ensure that the operation of all sites facilitates the collection of management information; to inform strategic and operational decision making.
- ◀ Develop an effective monitoring and evaluation process for all facilities on the back of appropriate management information.
- ◀ Ensure, where possible, that school sports facilities are accessible to the local community (i.e. a minimum of 20 to 30 hours per week). This level of access should be written into community use agreements.
- ◀ Agree a common approach to pricing to ensure that cost of access is appropriate for different client groups.

R12 To influence the design of PE (physical education) and sports facilities at new school developments to ensure that the ability to accommodate community use easily is built into the design.

There is a need for additional community accessible sports facilities on school sites to meet local need, e.g. for futsal and netball development. Where new schools are developed in order to accommodate increases in population, there should be a requirement for these to provide community use (through a Community Use Agreement) and be designed in such a way that easily facilitates community. Sport England can play a role in delivering this.

For example, the Highfield School, Letchworth is being developed as part of the Priority Schools Building Programme, and although this development will retain the existing sports hall, any further sports facilities should refer to NGB technical specifications to provide a useful sports space for community groups.

The design of sports facilities should facilitate efficient community use, with community facilities being clustered in one area, with separate access that does not necessitate access through the main school buildings, with storage for community organisation equipment, and access to toilets and changing facilities, avoiding high caretaker costs.

To provide NHDC with a reference point in respect of what other local authorities are developing in relation to their sports facilities networks, it is accurate to state that the majority are developing fewer, better quality facilities and are giving greater importance to the location and travel connections to facilities. Furthermore, many are looking to enhance their offer by developing a more 'commercial' range of facilities alongside a wider range of health and wellbeing service providers.

Recent developments of new community leisure facilities throughout the UK have followed three key themes within their design and offering, namely:

- ◆ Core facilities which meet local need and demand for sport and physical activity and enable the operator to deliver a cost effective service with minimal subsidy.
- ◆ Additional activity areas which provide a financial return by addressing a gap in the market or enhancing the core offer.
- ◆ Co-location with other service providers which enhances working relationships across 'civic' partners and improves service delivery to the community.

The table overleaf identifies the types of facilities and activity areas included within each and the wider benefits that this delivers for the community.

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Table 1: Modern leisure facility considerations

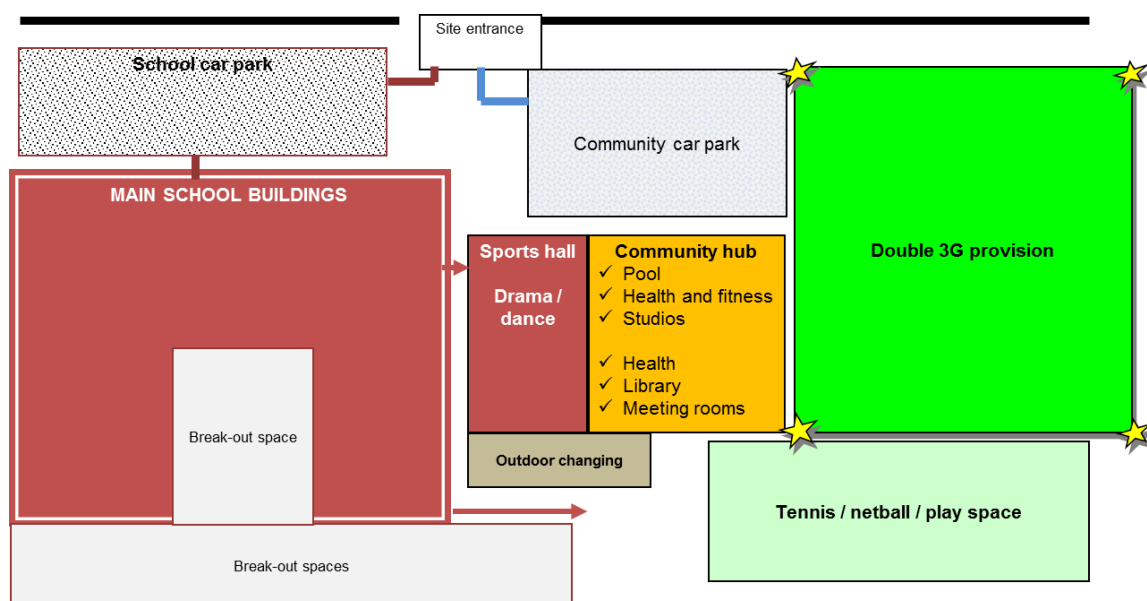
Core facilities	Additional activity areas	Co-located services
• 6 lane 25 metre pool • Teaching pool) • Sports hall (size based upon demand and programming) • 80 - 150 station fitness suite • Large group fitness studio • Small group fitness studio • Catering hub	• Floodlit 3G pitch • 5-a-side pitches. • Soft play • Spa facilities • Youth play (e.g. clip n' climb, interactive activity zones. • High ropes	• Part of a school campus • Library • Health centre / GP surgery • Pharmacy • Police station/office • Council contact point • Meeting rooms • Neighbourhood managers
Benefits	Benefits	Benefits
Enables operators to provide services at minimal subsidy by: • Maximising income from health and fitness. • Maximising income from learn to swim. • Offering a range of community based activities. Enables operators to contribute to the wider physical activity and wellbeing agenda by: • Offering health based programmes within fitness suites & swimming pools • Being a meeting point and social venue for outdoor physical activities.	Enables operators to maximise income to underpin the cost of the operation by: • Taking a more commercial approach to programming activity areas. • Capturing data on users (e.g. parents) and using this as a way of cross selling core services (e.g. learn to swim). • Providing a return on investment.	Creation of community hubs enabling operators to link with other services to contribute to wider physical activity and wellbeing agendas: • Offering a wider range of services under one roof. • Reaching residents who would not otherwise enter a sports facility. • Offering programmes and interventions for specific client groups with health and other partners. • Cross marketing and sharing of information to address local needs.

Where facilities are developed as part of a wider school campus, consideration needs to be given to the layout, access arrangements and overall management of the site for the benefit of the school and community. The layout model below identifies the potential considerations within a co-located community hub on a school site. The main ethos for this model is that alongside the core requirements for a school, the community hub can be expanded or contracted to meet the needs of the local community and partners.

Therefore, not all hubs will be the same, but the access arrangements for the school and community need to be set out and agreed prior to development. As such, serious consideration needs to be given to the potential to develop such a model in NHDC and maximise investment in community infrastructure as a result of housing growth.

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Figure 4: Co-located hub site model



The key features of the above model are as follows:

- ◆ School access is designed in such a way that it addresses safeguarding issues and facilitates community use of facilities when they are not required by the school, thus maximising community use and minimising the revenue burden.
- ◆ The activity areas are designed and operated as community facilities, with the new secondary school and local primary schools priority booking access as required.
- ◆ The building can operate as a stand-alone community health and wellbeing centre, with the school elements incorporated within this to facilitate community access at evenings and weekends.
- ◆ The library, meeting rooms and health facility will be operated by their specific service areas; but it would be expected that joint working would be implemented to offer combined services and interventions as appropriate (e.g. targeted health promotion activities, etc.).
- ◆ In general, these types of facilities are located on or adjacent to arterial routes with good public transport access, significant visibility and presence within the area and seek to maximise the to and from work/education market.
- ◆ The above layout can be adapted to exclude schools and be developed as multi use, co-located sports hubs.

3.2 Funding to implement the strategy

The Strategy has not addressed in detail how proposals and recommendations will be funded. It is anticipated that there will be no single funding source; rather a mix of sources and solutions will be required to deliver the vision and ambitions of the strategy. These solutions will include:

- ✦ Further development and implementation of the NHDC developer contributions process associated with planned housing development.
- ✦ Use of capital receipts from land disposal, where applicable.
- ✦ Asset rationalisation and use of revenue saving and/or future liabilities to pay back borrowing aligned to capital investment in other sites.
- ✦ Prudential borrowing where an 'invest to save' justification can be made, particularly for longer-term proposals which may be considered in light of the Council's future borrowing strategy.
- ✦ External funding sources aligned to specific facilities and/or sports (e.g. Sport England funding, other charitable grant awards and funding streams).
- ✦ 3rd party borrowing where a suitable, robust business case exists (although this is normally more expensive than prudential borrowing).

In general, the majority of new leisure centre developments have been undertaken on the basis of rationalising one or two existing facilities and developing a new larger, better quality facility which is more economical to operate. Furthermore, the new facility mix enables the operator to deliver revenue efficiencies (i.e. operate the facility at zero subsidy or better) enabling savings (and in some instances surpluses) which are often used to fund part or all of the capital repayment. A similar approach is undertaken for the refurbishment of existing facilities where increased income offsets the annualised cost of the refurbishment.

It is likely that a combination of the above approaches will be developed for the range of projects identified in NHDC. This will require a robust approach to business planning to ensure that all investment is financially sound. This has been the Council's approach in recent years and can be demonstrated by a reduction in the cost of providing leisure and the leisure contractor now pays the Council to manage the facilities.

3.3 Reviewing the strategy

Sport England's guidance identifies that the assessment of need should be reviewed on an annual basis, following sign off by the steering group. This should help to maintain the momentum and commitment built up when developing the work and ensure that the supply and demand information is no more than two years old without being reviewed. Ideally this should be a light touch review of any known changes to the supply and demand information (e.g. new facilities opened, additional availability secured, changes to opening hours in the peak period, facility closures, etc.).

If this regular review is undertaken then a comprehensive re-assessment of supply and demand should not be required more frequently than every five years for the majority of facility types. Therefore, it will be important for the Council to review the assessment report information on an annual basis and to develop short term action plans in relation to the wider strategy. If there is no evidence of any appropriate review and subsequent

update being undertaken within five years of an assessment being completed Sport England would not consider the assessment to be up-to-date.

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4 - ACTION PLAN

This strategy is a partnership approach. The actions in this strategy are for all partners and will be subject to available capital and revenue resources. It should be recognised that priorities will change over time and there will be a need to review the strategy to identify opportunities to ensure that actions become deliverable in the future in the light of available resources.

Headings in the following table are clarified below.

Strategic function

Each function seeks to meet at least one of the three strategic aims of the strategy, Protect, Enhance and Provide.

Aim

This refers to the recommendations listed in the strategy to deliver the strategic aims.

Recommended actions

Reflect overarching and common areas to be addressed by all partners.

Facilities

Facilities that the actions apply to.

Timescale

The action plan has been created to be delivered over a ten year period. The timescales relate to delivery times and are not priority based. Timescales: On-going; (S) Short (1-2 years); (M) Medium (3-5 years); (L) Long (6+ years).

Partners

These are the main organisation(s) who should work together in helping deliver the actions. They are listed in no particular order and a lead partner will need to be agreed. The lead partner in most cases will be the owner of the asset.

Importance

The relative importance of the action in relation to addressing the needs and issues identified in the strategy.

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4.1 Management and programming actions

The following actions are relative to the overall management and programming of key facilities in North Hertfordshire. All actions identified below should take account of accessibility issues (hearing, visual and wheelchair access).

Strategic function	Aim	Recommended actions	Facilities	Timescale ⁶	Partners	Importance
Protect / Enhance Investment in facilities	Develop funding strategy to maintain / enhance facility stock	- Identifying lead personnel to drive this. - Confirm requirement for funding strategy. - Confirm personnel and resource to support this.	All	On-going	NHDC Schools NGBs	High
Protect / Enhance Community use agreements	Maintain the current availability of existing facilities through community use agreements and concessionary pricing policies	- Working through NHDC and Sport England, work with appropriate schools and NGBs to develop agreements to reflect local need. - Consider this on a site by site basis with a view to increasing opportunities for the ageing population. - Consider concessionary pricing policy to support local participation and development.	All	M	Sport England NGBs Schools NHDC	Medium
Enhance District wide programming	Enhance programming to accommodate as many participants as possible, leading to improved access for all sections of the community.	- Consider current programming across the District. - Define the role of each facility within the wider community use offer across North Hertfordshire and work with main providers to identify programming improvements across the District.	All	M	Schools Facility providers	Medium
Provide Identifying roles of individual facilities	Address the future under supply of leisure facilities as a result of increased demand from the growth in population.	- Encourage all new schools to have community use as part of the planning process. - Identify where planning gain and other sources of available funding can enhance the specification beyond the basic school sports facility requirement; based on identified need.	All	L	Sport England Facility providers Developer s	High

⁶ Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

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Strategic function	Aim	Recommended actions	Facilities	Timescale ⁶	Partners	Importance
		Identify where planning gain and other sources of available funding can be used to enhance existing facilities to enable them to accommodate increased demand (e.g. swimming pools)			NHDC	
Provide Identifying roles of individual facilities	Define a hierarchy of facilities and their roles and functions within the community.	- Review the hierarchy suggested within the Action Plan. - Work strategically with leisure operators and other providers to identify facilities and role.	All	S	NHDC Sport England Facility providers	Medium
Provide Community accessible sports facilities in new school builds	Influence the design of new school builds to include community accessible sports facilities, particularly sports halls and swimming pools/	Encourage input by NHDC, Sport England, NGBs and other relevant bodies into the design and technical specifications of any facilities of potential developments where funding is available.	Schools with new builds	S / M	NHDC Sport England NGBs	High
Protect / Enhance / Provide Ensuring awareness and implementation locally, particularly by NHDC	To recognise the importance of this study and ensure recommendations are acted upon.	- NHDC to adopt the recommendations in this Study and ensure that they are encapsulated in planning policy documents and other relevant NHDC strategies - As part of the emerging Local Plan develop policies that seek to protect and enhance existing facilities and make provision for new facilities as part of new developments or through appropriate funding mechanisms. - Encourage new schools to be designed to facilitate community use in accordance with Sport England guidance (including community use agreement).	All	S	NHDC and key stakeholders	High
Protect / Enhance / Provide	Keeping the Facilities Strategy relevant and up to date	- Complete a light touch review of the study on an annual basis; - Undertake a more detailed review of the supply and		M	All	High

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

Strategic function	Aim	Recommended actions	Facilities	Timescale ⁶	Partners	Importance
Monitor and review		demand information within 5 years of its completion.				

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4.2 Facility actions

Headings in the following table are clarified below.

Facility

Identifies whether it is a Local Community Facility, a Key Community Facility or a District Wide Facility.

Facilities

Identifies which aspects are assessed.

Identified challenges

Challenges identified from the assessment report findings (e.g. from quality assessment or consultation).

Recommended actions

Reflect overarching and common areas to be addressed by all partners.

Lead agency

Refers to the main organisations who should work together to help deliver the actions.

Timescale

The timescales relate to delivery times and are not priority based. Timescale: (S) Short (1-2 years); (M) Medium (3-5 years); (L) Long (6+ years).

Priority

Priority rating of each action.

Cost

The actions have been ranked as low, medium or high based on cost where (L) Low = less the £50k; (M) Medium = £50 - £250K; and (H) High = £250k plus.

Aim

Relates to the three aims of the strategy – Protect, Enhance and Provide.

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

The following actions are developed from the information collated in the related Indoor Sports Facilities Study and are relative to each of the District's key facilities. Those with undersized facilities and commercial facilities have not been included:

Facility	Facilities	Identified challenges	Recommended actions	Lead agency	Timescale ⁷	Priority	Cost ⁸	Aim
Brandles School, Baldock Local community facility	Activity hall	Potential rebuild of school on new site.	Secure use for community users. Ensure sports facilities are replaced or upgraded on new build. Any new sports hall to consider community use and individual sport requirements.	Education NHDC NGBs	M	Medium	H	Provide
Fearnhill Sports Centre, Letchworth Key community facility	Main hall Activity hall	Facility needs investment. New floor required in main sports hall.	Investment in facility to improve quality, particularly sports hall floor, leaking roof and general state of disrepair.	Education NHDC	S / M	Medium	M	Enhance
Hitchin Boys School Sports Centre, Hitchin Local community facility	Main hall Activity hall	Quality of facility.	School to continue with planned refurbishment.	Education	S / M	Low	M	Enhance
Hitchin Girls' School, Hitchin	Activity hall	Quality of facility. Parking issue during school day.	Since the Assessment Report, the School has secured planning permission and funding for a new four court	Education	M	Low	H	Provide

⁷ Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

⁸ Cost: (L) -Low - less than £50k; (M) -Medium - £50k-£250k; (H) -High £250k and above

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

Facility	Facilities	Identified challenges	Recommended actions	Lead agency	Timescale ⁷	Priority	Cost ⁸	Aim
Local community facility		Changing and hall located on separate floors, no lift. Not available Friday-Sunday.	sports hall. It is not planned as a community facility.					
Hitchin Sports Centre, Hitchin	Main hall	Quality of facilities.	Identify investment opportunities to improve quality of facilities and changing.	College	S / M	Low	H	Enhance
Key community facility	H and F							
	Squash							
Knights Templar Sports Centre, Baldock	Main hall	Quality of changing facilities and activity hall.	Investment in changing facilities and activity hall. Include activity hall in SLL contract and make available for community use.	Education	S / M	Medium	H	Enhance
Key community facility	Activity hall							
	H and F							
Meridian School, Royston	Activity hall	Community use is limited due to neighbouring Royston Leisure Centre- the school also use these.	Identify investment opportunities to improve quality of facilities.	Education	M	Low	M	Enhance
Local community facility	Main hall							
North Hertfordshire Leisure Centre, Letchworth	Main pool	Swimming clubs at capacity and cannot access additional pool time.	Consider reviewing programming.	NHDC SLL NGB	S	Medium	M	Enhance
	Leisure pool							Provide

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Facility	Facilities	Identified challenges	Recommended actions	Lead agency	Timescale ⁷	Priority	Cost ⁸	Aim
District wide facility	H and F	Provision of swimming lessons by operator and swim club.	Review issue of lesson provision.					
	Squash	Quality of main sports hall.	Since the Assessment Report, a new learner pool, sports hall and dance studio has been approved, to be completed in late 2017.					
Royston Leisure Centre, Royston	Main hall	Organisations have limited bookings and require more hall and pool space. Health and fitness suite operating at capacity.	Consider reviewing programming to increase participation.	NHDC SLL NGB	S / M	Low	M	Enhance
District wide facility	Main pool		Review health and fitness capacity.					
	H and F							
St Christopher School, Letchworth	Main hall	Did not engage in the study.	Seek to liaise with the school to determine opportunity for community use.	St Christopher School	S / M	Low		Provide
	Activity hall							
Local community facility	Main pool							
	H and F							
St Francis College, Letchworth	Activity hall	Quality of activity hall and wet and dry changing facilities. There is a current waiting list for community use.	School to continue with plans to refurbish wet changing. Identify investment opportunities to improve quality of activity hall and dry changing. Seek to secure community use	St Francis College	S / M	Medium	M	Provide
Local community	Main pool							Enhance

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Facility	Facilities	Identified challenges	Recommended actions	Lead agency	Timescale ⁷	Priority	Cost ⁸	Aim
facility			for users.					
The Highfield School, Letchworth Local community facility	Activity hall	Due for a rebuild under the Priority School Building Programme – existing main sports hall will be retained.	Ensure any new facilities consider NGB technical specifications. Secure community use of facilities	The Highfield School	M	L	H	Enhance
	Main hall							
	Activity hall							
The Princess Helena College, Pirton Local community facility	Main hall	Did not engage in the study. Main sports hall is reported to be available.	Seek to liaise with the school to determine opportunity for community use.	The Princess Helena College	S / M	Low		Provide
	Activity hall							
	Outdoor pool							
The Priory School, Hitchin Local community facility	Main hall	Quality of hall and changing facilities.	Continue with planned refurbishment of changing facilities.	The Priory School	S / M	Medium	M	Enhance
	Activity hall							
Hitchin Swimming Centre & Fitness @ Archers Hitchin, Hitchin District wide facility	Main pool	Quality of pool areas. Limited parking. Organisations have limited bookings and require more pool space.	Identify investment opportunities to improve quality of pool areas. Seek to formalise agreement with football club for parking. Consider reviewing programming to increase participation. Decision to be made on future of outdoor pool and investment identified if necessary.	NHDC SLL	M	Medium	L	Enhance / Provide
	Outdoor pool							
	Learner/ Teaching/ Training pool							
	H and F							

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Facility	Facilities	Identified challenges	Recommended actions	Lead agency	Timescale ⁷	Priority	Cost ⁸	Aim
Letchworth Garden City Fitness & Wellbeing Centre, Letchworth Local community facility	Main pool H and F	Maintain quality of facilities.	Identify ongoing investment to maintain quality of the facility.	Letchworth Garden City Fitness & Wellbeing Centre	L	Medium	M	Enhance / Provide
Letchworth Outdoor Pool, Letchworth District wide facility	Outdoor pool	Quality of facility.	Decision to be made on future of outdoor pool and investment identified if necessary.	NHDC SLL	S	H		Provide
Heath Sports Centre, Royston District wide facility	H and F Squash	Quality of facility.	Consider investment opportunities to improve the quality of changing facilities.	Heath Sports Centre	M	Low	L	Enhance
Letchworth Sports and Tennis Club, Letchworth District wide facility	H and F Squash Tennis	Did not engage in the study.	As the only indoor tennis facility in North Hertfordshire this facility should be protected. Seek to liaise with the Club to determine facilities, quality and use.	Letchworth Sports and Tennis Club	L	High	M	Protect
Ickleford Sport & Recreation	Squash	Did not engage in the study.	Seek to liaise with the Club to determine facilities, quality and	Ickleford Sport &	S / M	Low		Protect

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Facility	Facilities	Identified challenges	Recommended actions	Lead agency	Timescale ⁷	Priority	Cost ⁸	Aim
Club, Ickleford Local community facility			use.	Recreation Club				
Riverain Bowls Club Ltd, Hitchin District wide facility	Bowls	Maintain quality of facilities.	As the only indoor bowls facility in North Hertfordshire this facility should be protected. Identify ongoing investment to maintain quality of the facility.	Riverain Bowls Club Ltd	L	High		Protect

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

4.3 Sports specific actions

Headings in the following table are clarified below.

Sport

Indoor sport assessed as part of the indoor study.

Current picture

Provides a summary of key findings from the indoor study report.

Recommended actions

Reflect overarching and common areas to be addressed by all partners.

Lead agency

Refers to the main organisations who should work together to help deliver the actions.

Timescale

The timescales relate to delivery times and are not priority based. Timescale: s –Short (1-2 years); M –Medium (3-5 years); L –Long (6+ years).

Aim

Relates to the three strategic aims of the strategy – Protect, Enhance and Provide.

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

Suggested sport specific recommended actions: working in partnership to understand the changes in demand to plan for the future.

Sport	Current picture	Recommended actions	Lead agency	Timescale ⁹	Aim
Badminton	- There is some formal badminton activity in the district, this is limited. There is demand for pay and play / casual badminton in many sports halls. - There is a general need for more / improved badminton facilities in North Hertfordshire.	- Fearnhill Sports Centre needs its floor upgrading to meet Badminton England specifications. - North Hertfordshire Leisure Centre requires numerous improvements. - Once facilities are improved then identify a lead to drive badminton development in the District.	Badminton England NHDC	Medium	Provide / Enhance
Basketball	- Basketball is not a strong sport within North Hertfordshire, there are no sports halls large enough to cater for the sport at a competitive level. - Recent England Basketball focus and investment has gone to Hertsmeare Borough. - Sports halls are heavily used for badminton and football currently.	- Any new school builds should consult with England Basketball and consider the technical specification for basketball, should there be further developments to identify any new basketball demand. - Current sports halls should consider basketball demand in the programming.	England Basketball Schools Facility providers NHDC	Medium	Provide / Enhance
Bowls (indoor)	- There is one indoor bowls facility- Riverain Bowls Club, which is currently thriving. - The potential closure of Luton Indoor Bowls Centre is expected to see an increase in demand on the facility. - Future population increase is expected to see a rise in the older age bands and a potential rise in demand for bowls.	Work with the English Indoor Bowling Association (EIBA) to protect the facility at Riverain Bowls Club, as the only indoor bowls facility in the District.	EIBA NHDC	Long	Protect
Cricket	- New Cricket Unleashed initiative launched. - Potential for indoor offering for leisure operators to develop.	- Liaise with NGB to understand opportunities for indoor cricket offering. - Determine if this is a programming priority across North Hertfordshire's facilities.	ECB NHDC SLL	Short	Provide / Enhance

⁹ Timescales: (S) -Short (1-2 years); (M) - Medium (3-5 years); (L) - Long (6+ years).

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

Sport	Current picture	Recommended actions	Lead agency	Timescale ⁹	Aim
	Wider need for additional indoor opportunities across Hertfordshire.				
Futsal	- North Hertfordshire is a priority area for Hertfordshire FA and there is a futsal development officer that operates county wide. - There are currently no facilities available to hire to develop futsal, the potential for growth is significant.	Reprogramming of sports halls should consider the potential of futsal activity. Working with Hertfordshire FA could develop the sport and increase participation in the District.	Herts FA NHDC	Long	Provide
Netball	- England Netball is keen to develop participation programmes in the District. - Sports halls are heavily used for badminton and football currently.	- Current sports halls should consider netball demand in the programming. - Any new school builds should consult with England Netball and consider the technical specification for netball, to accommodate local demand. - Identify a lead to drive netball development in the District.	England Netball Facility providers NHDC	Medium	Provide
Swimming	- The main issue for clubs is lack of affordable pool time. - Pool hire is limited in District owned pools at certain times to keep 50% available for public casual use.	- A cross-district approach to programming, particularly across the local authority sites, rather than a blanket 50% available for casual swims approach may alleviate pressures both from a club perspective and also for the operator whilst still allowing consistent public access. - Continuation of the Partnership Provider Programme between the ASA and leisure provider to support an increase in participation. - Work with facility providers to develop community use agreements and concessionary pricing policies. - Support the development of swimming clubs (and wider sections such as water polo).	ASA Swimming clubs NHDC	Medium	Provide / Enhance

NORTH HERTFORDSHIRE INDOOR SPORTS FACILITIES STRATEGY AND ACTION PLAN

Sport	Current picture	Recommended actions	Lead agency	Timescale ⁹	Aim
		Ensure that the ASA and local clubs are fully consulted as part of any planned changes.			
Squash	- Hertfordshire is a key area for England Squash and Racketball, there has been a slight increase in participation over the past year. - The priority of the NGB is protection of existing courts. - Demand for courts is high at peak times and none existent during office hours.	Protect the existing supply of courts in North Hertfordshire	England Squash and Racketball NHDC	Long	Protect
Tennis (indoor)	This is currently not a focus area for the LTA, however focus work is being done with Letchworth Sports and Tennis Club.	Protect and look to increase the facility at Letchworth Sports and Tennis Club, as the only indoor tennis facility in the District.	Club LTA NHDC	Long	Protect
Volleyball	Not an area active for volleyball currently, Volleyball England focus work in St Albans and Watford.	No current demand identified; reassess on an annual basis.	Volleyball England NHDC	Long	Provide

**CABINET
18 DECEMBER 2018**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: THE CONTRACTING OUT OF HOMELESSNESS REVIEW DECISIONS

REPORT OF : SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER : COUNCILLOR BERNARD LOVEWELL

COUNCIL PRIORITY : RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 The Council undertakes statutory reviews of certain homelessness decisions for applicants who would like the outcome to be reconsidered. Review decisions often involve judgements on situations that can be legally complex in nature. Due to limited officer capacity, this process can last for an extended period of time.
- 1.2 The Homelessness Reduction Act 2017 places significant new legal duties on the Council, including the introduction of additional provisions that are also subject to review.
- 1.3 The Ministry of Housing, Communities and Local Government has provided all local authorities with ring-fenced homelessness grant to help them meet their new legal obligations.
- 1.4 There are specialist organisations who undertake homelessness reviews on behalf of local authorities, providing a cost effective and efficient option.

2. RECOMMENDATIONS

- 2.1 That Cabinet approves the 'contracting out' of homelessness reviews and the subsequent issuing of decisions on the Council's behalf, in accordance with the relevant legislation.
- 2.2 That Cabinet agrees the allocation of the ring-fenced homelessness grant (from the Ministry of Housing, Communities and Local Government) to fund the anticipated initial cost of contracting out, of between £5k-£10k for the period 1 January 2019 to 31 March 2020.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The outsourcing of homelessness review decisions to a specialist organisation should provide an efficient and cost effective solution, releasing management capacity that can be directed at further supporting the front-line response to the new provisions of the Homelessness Reduction Act 2017 (HRA).

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The in-house management of reviews could remain as it currently stands, however due to the legal complexities involved and the limited capacity of reviewing officers, it is likely some may not be completed in a timely fashion, impacting adversely on the turnover of temporary accommodation units.
- 4.2 The Council could retain the review decision making in-house, taking advice from an appointed contractor, who would recommend a decision. However, this would still rely on review officer capacity (as all decisions would still need full internal consideration) whilst also incurring the cost of the contractor.
- 4.3 Some local authorities have recruited specialist reviews officers, often sharing them between authorities. This option was not pursued as the current volume of reviews does not justify this response and it would initially cost significantly more than the proposals in this report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Cllr Bernard Lovewell has been consulted and is supportive of this decision.

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 on the 22 October 2018.

7. BACKGROUND

- 7.1 The Council is the local housing authority for the purpose of homelessness services under the Housing Act 1996. The legislation provides any applicant with a right to request a review of certain homelessness decisions made by the authority.
- 7.2 A homelessness review is a fresh assessment of the circumstances at the time of the review and this function is currently undertaken by Council officers. The initial outcome may be upheld, or an alternative decision reached. In terms of decision making, reviews can only be decided by an officer who was not involved with the original decision and who is also senior to the original decision maker (this means that two officers in Housing Services qualify to undertake this function on behalf of the Council).
- 7.3 The following table highlights the number of review requests made over recent years:

Year	Number of reviews requested
2016/17	18
2017/18	19
2018/19 (as at 27 November 2018)	11

8. RELEVANT CONSIDERATIONS

8.1 Following the introduction of the HRA in April 2018, the number of reviewable decisions has increased from eight to 14. They are summarised below (the new reviews introduced by the HRA are in italics):

1. Not eligible
2. Not homeless
3. *Steps taken to end prevention duty*
4. *Steps taken to end relief duty*
5. *Decision to end prevention duty*
6. *Decision to end relief duty*
7. *Decision to make a local connection under the relief duty*
8. *Decision to issue notice on non-cooperation*
9. Not in 'priority need'
10. Intentionally homeless
11. Local connection referral under main duty
12. Suitability of accommodation
13. The length of time temporary accommodation remains available to applicants who are intentionally homeless, but in priority need (reasonable notice)
14. Whether duty has been discharged to applicant

Although the number of review requests received appears to be fairly consistent, the volume may grow as the provisions of the HRA bed in.

8.2 The specialist nature of some of the reviews requires constant reference to the legal provisions (many of which are new), the Homelessness Code of Guidance and emerging case-law. Many of the reviews are requested by legal firms who specialise in challenging the homelessness decisions of the local authority. As a result, the internal review function requires a significant amount of officer time in comparison to the number of reviews received per year.

8.3 The capacity in Housing Services is limited due to the implementation of the Council's response to the new HRA provisions. The front-line housing service has been redesigned in order to ensure the new legal duties are met. This has included an ongoing training programme for team members and the implementation of system upgrades whilst adhering to vastly increased central government reporting requirements.

8.4 Due to the legal complexities involved with homelessness reviews and general challenges with review officer capacity, the decision making process can extend for a significant period of time. Although every effort is made to prioritise reviews of those residing in temporary accommodation, delays can impact adversely on the availability of vacancies for other homeless households and can occasionally result in the usage of nightly-paid accommodation.

- 8.5 Should Cabinet agree the proposals in this report, the Council would still retain the ability to undertake homelessness reviews. Although the intention would be to outsource the majority of reviews decisions, there may be some undertaken by officers from time to time, resources allowing.
- 8.6 Some Hertfordshire local authorities have outsourced homelessness review decisions for some time. More recently, Three Rivers DC and Watford BC have developed a county-wide Framework Agreement that provides two panels of specialist organisations, who are able to undertake this work at a competitive rate. Should Cabinet agree the proposals in this report, a contractor would be appointed from the Hertfordshire Framework, until March 2020.
- 8.7 In terms of the applicant, when they initially request a review, they will be advised of the organisation who will be undertaking this. Outsourcing the function can also assist with the perception of bias that internal reviews can generate as an external third party could be viewed as being completely impartial. Should an applicant be unhappy with the review outcome, they will still retain the right to an appeal via a county court, as is the case now.

9. LEGAL IMPLICATIONS

- 9.1 The Council is the local housing authority (LHA) for the purpose of homelessness services under the Housing Act 1996 (HA1996). S202 of Part VII of the HA1996 provides any applicant with a right to request a review of certain homelessness decisions made by the authority.
- 9.2 Section 70 of the Deregulation and Contracting Out Act 1994 permits the contracting out of any function of a local authority if it is authorised by a statutory instrument made under the Act. The Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996/3205 ("the Order") is made pursuant to this power. Article 3 of the Order allows the contracting out of any function of an authority which is conferred by or under Part VII of the HA1996, except for those listed in Schedule 2 to the Order. S202 of the Housing Act 1996 is not listed in Schedule 2 and therefore is capable of being contracted out.
- 9.3 Cabinet has within its terms of reference at paragraph 5.6.15 to oversee the provision of all the Council's services other than those functions reserved to the Council. This power, combined with the provisions of paragraph 11.6.1 of the Constitution, enables Cabinet to make the decision as to whether or not to contract out the function of determining homelessness reviews under S202 HA 1996.
- 9.4 Paragraph 11.6 of the constitution sets out the relevant decision making process in respect of contracting out. It states:

11.6 Contracting Out

The Council (in respect of Non-Executive Functions) and the Cabinet (in respect of Executive Functions) may contract out to another body or organisation functions:

- 11.6.1 *which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or*
- 11.6.2 *under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.*

The Council's homelessness function is an executive function pursuant to the provision of the Local Authority (Functions and Responsibilities) (England) Regulations 2000/2853.

- 9.5 Should Cabinet agree the proposals in this report, the appointment of a contractor will be made in accordance with the Council's Contract Procurement Rules, June 2018.

10. FINANCIAL IMPLICATIONS

- 10.1 The Ministry of Housing, Communities and Local Government (MHCLG) has provided all LHAs with:

- Flexible Homelessness Support Grant (FHSG)
- Transitional new burdens funding

This funding is ring-fenced and has been provided to help LHAs meet the new legal responsibilities introduced as part of the HRA.

- 10.2 The Council allocation of ring-fenced FHSG and new burdens funding for 2017/18, 2018/19 and 2019/20 totals £542.4k. Of this allocation, £372.9k has already been committed (via Cabinet resolutions in September 2017 and two subsequent decisions made under delegated authority by the Service Director – Regulatory, in consultation with the Executive Member for Housing and Environmental Health). This leaves a MHCLG grant balance of £169.5k remaining to meet demand pressures.
- 10.3 The future level of homelessness reviews is unpredictable; however it is anticipated, certainly in the short-term, they will continue at a similar rate. Should a contractor be appointed from the Framework Agreement highlighted in paragraph 8.6, the approximate cost between 1 January 2019 and 31 March 2020 would be £5k-£10k. This amount can be fully funded by the remaining MHCLG grant allocation highlighted in paragraph 10.2. The performance of the contractor will be monitored and the post March 2020 options reviewed in due course, including an assessment of funding availability at that time.

- 10.4 There are no specific capital implications arising from this report.

11. RISK IMPLICATIONS

- 11.1 Should the review function remain in-house, there is a risk that some decisions will take longer than necessary due to the complexity (in legal terms) of the applicants' situation and the lack of capacity for the reviewing officer to consider it in a timely manner. This could result in longer stays in temporary accommodation and occasional use of nightly-paid accommodation.

- 11.2 There is a risk that the number of homelessness review requests grows as the HRA becomes fully embedded. The numbers will be monitored closely, with appropriate intervention at the time.
- 11.3 There is the ongoing risk of perceived bias if the homelessness review process remains 'in-house'.

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 equality implications expected as a result of the recommendations in this report. The contracting out of the review decision making process allows the management capacity to further support front-line service provision and therefore vulnerable members of the community.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and "go local" policy do not apply to the decisions being considered as part of this report. When a contractor is appointed for the purposes of this report, it will be made in accordance with the Social Value Act and the Council's "go local" policy.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 Should Cabinet agree the proposals in this report, the management capacity that is liberated will be redirected to further support front-line staff in meeting the new provisions of the HRA.

15. APPENDICES

- 15.1 None.

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17. BACKGROUND PAPERS

- 17.1 None.

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**CABINET
18 DECEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: COMMUNICATIONS STRATEGY 2019 - 2023

REPORT OF: COMMUNICATIONS MANAGER

EXECUTIVE MEMBER: CLLR LYNDA NEEDHAM, LEADER OF THE COUNCIL

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Cabinet to consider and adopt the proposed North Hertfordshire District Council Communications Strategy 2019 - 2023, which sets out the strategic direction for the Council's communications over the next five years.

2. RECOMMENDATIONS

- 2.1 That Cabinet adopts the North Hertfordshire District Council Communications Strategy 2019 - 2023
- 2.2 That Cabinet agrees the delegation for creating the Action Plan and the annual review of the Action Plan contained in the Communications Strategy, to the Communications Manager in consultation with the Leader of the Council.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow the Council's communications team to carry out a programme of relevant communications activities, in line with an agreed strategic approach, ensuring residents and other stakeholders are well informed about the work of the Council and about relevant activities in the District.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative approaches could be to emphasise different aspects of the communications strategy (for example print first rather than digital first), however it is considered that the approach proposed is the most effective for the Council.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has taken place with the Leader of the Council and with Political Liaison Board. The results from questions about the Council's current communications mechanisms from the District Wide Survey of residents and staff surveys were also used to help inform the strategy.

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 on 2 November 2018.

7. BACKGROUND

- 7.1 The Council's current Communications Strategy spans the period 2014 - 2018, therefore the revised Communications Strategy attached as Appendix A is an updated version to cover the period 2019 - 2023. The strategy sets out how the Council will plan and manage communications activities over the next five years.
- 7.2 The Communications Strategy is an overarching document that applies across all functions of the Council. It is intended to provide a strategic overview to the Council's approach to delivering communications over the next five years. The strategy addresses the Council's approach to communications and the various communications channels which we will use to communicate how the Council is delivering on its three corporate objectives, as well as the day to day business of the organisation.
- 7.3 The strategy does not cover explicitly corporate consultation which is covered by a separate strategy, due for review in 2020, although there is linkage between the two strategies.
- 7.4 The Council's Communications team is responsible for implementing and driving forward the Communications Strategy and delivering the outputs of the associated action plan. The team are the first port of call for all media enquiries and public relations activity. They also produce Outlook magazine, the quarterly magazine which is delivered to 56,000 households across the District. Recently, the team have launched a new digital magazine 'NH Now' and a new e-bulletin service '@NorthHerts.' The team are also responsible for internal communications to staff including the publication of the monthly 'Insight' magazine.' The team also manage the Council's social media presence and the Council's website.
- 7.5 The Strategy also sets out how we will monitor and evaluate our communications activities to ensure they are effective, provide value for money and remain fit for purpose.
- 7.6 While the Strategy covers the next five years, some flexibility over the channels used will need to be retained as the communications landscape is changing so rapidly. The action plan will therefore be reviewed annually by the Communications Manager in conjunction with the Leader of the Council and will be incorporated into service planning for the Communications team.

8. RELEVANT CONSIDERATIONS

8.1 Legal constraints on Local Government communications

- 8.1.1 The strategy sets out the confines within which we can carry out our communications, specifically with reference to the Code of Recommended Practice on Local Government Publicity, now strengthened in legislation in the Local Audit and Accountability Act 2014 and so amending the Local Government Act 1986. The 1986 Act contained the statutory power for the Secretary of State to issue a Code of Recommended Practice, the additional amendment in the 2014 Act enables the Secretary of State to direct compliance with the issued Code.
- 8.1.2 The Publicity Code provides guidance on the content, style, distribution and cost of local authority publicity. Local authorities are required by legislation to consider the Code in coming to any decision on publicity, which is defined as any communication, in whatever form, addressed to the public or a section of the public. It also contains provisions on appropriate communications during pre-election periods.

8.2 Perceptions of the Council

- 8.2.1 The 2017 District Wide Survey, carried out in September and October, showed there has been a decrease in overall satisfaction with the Council from 82% in 2015 to 75% in 2017 and a decrease in agreement levels on how well informed residents feel about the Council (see Appendix A). This research is valuable in helping guide the approach outlined in the Communications Strategy.

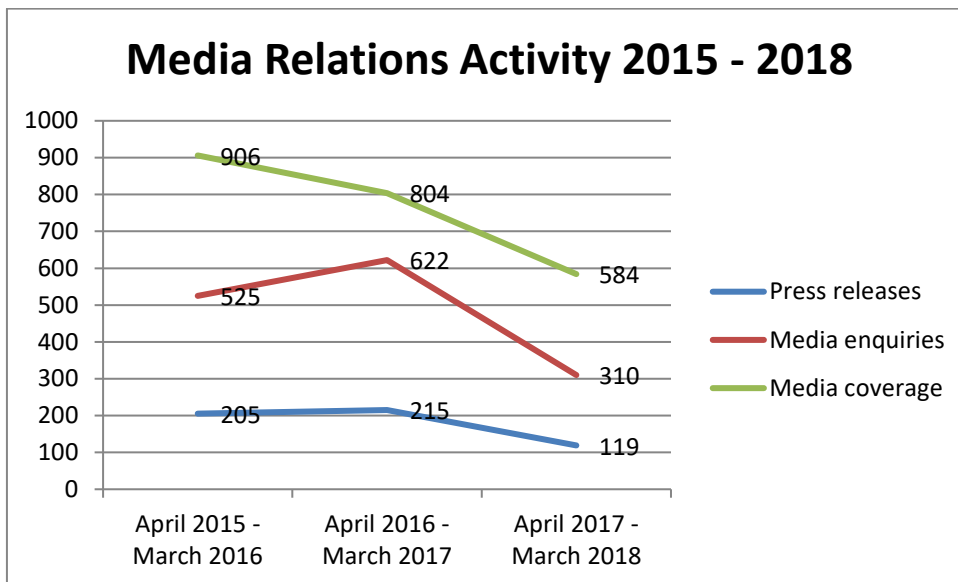
8.3 Growth of Digital communications

- 8.3.1 In recent years, we have seen a marked shift in how residents communicate and interact with the Council, with visitor numbers to both the website and our social media channels constantly increasing. We now have almost 10,000 followers on Twitter and over 1,500 on Facebook. Alongside this we have around 160,000 visits to our website every month.
- 8.3.2 The importance of social media to the Council can not be overstated . As an example, 2,997 people engaged with (liked, shared or commented on) a Facebook post regarding the introduction of the garden waste service. As a result, that post had the potential reach of 13,534 people, due to the post potentially being seen by friends of those people who engaged with the post.

8.3.3 Social media also has potential negatives for the Council, in that there are many private groups which we are aware of where people comment on issues regarding the Council and we have no direct way of influencing those conversations. This can mean that inaccurate information is sometimes circulated through these sites and we have limited means of correcting this. Where possible we will look to publicise the accurate information, however it can be difficult to ensure this reaches the right audience. There are also potential resource issues with managing social media. At the height of the waste contract problems, a large proportion of the communications team's time was spent dealing with social media on waste issues.

8.4 Decline of media relations activity

8.4.1 In the last three years we have seen a significant decline in the amount of media enquiries and media coverage which we receive, as can be seen by the graph below.



The decline in coverage is due in part to one of our key publications, the Midweek Mercury, no longer being in circulation and also less interest from the Comet in some of our stories, perhaps due in part to editorial changes at the paper.

8.4.2 It is important to consider why the number of press releases has dropped so significantly. The main reason for the number of press releases falling is that, simply due to our financial situation, the Council can no longer do all of the activities that it used to. For example we no longer put on many of the 'play' activities we used to e.g. Play Rangers. We also don't have as many events, such as Community Reassurance Events, due to lack of resource. Similarly in waste services there is less capacity to go to roadshows and put on WEEE events. It is important to bear this in mind for our future strategy, as positive PR opportunities are more limited than they used to be.

- 8.4.3 There are large areas of the district which aren't covered by the distribution of the Comet or the Royston Crow, and not everyone will read their local newspaper. Of course, while the local press remain important to the Council, their influence and importance is not as great as it was and we therefore need to be concentrating our efforts on reaching residents by different mechanisms.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet has within its terms of reference to prepare and agree to implement policies and strategies other than those reserved to Council.
- 9.2 The legislative framework governing local authority publicity is set out in Part II of the Local Government Act 1986, which as set out in the body of the report, has been amended by the Local Audit and Accountability Act 2014. The strategy has been prepared taking into account the legislative framework.

10. FINANCIAL IMPLICATIONS

- 10.1 The delivery of the Communications Strategy (Appendix A) does not increase the Council's current budget estimates for this financial year or future years. To ensure the Communications team can adopt the 'digital first' approach outlined in the Strategy, application of Strategic Priorities fund resource has been approved for the development of the digital magazine 'NH Now', the e-bulletin service @NorthHerts and for a fixed term Digital Engagement Officer post. An interim review of the Strategy will be carried out at the end of the two year period to establish the effectiveness of the new channels, at which point future funding options will be considered.

11. RISK IMPLICATIONS

- 11.1 Managing Communication is an integral part of Risk Management, and is particularly important in relation to the Council's Corporate risks, such as Hitchin Town Hall and Museum and the Waste Project.
- 11.2 The revised Communication Strategy will ensure that the Council continues to operate in line with the Code of Recommended Practice on Local Government Publicity and the Local Audit and Accountability Act 2014
- 11.3 Failure to acknowledge the decline in levels of satisfaction highlighted by the District Wide Survey 2017 may lead to a risk of reputational damage. The Strategy needs to address the shift in how residents communicate and interact with the Council and the decline of traditional print media if the Council is to avoid a further drop in levels of satisfaction among residents.
- 11.4 Incorporating the action plan into the Communications Service planning process, and reviewing annually, will help to mitigate the risk of reputational damage to the Council, and ensure that Communications remain relevant.

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 Good communication is essential in supporting our aim for openness and transparency whilst engaging with our residents, including those that have a protected characteristic and those that don't. Effective internal and external communication is also important in ensuring that our residents and partners are engaged, informed and understand our role and what we do.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 To ensure that the Communications team can effectively deliver the outputs of the Communications Strategy and adopt the 'Digital First' approach as described in Appendix A, funding has been approved on a fixed term basis for a full-time Digital Engagement Officer.

15. APPENDICES

- 15.1 Appendix A – Communications Strategy 2019 – 2023
- 15.2 Appendix B – Outline Action Plan 2018/19 – 2019/20
- 15.3 Appendix C – Social Media Strategy and Policy 2018

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17. BACKGROUND PAPERS

17.1 2017 District Wide Survey Key Findings Report
www.north-herts.gov.uk/home/council-and-democracy/consultations/district-wide-survey

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NORTH HERTFORDSHIRE DISTRICT COUNCIL COMMUNICATIONS STRATEGY 2019 – 2023



1. INTRODUCTION

Communications is at the heart of everything the Council does. This strategy outlines how we will plan and manage our communications activities over the next five years. It sets out our approach to communicating with residents, partners, businesses, with staff and Councillors. The corporate Communications Strategy is relevant to all service areas and functions of the Council.

The Council has achieved 3.6 million of savings since 2014/15 and we have had to radically rethink how we can continue to deliver quality services, while facing an uncertain financial future. Embedding commercialisation into the organisation's culture is now fundamental to our future strategy, as well as considering further opportunities to make efficiencies.

Meanwhile, the way in which residents want to communicate with us has also changed, with digital communications continuing to evolve and grow in importance. Our approach will always be inclusive, using a range of channels to reach as many residents as possible, however we are now at a stage where we need to put more resource and thought into our proactive digital communications activities.

This revised communications strategy reflects the changing landscape that we operate in. In uncertain financial times and with huge challenges ahead for local government, the role of communications in explaining what we stand for, how we will deliver services and provide value for money is critical.

The Communications Strategy supports the Council's corporate objectives which are set out in the Corporate Plan which can be found here: www.north-herts.gov.uk/home/council-data-and-performance/corporate-plan

We will focus our efforts on communicating how the Council is delivering on those objectives and on projects which fall under those objectives e.g. the Local Plan, regeneration of Churchgate Centre, Green Space Strategy and the completion of the North Hertfordshire Museum and Hitchin Town Hall project. By communicating about what the Council stands for and how we deliver on our priorities and policies, we can successfully build on our organisational reputation.

Aside from communicating strategic messages, we won't forget the basics and will ensure we provide effective information on the core services that people value the most, including waste and recycling, parks and open spaces, street cleaning and housing services.

We will also ensure that our Communications operate within legal boundaries and consider the seven principles of the Government's Code of Recommended Practice on Local Government Publicity (2011). The principles state that:

Publicity should:

- Be lawful
- Be cost-effective
- Be objective
- Be even-handed
- Be appropriate
- Have regard to equality and diversity
- Be issued with care during periods of heightened sensitivity

2. BACKGROUND

The 2017 District Wide Survey (DWS) of North Hertfordshire residents, carried out in September and October, showed there has been a decrease in overall satisfaction with the Council from 82% in 2015 to 75% in 2017. More recently, issues with the new waste and recycling contract and introduction of a charge for collection of garden waste have undoubtedly had an impact on the reputation of the Council. Although things are now a lot better, the reputational effect will take some time to resolve.

As part of the DWS, residents were also asked how well informed they feel about a range of issues. Only around four in ten residents feel informed about how to get involved in local decision making (39%), what the Council spends its money on (39%) and how well NHDC is performing (41%). There have been significant drops in how well informed residents feel about these measures since 2015.

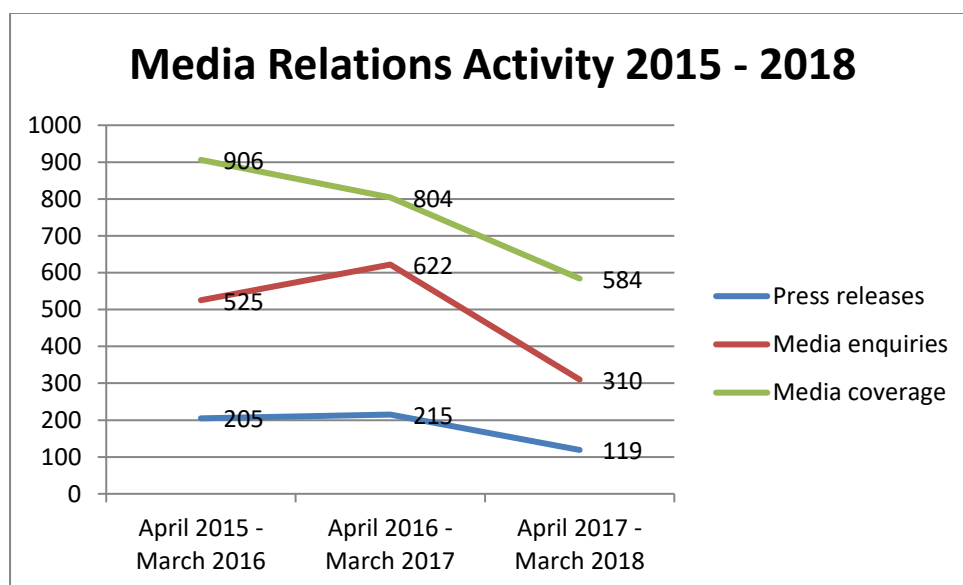
The District Wide Survey also found that those who have seen a copy of the residents magazine 'Outlook' are significantly more likely than those who have not, to be satisfied with the Council overall (77% cf. 69%). This suggests that the more informed people feel about the work of the Council, the more satisfied they are.

This research is valuable to help with understanding where we need to focus on building our communications efforts – namely around building on our reputation with residents and ensuring we are reaching as wide an audience as possible with our messages.

3, REVIEW OF LAST STRATEGY PERIOD 2014-2018

Media Relations: In 2015 we developed a media relations protocol which sets out how we work with the media and what they can expect from us. This is published on our website: www.north-herts.gov.uk/home/customer-services/publications-and-consultations/media-relations-protocol

In the last three years we have seen a significant decline in the amount of media enquiries and media coverage which we receive, as can be seen by the graph below.



The decline in coverage is due in part to one of our key publications, the Midweek Mercury no longer being in circulation and also less interest from the Comet in some of our stories.

The number of press releases being issued has also dropped significantly. The main reason for this is that due to pressure on finances, the Council can no longer do all of the activities which it used to. For example due to lack of resource, we no longer put on as many of the

play activities we used to e.g. Play Rangers, or events such as Community reassurance events, or waste roadshows and Waste electrical recycling events.

Also of note is that while the Comet does still have good circulation locally, there are large areas of the district which aren't covered by the distribution of the Comet or the Royston Crow, and not everyone will read their local newspaper. While the local press remain important to the Council, we can no longer be as reliant on them to help communicate our messages and we therefore need to be concentrating our efforts on reaching residents by different mechanisms.

Social media: In recent years, we have seen a marked shift in how residents communicate and interact with the Council, with interaction with our social media channels constantly increasing. We now have almost 10,000 followers on Twitter and over 1,500 on Facebook. We have developed a social media strategy and social media policy (attached as Appendix B) which sets out our approach to managing social media and also gives the public an overview of how we manage and respond to contact on social media. The policy will be published on our website. We also introduced Hootsuite – software to help us effectively manage our presence on social media and capture useful analytics data.

Website: In 2015 we redeveloped the Council's website, deleting approximately one-third of the content, simplifying the language and making the layout easier to navigate. We have also worked on developing our online offer, so that people can readily pay for, apply for, or report a problem with a service. During this strategy period, responsibility for the website was transferred to Communications from IT, given its vital role as a communications channel.

New Channels: In Autumn 2018 we introduced two new digital channels to help communicate our messages to a wider audience. NH Now, is the Council's new digital magazine, which will be published three times a year at alternate times to Outlook magazine and promoted page by page via social media. @NorthHerts is the Council's new e-bulletin service. Subscribers can receive email alerts on topics of interest to them including waste and recycling, events, North Hertfordshire Museum, jobs and careers and Active North Herts. The e-alerts system will allow us to communicate messages in a timely manner without being tied to a particular publication schedule.

Internal Communications: The Council's quarterly staff magazine and monthly corporate cascade briefing were replaced in 2016 with a single monthly magazine for staff, which is sent via email to all staff. Over 200 people view the magazine each month, with 2,185 page

views for the October edition. To improve visibility of senior management, monthly staff briefings were also introduced in January 2018.

Corporate Identity: Corporate identity guidelines were produced and distributed to all staff in October 2014. The document covers use of logos and the look and feel of all of our communications including emails, letters, presentations etc. It also contains advice on language to ensure it is professional and consistent across the organisation. These will be reviewed and refreshed during the next strategy period.

3. OUR COMMUNICATIONS PRINCIPLES

Our communications will be:

- Honest, accurate and transparent
- Carried out in line with relevant legislation and the Council's own communications protocols and guidance
- Accessible and tailored to meet the needs of a wide cross-section of the community
- Delivered using multiple channels e.g. media, social media, web, print
- Two-way
- Cost-effective
- Developed in line with our corporate style and identity guidelines

4. OUR COMMUNICATION AIMS

- To enhance the reputation of the Council by proactively positioning ourselves as a community leader, promoting both the work of the Council and celebrating everything that makes North Hertfordshire a great place to live, work and prosper.
- To ensure that the information we communicate is timely, accurate, responsive and relevant to the audience we are communicating to.
- To maintain a strong and consistent brand identity for the Council
- To strive for balanced reporting about the Council's policies, decisions and procedures
- To retain a committed and motivated workforce by implementing a programme of effective internal communications

5. AUDIENCES

Our key audiences include:

- North Hertfordshire residents
- Those working in / visitors to the District
- Community groups including charities and voluntary organisations
- Local businesses and potential investors, including BIDS and LEPs
- Councillors
- Council staff
- Town and Parish Councils
- Neighbouring district authorities and Hertfordshire County Council
- Partner organisations e.g. Herts Constabulary, Herts Fire and Rescue Service
- Housing Associations e.g. settle, Howard Cottage
- Central Government departments
- Print, online and broadcast media
- Social media influencers

6. OUR STRATEGIC APPROACH FOR 2019 – 2023

There are two core themes to the Communications Strategy approach:

- **Positive and Proactive**
- **Digital First**

Positive and Proactive

Our core objective for the next five years is to focus on improving our reputation and restoring public confidence in the Council. In order to do this we need to position ourselves as community champions, promoting and celebrating all that is good about North Hertfordshire, the people, community groups, businesses and place, as well as our own work.

Over the last year, much of the work of the communications team has focused on managing the Council's reputation with regards the new waste and recycling contract. A core component of this strategy is to re-focus our effort on delivering positive and engaging communications, across a range of channels. We will do this by:

Changing the narrative: In our new digital magazine, NH Now, we adopt a new tone – focusing on great community stories, celebrating what is great about North Herts, the people, the parks and open spaces, the towns and villages. We will also adopt this approach across other channels e.g. on social media we will engage with community groups and promote the places and people that make North Herts a great place. We will maintain a proactive PR calendar, which focuses on engaging content which can be repurposed across a range of channels. As part of this work we will continue to work alongside the Council's Economic Development Officer to identify opportunities for promoting North Hertfordshire to businesses and visitors.

While there is clearly an important place for traditional corporate communications and to inform residents about our work and performance, given the decline in satisfaction levels among residents and the decline of traditional print media, we also need to think of new ways of being seen as a positive community leader.

Developing campaigns – We will develop campaigns around specific themes and focus our communications efforts on those areas. For example, we could look at campaigns around priorities for the Council such as channel shift, health and well-being and environmental issues such as reducing use of plastics.

Entering into awards – We will proactively seek out opportunities across the Council for entering into awards. The Communications team will assist service areas by offering help with writing award entries and promoting achievements if shortlisted, or if we win. We have in the past had some success, particularly with waste and green space awards, but there is scope to expand this across other services

Working with the media – There is clearly still a place for working with the local press as opinion influencers and we will continue to maintain good working relationships with them. As part of the Strategy we will also pursue opportunities for opinion pieces, for example in the Local Government trade press or in service specific trade press. The Council has an opportunity using these sorts of pieces to position itself as a thought leader on local and national issues. We will also organise regular media training for Cabinet members to ensure they are equipped with the skills needed to act as spokesmen for the Council.

Photo Rangers: We have recently recruited Photo Rangers – officers in the Council who are willing to take photos while out and about in the district that we can use in our social media and traditional communications activity. The aim of this initiative is to show the breadth of what the Council does and also show off the best parts of the district. We hope

that this initiative will also get Council staff engaged, wanting to show off the great work they do. This could also potentially be expanded to include NHDC Councillors if there is interest.

Developing our filming offer - One area which could have a positive effect on the Council's image and reputation as well as generate income, is to develop our filming offer. In particular, Hitchin town centre is fast becoming a popular location for filming, however there are also our parks and open spaces and other properties such as Hitchin Town Hall which have the potential to be used for filming. As part of the Strategy we will build up a location library i.e. pictures of assets which location managers can readily access online when looking for a venue. We will also develop a filming policy and an indicative schedule of charges for filming.

Developing our consultation offer - Although the consultation strategy is covered separately, it is worth mentioning here, as the way the Council consults (or is perceived to consult) has also had a significant impact on its reputation in recent years. 2017 DWS results found that 41% of people disagree that the Council makes an effort to find out what local people want and 32% of people disagree that the Council fully involves or consults residents on important issues. While there are numerous reasons for these results, such as the decision to introduce a charge of garden waste, they prove an important barometer of public opinion.

One area under consideration to help improve our consultation activity is the expansion of the Council's Citizens Panel – a group of people willing to take part in surveys which we carry out. There is scope for building membership to the panel and using them more regularly, consulting them in a light-touch way on issues affecting them, to help people feel engaged with the Council. Membership of the panel could then be promoted via our usual communications channels. There may well also be other mechanisms we can look at, including digital focus groups and offering advice on wording and structure of consultations for service specific consultations.

Digital First

We will continue to utilise a range of channels to reach a wide audience, however in line with our channel shift strategy and with how many people now expect to receive communications, we will always try and adopt a 'digital first' approach.

A growing number of our residents use social media and expect to engage with us – both in terms of service requests and general communications. Social media will continue to

signpost residents to the council's website where additional information and advice will be hosted and services can be accessed or requests raised.

We will enhance our digital communications by:

Extending our range of channels - Work on this has already started with the introduction of the new NH Now digital magazine in October 2018 and the introduction of the e-bulletin service, @NorthHerts. Both channels will allow us to reach new audiences and in particular, the e-bulletin service will mean we can adopt a very flexible and timely approach to sending messages out. We will focus on building our subscriber base for @NorthHerts and building awareness of NH Now through targeted social media activity.

Devise engaging content: In the world of digital communication we cannot just rely on a simple piece of written communication to get our messages across. We will be building on the types of content we can offer, including videos, animations, infographics etc.

Improving engagement on social media: Our new Social Media Strategy sets out how we manage social media and during this Strategy period, the importance of social media will grow further. As well as engaging with customers who now want to use social media for their service requests etc, we intend to build positive engagement by developing specific campaigns on social media and encourage people to have a two-way conversation with us.

We already receive positive engagement around some of our social media activity e.g. we put together a calendar of summer activities which were going on in North Hertfordshire (not just Council activities) and this was well received. We have also promoted similar activities in the past including recycling tips at Christmas and fly-tipping campaigns. These themed proactive posts work very well and so we will look at expanding that side of our social media, as well as devising campaigns and engaging multi-media content.

Enhancing our website offer – we will introduce a Find My Nearest facility on the website and expand and refine our e-forms. We will also consider introducing options such as web chat and AI technology, through our corporate channel shift project. We will also consider the introduction of website advertising to help generate income, as long as this does not compromise the integrity of the content on the site.

Putting in place appropriate resource: To ensure we are maximising the opportunities available to us from our digital channels, we have secured temporary Strategic Priorities funding for our e-news bulletin service, our digital magazine and a new Digital Media and Engagement Officer.

7. EVALUATING OUR COMMUNICATIONS

The Communications Strategy is expected to help enable the following outcomes:

- Well informed and engaged residents who feel listened to and respected
- Recognition and improved perception of the Council and its services among residents and our other key audiences
- Pride in North Hertfordshire as a place to live, work and visit

We evaluate our communications in a number of ways:

Media monitoring - We operate a media monitoring system which records all press releases, media enquiries and media coverage for the Council. We monitor both the quantity and quality of media coverage. For example we consider an item's tone and the Council's share of voice in any coverage. Media monitoring reports are regularly presented to Senior Management Team.

Social media monitoring - We use social media monitoring software 'Hootsuite' to manage our presence on social media and to provide useful analytics data. This information is currently reported to Senior Management Team and a monthly summary is also provided in What the Media Says – a round up of media coverage, distributed to all Councillors and senior management. It is also proposed to include information on social media interactions alongside the Customer Service Manager's reports to Overview and Scrutiny Committee on Comments, compliments and complaints.

Website analytics - We use Google Analytics to record and analyse visitor traffic across the NHDC website, intranet and additional sub-sites. Analytics data is used to monitor demand and usage of content and provide reports for service areas. This can be used to adjust or update content to ensure it fully meets the needs of visiting users.

We use Google analytics to monitor the performance of our website.

Reputation surveys - The District Wide Survey measures overall satisfaction with the Council as well as trends in how well informed people feel about the Council. It also tracks satisfaction with the Council's Outlook magazine. We will continue to use the results of the survey to identify changing trends in customer behaviour and aspirations so that we can adapt our communications accordingly.

We conduct a survey of staff every two years which includes a section on our internal communications. We will use the results of the survey to gain feedback on the effectiveness of our communications and identify emerging channels.

Benchmarking data and sharing best practice - We subscribe to a national local authority communications group which provides a forum for sharing best practice and annual benchmarking data. It is a useful forum for testing ideas and understanding the local government communications landscape. The Communications Manager also regularly attends a Hertfordshire communications group for all 10 districts and Herts County Council. The purpose of the group is to identify any cross-county communications issues, share best practice and identify joint working opportunities.

8. CONTACT OFFICER

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NHDC COMMUNICATIONS STRATEGY: OUTLINE ACTION PLAN 2018/2019, 2019/20			
Corporate Objective	Communications Objective	Key Actions	Key dates
Attractive and Thriving	Promote North Hertfordshire as a great place to live, work and visit	- Plan and manage key themed campaigns as well as maintaining regular PR calendar - Seek out awards opportunities - Develop location library for filming opportunities - Arrange media training for Cabinet members	- Ongoing - Ongoing - Winter / Spring 2019 - Spring 2019
Responsive and Efficient	Consider ways of generating income through communications activity	- Consider cost / benefits of introducing advertising on digital channels e.g. website, NH Now magazine and e-bulletins - Develop filming policy and indicative schedule of charges	Decision on web advertising in Jan/Feb 2019
Attractive and Thriving	Reach new audiences through digital engagement activity	- Recruit Digital Engagement officer - Devise programme of social media campaigns including development of interactive content. - Develop NH Now and promote through social media - Develop Find My Nearest Facility for Council website	- January / February 2019 - Ongoing - As per agreed content schedule - Spring 2019

Responsive and efficient	Ensure the Council's brand is effectively portrayed in external and internal communications	• Audit use of NHDC Brand across channels / teams • Refresh corporate identity guidelines and style guide on use of appropriate language / tone etc as well as design.	• Autumn / Winter 2019 • Spring 2020
Responsive and efficient	Ensure staff feel motivated and engaged with the organisation and its priorities.	• Analyse staff survey results (Autumn 2018) and produce corporate action plan • Review Internal communications mechanisms and consider new ways of engaging with staff	• Dec 2018 / January 2019 • Regular review of analytics of Insight magazine and feedback from staff briefings



North Hertfordshire District Council

Social Media Strategy

2018-2021

DATE: September 2018

1 Executive Summary

1.1 Social media is a powerful means of informing and listening to residents across the district, and as such plays an increasingly important role for the Council. It is therefore important that it is managed well from within the organisation, and to set out our objectives and expectations to the public to ensure it is successful. This strategy sets out how the Council currently uses social media, and proposes potential new arrangements to improve its outcomes.

2 Introduction

2.1 Social media networks offer the ability to reach a large number of people almost instantaneously, which makes them an invaluable communications tool.

2.2 They are a useful means of informing residents and customers about Council news, projects, services and events. By building a base of followers through frequent publishing of news and updates, it becomes possible to reach a far larger number of people than would be possible relying on either traditional print media, or visitors to the website.

2.3 Social media also has the advantage of reaching people who may not usually engage with their local authorities, and having no restrictions when it comes to timing: updates can be published at any time, multiple times, in order to reach the widest possible audience. The sites are also generally free to use.

2.4 Social media is managed by the North Hertfordshire District Council (NHDC) Communications team and certain officers in the Customer Service Centre through an online software package called Hootsuite.

3 Objectives for using Social Media

- 3.1 To give residents a convenient digital way of being able to stay informed about the work of the Council and a means of getting in touch.
- 3.2 To be an informative, helpful and friendly online presence.
- 3.3 To deal with customer queries in a timely manner.
- 3.4 To share information about events and opportunities in the district.
- 3.5 To champion North Hertfordshire as a place to live and work.
- 3.6 To provide updates on services when they are disrupted or during an emergency situation.

4 Current Situation

4.1 NHDC has a corporate presence on the following social media platforms:

Social network	Date joined	Main activities
Twitter	2009	News, promotional activities, customer interaction
Facebook	2014	News, promotional activities, customer interaction
YouTube	2010	Video and audio file hosting
Flickr	2010	Photo sharing
Instagram	2018	Photo sharing, promotional activities
LinkedIn	2015	Job vacancy publicity

4.2 Facebook and Twitter

The bulk of our focus currently lies with Twitter and Facebook, two of the most popular social networks worldwide. We have nearly 10,000 followers on Twitter and are approaching 1,500 likes on Facebook. We actively engage with residents and other users on these networks by posting links to news updates, community events, and regional and national social awareness campaigns. We also respond to individual customer queries on these channels where possible.

4.3 Analytics data allow us to measure the success of our posts in terms of the number of views they receive and their click-through rates. We can also track engagement levels, for example those people who have commented on or liked our posts. We are also able to track sentiment of posts. This analytical data in turn allows us to judge when future posts should be scheduled to reach the largest possible audience and helps us tailor future messages according to what our followers are most interested in.

4.4 Flickr, Instagram, YouTube and LinkedIn

The other social networks we have a presence on allow us to broadcast information, but with no expectation of individual interaction or customer service.

- 4.5 Flickr is a photo sharing site aimed at photography enthusiasts and professionals. In the past we used to post photos to Flickr as a means of promoting the district as a vibrant and attractive place to live and work. In particular we used it to show the progress in the construction works for Hitchin Town Hall and Museum. However, Flickr's decline as a social media force has meant we no longer actively use it.
- 4.6 Instagram is a photo and video sharing social network, and is particularly popular among young people. Since February 2018 we have been experimenting with using Instagram instead of Flickr as a means of sharing images to promote the district. We have quickly grown a base of over 500 followers, though it is difficult to quantify the impact our posts have as yet.
- 4.7 YouTube is a well known and widely used video sharing website. Though NHDC has had an account for several years, it has not published a great deal there, due to the time and cost required in developing good quality video content. Recently the audio recordings of the Local Plan Examination hearings were uploaded there as an easy solution to making them publicly available. The communications team are also actively looking at opportunities to create or share video content so that we can improve our digital offer to residents.
- 4.8 LinkedIn is a business professional social networking site, and is one of the most popular services for job hunting. NHDC's profile page sets out who we are and what we do, and we regularly post updates promoting vacancies currently available.
- 4.9 Certain NHDC services such as the North Herts Museum and Herts Careline, also maintain their own social media profiles. This is done with the agreement of the Communications team, who determine if there is a legitimate case for a new social media presence, and that levels of resourcing have been fully considered. A policy on use of social media by staff for work purposes can be found on the Council's Intranet.
- 4.10 In general, it is preferable for the main corporate social media accounts to act on behalf of other services and publish their messages, to ensure engagement is properly managed and resourcing is available. It is accepted however, that there are some circumstances which make a distinct social media presence

desirable.

4.11 In the case of the services in the table below, they already operate or promote themselves to the public at arm's length from the Council, or work in an area more akin to a commercial environment and therefore benefit from a more independent presence online. The Communications team support these services by offering advice and guidance when needed, and sharing their content on the main corporate accounts.

Service	Social networks
North Herts Museum	Twitter Facebook Instagram
Herts Careline	Twitter Facebook
Hitchin Town Hall	Facebook Instagram

5 Management and Development of Social Media

5.1 Management of initial response and assigning enquiries

5.2 Currently the Communications team lead on all engagement on social media – publishing all general outbound messages, and assigning all inbound enquiries and messages to its own team or to the Customer Service Centre if the query relates to a straightforward customer service enquiry.

5.3 Generally this arrangement works well, as by assigning messages, it can easily be seen that one person is dealing with a particular message, however as volumes of enquiries increase, both teams need to ensure they have enough resource that can be dedicated to dealing with enquiries.

5.4 If volumes of straightforward customer enquiries increase, it may make sense in the longer term for the Customer Services team to take the lead on assigning queries, however often posts have a potential wider reputational impact and therefore it makes sense currently for the Communications team to do so.

5.5 When responding to individual customer enquiries on social media, it is common practice among organisations for the responder to sign or initial their reply (e.g. adding “^GM” at the end) so that the customer is assured that their query is being handled by a real person. It also improves accountability by making it easy to see who participated in any customer interaction. Though NHDC does not currently initial its responses, it is a positive course of action which should improve customer satisfaction on social media, and should therefore be implemented or trialled.

5.6 Dealing with comments on other Facebook groups

5.7 As an organisation we have a corporate page on Facebook rather than an individual profile. Therefore we are unable to monitor or respond to comments made about North Hertfordshire District Council on other pages or groups e.g. ‘We are from Hitchin, Hertfordshire’. Unfortunately on occasion inaccurate information is circulated via these sites and there is little we can do to correct this. We could set up individual profiles to do so, however the resource involved

in monitoring them would be extremely time intensive. We should therefore only respond to queries directly posted on our own social media pages.

5.8 Monitoring and reporting interaction with customers on social media

5.9 Customer feedback through normal channels (e.g. telephone calls) is monitored and recorded by the Customer Service team for reporting purposes, and categorised in to comments, compliments and complaints (also known as the 3Cs). Social media is not included as part of this activity, largely for logistical reasons; the sheer quantity of comments and interactions would make it extremely time-consuming to compile and analyse the data. It is also partly due to the conversational and informal nature of social media: users discussing or mentioning NHDC do not always expect or require a response. They may discuss their customer experience of NHDC in a positive or negative way, but social media is an open space for public discussion – very different from raising a complaint (or comment or compliment) directly with the Council.

5.10 Customers can of course interact directly with NHDC on social media to raise a specific issue; however this is dealt with quickly and informally where possible. Queries of a personal nature may be moved to a more appropriate channel, where it would be treated as a standard customer service query or a 3Cs interaction. Queries received through social media are not currently subject to response time targets in the same way as other channels.

5.11 Interaction with users on social media is monitored instead through regular dashboard reporting to SMT. These includes key data such as engagement (replies, likes, etc.), mentions, tags (each post is assigned a tag, such as Waste, Grounds Maintenance, Council Tax, etc.) and follower numbers.

5.12 Factors to consider when evaluating a new social network

5.13 Social media is a continually growing and evolving environment, as new networking sites take off in popularity while others decline. As such it would be difficult, if not futile, to set out any hard and fast rules for when NHDC should look at creating a new presence on a social network.

5.14 In general however, the following can be considered as useful questions to ask if joining a new social network is being contemplated:

- Is there likely to be a regular flow of content to publish to justify creating the presence?
- Does the social network have a sufficient number of users to make it worth spending the time and effort in maintaining a presence there?
- Is it particularly popular among an audience with whom the Council wishes to increase engagement e.g. young people, older people?
- Is it possible to monitor the reach of posts published on the site, to determine how widely viewed they are?
- Can messages drafted for an existing social network be easily adapted to fit the new site, in order to minimise the extra work required to publish posts?
- Could the site be used to communicate updates during an emergency situation or a period of service disruption?

5.15 Policy for publication on website

5.16 It is common for organisations to publish a social media policy or code of practice on their website in order to set out clearly how that organisation uses social media, what users can expect from it, and what it expects from users in return.

5.17 The aim of the policy is to help avoid unpleasant or unacceptable treatment of staff, and to protect the organisation's reputation. From NHDC's perspective it is important to clarify how we aim to help anyone who contacts us via social media, but also that it may not always be possible or suitable to do so.

5.18 A policy for the NHDC website is attached to this strategy in section 6. It sets out:

- How to find our social media channels
- What we use social media for
- When we monitor social media
- How to contact us
- What we view as unacceptable behaviour
- How we deal with unacceptable behaviour

6 Social media policy for use on website

6.1 Introduction

6.1.1 We can be found on the following social media networks:

- [Follow us on Twitter](#)
- [Like us on Facebook](#)
- [Follow us on Instagram](#)
- [Follow us on LinkedIn](#)

6.1.2 We post messages about the services we provide to over 125,000 residents, as well as information about events and opportunities in the district.

6.1.3 Our aim is to raise awareness of all that the Council and North Hertfordshire have to offer.

6.1.4 We monitor our social media pages between 9am and 5pm Monday to Friday. We do not monitor or respond to posts outside of normal office working hours.

6.2 Contacting us

6.2.1 We try and reply to every customer query and message we receive but, due to high volumes, this is not always possible. Due to very high volumes, we do not respond to all comments made on our social media platforms, only to those where residents are asking us to deal with a service request or asking a customer service query.

6.2.2 We aim to initially respond to questions and requests for service within one working day. On some occasions during busy periods this may not be possible, but we will respond to you as soon as we can.

6.2.3 For general enquiries we recommend you contact us via our website's Do It Online portal which you can find at www.north-herts.gov.uk or using our customer service centre 01462 474000 (open 9am-5pm Monday to Friday).

- 6.2.4 In an emergency and outside of office hours, please use our [emergency contact details](#).
- 6.2.5 During an emergency or during times of significant service disruption, it is our policy to post all latest service or situation updates on our website and this would be the main channel of communication that we direct customers to for information. In this scenario we may post messages outside of our normal hours, but it is unlikely we will be able to reply to individual queries, as resources to man social media channels would be limited and may need to be diverted to other contact channels. In these instances we reserve the right to direct customers to other channels to complete their service request or query, as this will often be the most efficient and quickest way of speaking to us.
- 6.2.6 If your enquiry needs further investigation or is of a sensitive nature, we may direct you to other, more suitable contact channels. This is done so that your enquiry can be answered by the most appropriate officer, as well as to ensure your data is properly handled.

6.3 Our social media policy and process

- 6.3.1 Our social media accounts are managed by real people. We strive to be helpful and understand you may have frustrations with our services or those of our contractors and partners. We encourage public debate and people are free to share their views about the Council. We have no intention of stifling discussion about us as an organisation. However, we ask that you are respectful. Abuse will not be tolerated.
- 6.3.2 The vast majority of people who use social media do so with tolerance and respect, however a small minority can spoil it for everyone. This policy aims to protect our employees, councillors and residents from unacceptable use of social media. Unacceptable behaviour includes (but is not limited to) abusive or bad language, degrading remarks, or attempts to provoke or upset other users. We reserve the right to take action in relation to social media posts or messages which:
- are abusive, harassing or threatening
 - use sexist, racist or other unacceptable language which are intended to cause concern / harm

- are defamatory or libellous
- may be in contempt of court
- break any other law or incite someone else to break the law
- contain inappropriate material (including images or video)
- are spam.

6.3.3 In the event of unacceptable behaviour we will follow a set process:

- Firstly we will record the name and handle of the account, the date, social media post and why it is unacceptable
- We will delete or hide any posts which we view to be offensive. Following this we will usually issue a written warning, after consulting with the Communications Manager and/or the relevant Service Director. This will usually be by means of a private direct social media message in the first instance with a link to our social media policy
- If unacceptable behaviour continues or is extreme, the Council will consider blocking the user from interacting with us on social media. After 12 months the owner of the account can appeal the decision to block. Any decision to reverse the block will be made in conjunction with the Chief Executive. We reserve the right to block any user from interacting with us on social media at any time.
- If we block any social media user the Communications team will record the decision and make the Chief Executive aware. We may also report the matter to the Police where behaviour amounts to abuse or harassment or a criminal offence is suspected.

6.3.4 This policy adheres to the principles set out in the Unacceptable Customer Behaviour Policy Statement, published on the Complaints page of the NHDC website. The policy states:

- All customers will be dealt with in a fair, honest and consistent way.
- Services are accessible to all customers. However we may restrict or change access to services when a customer behaves in an unacceptable way.
- We will make sure that the physical and emotional safety of customers, visitors and Council employees is not at risk from any customer who behaves in an unacceptable way.

- We will alert the Police if it is considered that there is an immediate danger to staff or customers.

6.3.5 Queries on this policy should be directed to pressoffice@north-herts.gov.uk.

**CABINET
18 DECEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: DRAFT BUDGET 2019/20

REPORT OF : SERVICE DIRECTOR- RESOURCES
EXECUTIVE MEMBER : COUNCILLOR JULIAN CUNNINGHAM
COUNCIL PRIORITY : RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 To consider the draft budget for 2019/20 and the main factors which contribute to the determination of the North Hertfordshire District Council (NHDC) Council Tax level. To consider the appropriate level of Council Tax that will be recommended to the meeting of the Council on the 7 February 2019.

2. RECOMMENDATIONS

- 2.1 That Cabinet notes the significant uncertainty around Central Government funding levels in 2019/20 and beyond, and that the estimates provided could be subject to significant change.
- 2.2 That Cabinet notes the estimated position on the Collection Fund and how this will be funded.
- 2.3 That Cabinet confirms that Council Tax increases for 2019/20 should be in line with the Medium Term Financial Strategy.
- 2.4 That Cabinet notes and comments on the inclusion of the savings and investment proposals in the draft budget. To include any additional savings or investments.
- 2.5 That Cabinet notes and comments on the inclusion of the capital investment proposals. To include any additional capital investments.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that all relevant factors are taken into consideration when arriving at the proposed Council Tax precept for 2019/20.
- 3.2 To ensure that the Cabinet recommends a balanced budget to Council on 7 February 2019.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 During the Autumn Political Groups were asked for savings ideas that they wanted Officers to investigate further. These have been combined with ideas generated by Officers. The total value of the ideas presented is less than the funding gap that needs to be met over 4 years. This means that currently there are not any alternative options available.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 All Councillors were given opportunity to comment on the efficiency and investment proposals at the Budget Workshops.
- 5.2 The Cabinet will consult on the proposals in this report with the Business Rate Payers Group in January 2018. This is the only statutory consultation that is required.
- 5.3 If any savings that have an impact on a specific area (or areas) will be referred to that Area Committee(s) during January. This is not considered to be the case for any savings included within the proposals.

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 on the 12th October 2018.

7. BACKGROUND

- 7.1 The Medium Term Financial Strategy (MTFS), which provides the financial background to the Corporate Business Planning process for 2019-2024, was adopted by Full Council on the 6 September 2018 following recommendation by Cabinet.
- 7.2 The MTFS included a number of assumptions, which will be updated as better information becomes available. The final budget will still contain some assumptions, and this is why monitoring reports are provided to Cabinet on a quarterly basis.
- 7.3 In anticipation of the decline in future funding, the Council has increased the level of general fund reserves. This allows for some cushioning in the delivery of savings.
- 7.4 Significant savings have been delivered in recent years. This means that the opportunity for savings from being more efficient have now generally all been taken. Instead the focus is now on income generation, service transformation, joint working, making best use of capital assets and justifying delivery of services above statutory levels.
- 7.5 The Council's funding is split between revenue (i.e. the day-to-day running costs) and capital (i.e. creating and improving assets). The general rule is that capital funding can not be used for revenue expenditure. However in the 2015 Spending Review, the Chancellor announced the "flexible use of Capital Receipts direction". Subject to certain conditions this allows Local Authorities to use Capital Receipts to fund the revenue costs of reform projects.

8. RELEVANT CONSIDERATIONS

8.1 Central Government funding

8.1.1 On the 29 October 2018, the Chancellor made his Budget Statement. The Budget included an update on the current state of public finances and the latest economic forecasts. None of the announcements provided details of specific impacts on the Council's funding.

8.1.2 The Provisional Local Government Finance Settlement was due to be announced on 6th December. However on the 5th December it was announced that this would be delayed for an unspecified period due to the ongoing Brexit debates in parliament. It was expected that this would have provided information on:

- The position in relation to negative Revenue Support Grant (RSG) in 2019/20. A consultation earlier in the year had suggested that this would no longer be applied. This would increase the funding available to the Council by around £1m in 2019/20. For the purposes of the estimates below, it is assumed that there will **not** be a negative RSG.
- Whether Hertfordshire had been successful in its application to form a Business Rates pilot. Whilst it is expected that there will be a benefit from being part of a pilot, it is not intended to build any assumptions in to the budget.
- Details on changes to New Homes Bonus, including the level of baseline to be applied. For the purposes of the estimates below, it is assumed to be broadly in line with 2018/19 (rounded down from previous estimates). An increase in the level of the baseline would reduce the funding available and if there was a shortfall this will need to be met from reserves.
- The extent to which Council Tax can be increased without the requirement for a local referendum (see 8.2.5 below).

8.1.3 In any event it was not expected that there would be any announcements about funding from 2020/21 onwards. This means that it continues to be difficult to forecast beyond the next financial year. From 2020/21 it is expected that 75% Business Rates Retention and a new Fair Funding Formula will be introduced. It is also expected that there will be a significant change to New Homes Bonus. Estimates for 2020/21 and beyond are therefore based on:

- The new fair funding formula will build in a reduction equivalent to the amount that the Council was due to lose through the introduction of the negative RSG. In line with previous totals published by the Ministry for Housing, Communities and Local Government (MHCLG) that the Business Rates Baseline and negative RSG will increase by 3% per year.
- That New Homes Bonus will continue at the same level of £1.1m. It is likely that this funding will reduce or be replaced, but there has been no further information on this. If it was completely eliminated then the annual savings target would increase by £1.1m.

8.1.4 Based on the above, this gives the following funding estimates:

Table 1: Estimated Non-specific Funding, excluding Council Tax (All amounts in £000)

2018/19		2019/20	2020/21	2021/22	2022/23
0	Revenue Support Grant	0	-1,103	-1,136	-1,170
2,622	Business Rates Baseline (share of income less tariff)	2,680	2,761	2,844	2,929
2,622	Funding Assessment	2,680	1,658	1,708	1,759
1,264	New Homes Bonus	1,100	1,100	1,100	1,100
3,887	Total non-specific funding, excluding Council Tax	3,780	2,758	2,808	2,859
	Change on previous year	-2.7%	-27.0%	+1.8%	+1.8%

8.1.4 Cabinet is asked in recommendation 2.1 to note the significant uncertainty around Central Government funding levels in 2019/20 and beyond, and that the estimates provided could be subject to significant change.

8.1.5 NHDC also receives grants for specific purposes. These grants are built in to service budgets and have therefore already been taken in to account when determining spend forecasts, so can not be used towards funding the base budget. These grant amounts are often uncertain, and reductions in the amount can result in spending pressures that would need to be met from the General Fund. As these grant announcements tend to take place in January, further details will be provided in the next iteration of this budget report in January.

8.2 Council Tax and Business Rates

8.2.1 NHDC is required to maintain a Collection Fund to account for the income received and costs of collection for Council Tax and Business Rates. Estimates of the net income are made at the start of the year and based on this money is transferred out of the Collection fund to the NHDC General Fund and other precepting bodies. The Fund is required to break even over time and any surplus or deficit is transferred to the NHDC General Fund and other precepting bodies.

8.2.2 The total amount of Council Tax that is collected is dependent on the actual number of properties, eligibility for paying a reduced amount (Council Tax Reduction Scheme) and the success in collecting what is owed. The amount of Business Rates that are collected is dependent on the number and type of business premises in the area, the success in collecting what is owed, eligibility for relief and the number and value of successful appeals. Assumptions on these factors are made in forecasting the level of income from Council Tax and Business Rates in future years.

- 8.2.3 Current forecasts are that the Business Rates collection fund will have a deficit at the end of the year. This is due to the level of appeals and rate reliefs. NHDC will need to fund its share of the deficit. The section 31 grant that NHDC receives for business rate reliefs and caps will be used for this purpose. It is expected that the Council Tax collection fund will have a small surplus.
- 8.2.4 **Cabinet is asked in recommendation 2.2 to note the estimated position on the Collection Fund and how this will be funded.**
- 8.2.5 It is expected that the Provisional Local Government Finance Settlement will confirm that for 2019/20 Local Authorities can raise Council Tax by the greater of 3% or £5 (band D equivalent) without the need for a local referendum. In future years (for 2020/21) onwards it is expected that the limit will return back down to the greater of 2% or £5 (band D equivalent). The Medium Term Financial Strategy (agreed by Council in September) proposed that the Council should increase Council Tax by as much as it is allowed to without triggering a referendum. Therefore a 2.99% increase is used to forecast Council Tax income in 2019/20, with £5 increases in the following years. Table 2 shows the level of Council Tax by year and the forecast level of income to the Council. Cabinet can recommend either a lower or higher rate of Council Tax increase to Full Council. The expected removal of the negative RSG in 2019/20 means that the Council will be able to provide a contribution in to a funding equalisation reserve, which would be used to cushion the impact of future expected funding reductions. Whilst it could be tempting to increase Council Tax by less than the maximum allowed, this will reduce the Council Tax base for future years and therefore increase the expected funding gap in those years. It is therefore not recommended.
- 8.2.6 The Council is required to produce a Council Tax Base estimate in November for the following year, and this has been used for the 2019/20 forecast. For future years a 1% growth per year is estimated. Based on the above, table 2 provides a forecast of future Council Tax income.

Table 2: Forecasts of Council Tax level and income

2018/19		2019/20	2019/20	2020/21	2021/22
223.45	Band D Council Tax (£)	230.13	235.13	240.13	245.13
2.99%	Increase as a %	2.99%	2.17%	2.12%	2.08%
49,119	Estimated Council Tax Base	49,498	49,993	50,493	50,998
1%	Increase as a %	0.8%	1%	1%	1%
10,976	Council Tax income to NHDC (£000)	11,391	11,755	12,125	12,501

- 8.2.7 It should be noted that this only represents the District Council element of the Council Tax bill for households. Table 3 below shows the constituent elements of the 2018/19 Council Tax bill for a Band D property (excluding any Parish precept).

Table 3: Band D Council Tax 2018/19 (excluding Parish precepts)

	2017/18	Share of bill
	£	
District	223.45	13.1%
County Council	1,224.67	71.7%
County Council- Social Care Precept	95.79	5.6%
Police and Crime Commissioner	164.00	9.6%
Total	1,707.91	

8.2.8 Cabinet is asked in recommendation 2.3 to confirm that Council Tax increases for 2019/20 should be in line with the Medium Term Financial Strategy.

8.3 Balances and Reserves

8.3.1 In setting its budget, the Council needs to consider the level of its reserves. This consideration includes specific reserves, provisions and general fund reserves. A full consideration of these will be provided as part of the next iteration of this budget report in January. As detailed in paragraph 8.2.5 it is expected that the Council will be able to make a budgeted contribution to a funding equalisation reserve in 2019/20. This is alongside keeping other reserves and provisions at appropriate levels. Whilst the detailed work has not been carried out, the Chief Finance Officer considers that the forecast General Fund Balance at the end 2019/20 will continue to be significantly above the calculated minimum level.

8.4 Savings and Investment Proposals

8.4.1 The Medium Term Financial Strategy highlighted the need to find at least £700k of savings within 4 years. However this was dependent on future announcements on funding and also finalising estimates (e.g. Council Tax base and inflation estimates). The £700k is a net total, so any proposals for increased spend (e.g. investments) would increase the amount of savings required.

8.4.2 Budget proposals were put forward for discussion at Group workshops in November (appendix A). To give the full context, these proposals included both savings and investment proposals. The comments made by the Groups are included as appendix C. Only specific comments have been provided.

8.4.3 Updates since the workshop are as follows:

- Full Council (22nd November 2018) agreed to an extension of the current 12 month payment period for green waste collection, for a further period of 3 months. The loss of income in 2019/20 based on 52% uptake is approximately £290k.
- Full Council (22nd November 2018) agreed an increase in the budget for opposition group leaders allowances based on the increases in the size of the opposition groups. This is an increase of £1.5k.

- Full Council (22nd November 2018) agreed a new budget of £1.5k to provide honoraria payments for Independent Remuneration Panel members (3 panel members at £500 each).
- The Quarter 2 monitoring report (as reported to this meeting) shows an ongoing reduction in forecast expenditure of £300k per year from 2019/20 onwards.

8.4.4 Cabinet is asked at recommendation 2.4 to note and comment on the inclusion of the savings and investment proposals in the draft budget. To include any additional savings or investments.

8.5 Capital programme and funding

8.5.1 This version of the budget does not include the full capital programme.

8.5.2 The Budget proposals that were put forward for discussion at Group workshops (appendix B) in November also included the full proposed capital programme for 2019/20 onwards. This did not include any capital schemes from 2018/19 that might be reprogrammed in to 2019/20. The comments made by the Groups are included as appendix C.

8.5.3 As referenced in paragraph 7.5, there are generally separate funding sources for Revenue and Capital. Where possible, external funding sources are sought for capital projects (e.g. developer contributions and grants), but the majority of the capital programme is funded from capital reserves. These reserves are made up of set-aside and capital receipts, and totalled £13.3million at the start of 2018/19. Set-aside receipts are the amounts that the Council received from the stock transfer of housing to North Herts Homes. Capital receipts are amounts that the Council receives when it sells surplus assets. By the end of 2018/19 it is expected that total capital reserves will fall to around £7m. Based on the proposed capital programme, the Council will become reliant on generating further capital receipts from the sale of surplus land to fund its capital programme.

8.5.4 Cabinet is asked at recommendation 2.5 to note and comment on the inclusion of the capital investment proposals. To include any additional capital investments.

8.6 Overall summary

8.6.1 Table 4 provides a summary of the forecast General Fund impact of the factors referenced in the previous sections of this report. This shows that based on current forecasts there are still around £600k of cumulative savings still to be identified. Although as referenced previously this amount is likely to increase as a result of changes in future funding.

Table 4: Forecast General Fund Position (All amounts in £000)

	2019/20	2020/21	2021/22	2022/23
Non-specific funding, excluding Council Tax	3,780	2,758	2,808	2,859
Council Tax	11,391	11,755	12,125	12,501
Council Tax Collection Fund accumulated surplus	257	0	0	0
CTR Funding to Parishes	(39)	(24)	(24)	(24)
Total funding	15,426	14,489	14,909	15,336

Net expenditure brought forward	14,549	14,666	14,794	15,037
Latest expenditure and income inflation estimates	398	401	396	385
Savings and investments included within Budget workshop proposals	(361)	(79)	(103)	87
Proposed budget carry-forwards	87	(87)	0	0
Allowance for future investments	0	150	150	150
Decisions from Full Council (22.11.18)	293	(290)	0	0
Qtr 2 Monitoring Report (Cabinet 18.12.18)	(300)	133	0	0
Savings still to be identified	0	(100)	(200)	(300)
Planned contribution to funding equalisation reserve	723	0	0	0
Net funding position	0	305	128	23
General Fund reserve b/f	7,171	7,171	6,866	6,738
General Fund reserve c/f	7,171	6,866	6,738	6,715

9. LEGAL IMPLICATIONS

- 9.1 The Cabinet has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council.
- 9.2 Cabinet's terms of reference include recommending to Council the annual budget, including the capital and revenue budgets and the level of council tax and the council tax base. Council's terms of reference include approving or adopting the budget.
- 9.3 Members are reminded of the duty to set a balanced budget and to maintain a prudent general fund and reserve balances.

10. FINANCIAL IMPLICATIONS

- 10.1 As outlined in the body of the report.

11. RISK IMPLICATIONS

- 11.1 The funding risks are heightened in section 8. As highlighted in paragraph 8.3.1 there will be a full review of the minimum General Fund balance in the next iteration of this budget report in January. The actual level of the General Fund reserve when compared with the minimum level provides a proxy for the level of financial risk that the Council faces, and its ability to deal with changes.

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 The proposals for efficiencies within this report do not unduly disadvantage one individual group within our local community more than another, although proposals relating to the staff, their terms and conditions or future employment will need to be subject to individual equality analysis in due course, as for any organisational or service restructure.

12.3 For any individual proposal comprising either £50k growth or efficiency, or affecting more than two wards, an equality analysis is required to be carried out; this has either taken place or will take place following agreement of efficiencies or growth.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

14.1 A number of efficiency proposals will directly affect staff. It is important that all affected staff are consulted and supported at the earliest opportunity and the Council’s HR policies and procedures are followed.

15. APPENDICES

15.1 Appendix A – Revenue Efficiencies and Investment proposals.

15.2 Appendix B – Capital Investment proposals.

15.3 Appendix C – Notes of November Member Budget Workshops.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1 Medium Term Financial Strategy 2018-23.

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New Efficiency Proposals for 2019/20 and beyond

Ref No	Service Directorate	Description of Proposal	Net Efficiency				
			2019/20	2020/21	2021/22	2022/23	
			£'000	£'000	£'000	£'000	
E1	Regulatory	Deletion of Membership of Greater Cambridgeshire and Greater Peterborough LEP. The GCGP LEP ceased to operate as of 01 April 2018. The new LEP, known as The Business Board, is Cambridge and Peterborough orientated only.	Expenditure reduction	- 16	- 16	- 16	- 16
			Additional Income	-	-	-	-
			Total	- 16	- 16	- 16	- 16
E2	Regulatory	Removal of funding for Area Wide Parking Reviews in 2019/20. There is a sufficient balance in reserve to enable the works to be undertaken in 2019/20 without the need for this annual provision.	Expenditure reduction	- 65	-	-	-
			Additional Income	-	-	-	-
			Total	- 65	-	-	-
E3	Resources	Ceasing the use of duplicate payment finder software. Additional functionality from the recent upgrade of the Council's main accounting system means that additional software to identify duplicate payments is no longer required.	Expenditure reduction	- 5	- 5	- 5	- 5
			Additional Income	-	-	-	-
			Total	- 5	- 5	- 5	- 5
E4	Resources	Savings on the cost of insurance have materialised following the tender of the Council's insurance arrangements, primarily on our property insurance. We have also decided to no longer insure against loss of revenue for the leisure facilities in the event of them being damaged. We have restricted insuring against terrorism damage to just key buildings rather than the whole of the property portfolio. The public liability excess has also increased from £5,000 to £10,000 per claim, which meant the premium was held at the previous level rather than increasing.	Expenditure reduction	- 48	- 48	- 48	- 48
			Additional Income	-	-	-	-
			Total	- 48	- 48	- 48	- 48
E5	Place	Effective procurement and management of tree maintenance arrangements has facilitated a reduction in the estimated annual provision required to deliver this service without adversely impacting the condition of the trees maintained within the district.	Expenditure reduction	- 10	- 10	- 10	- 10
			Additional Income	-	-	-	-
			Total	- 10	- 10	- 10	- 10
E6	Regulatory	Planning advertising expenditure	Expenditure reduction	- 5	- 5	- 5	- 5
			Additional Income	-	-	-	-
			Total	- 5	- 5	- 5	- 5
E7	Legal & Community	Rolling reduction in area committee grant budgets equivalent to 20% of annual provision	Expenditure reduction	- 10	- 19	- 25	- 31
			Additional Income	-	-	-	-
			Total	- 10	- 19	- 25	- 31
E8	Legal & Community	Removal of budget provision for District Council elections in 2021/22 as no elections scheduled to be held.	Expenditure reduction	-	-	- 89	-
			Additional Income	-	-	-	-
			Total	-	-	- 89	-
E9	All Directorates	Budget scrutiny savings: total of minor savings (each less than £1K in value) identified from the review of existing base budgets.	Expenditure reduction	- 12	- 12	- 12	- 12
			Additional Income	-	-	-	-
			Total	- 12	- 12	- 12	- 12
Total Net Budget Reduction from new efficiency proposals			Total Expenditure reduction	- 171	- 115	- 210	- 127
			Total Additional Income	-	-	-	-
			Total Efficiencies	- 171	- 115	- 210	- 127

New Revenue Pressures and Investment Proposals

Ref No	Service Directorate	Description of Proposal	Investment				
			2019/20	2020/21	2021/22	2022/23	
			£'000	£'000	£'000	£'000	
R1	Regulatory	Local Plan 2011-2031- Current discussions with the Inspector lead officers to believe that it should be possible to achieve a recommendation to adopt within 2018/19 subject to decisions of the Council. As such, this bid focuses on the work that will need to be undertaken post-adoption such as the review of strategies and the undertaking of studies. This bid maybe subject to change following the Inspectors interim report.	Additional Expenditure	150	-	-	-
			Income Reduction	-	-	-	-
			Total	150	-	-	-
R2	Regulatory	Retention of the 2018/19 parking tariff structure for 2019/20, including freezing prices for car park season tickets and residents parking permits.	Additional Expenditure	-	-	-	-
			Income Reduction	100	100	100	100
			Total	100	100	100	100

R3	Resources	Removal of earmarked efficiency from launch of NHDC Lottery (PE6 below)- Planned efficiency values were based on the experience of the first year of the Vale Lottery. A further assessment of the options for delivering a NHDC lottery was subsequently undertaken by officers. Officers concluded that in the absence of a major driver for demand, such as the lottery being a means of supporting a local hospital, a lottery would most likely absorb significant officer resource for a relatively minor return.	Additional Expenditure	-	-	-	-
			Income Reduction	50	65	65	65
			Total	50	65	65	65
R4	Legal & Community	Removal of earmarked efficiency from replacement of area committees with a more informal alternative (PE4 below)	Additional Expenditure	50	50	50	50
			Income Reduction	-	-	-	-
			Total	50	50	50	50
R5	Regulatory	Removal of earmarked efficiency from the review of the Council's Parking Strategy (CBP 2017/18).	Additional Expenditure	-	-	-	-
			Income Reduction	100	100	100	100
			Total	100	100	100	100
R6	Regulatory	Review of Social Housing stock- On a four yearly basis, procure consultants to analyse the condition of housing stock in North Herts and/or support activity on measures aimed at resultant findings/current priorities (e.g. helping residents introduce energy efficiency measures).	Additional Expenditure	-	20	-	-
			Income Reduction	-	-	-	-
			Total	-	20	-	-
R7	Regulatory	Local housing market analysis- Appoint consultant biannually to provide information and analysis on the local housing market in order to inform the development of housing policies and strategies.	Additional Expenditure	-	8	-	8
			Income Reduction	-	-	-	-
			Total	-	8	-	8
R8	Resources	Payroll contract- One year extension of current Payroll Contract to the end of March 2020, as per published delegated decision notice 26/08/2018. Due to this annual contract price increase, a new contract will be procured and commence from 2020/21.	Additional Expenditure	12	12	12	12
			Income Reduction	-	-	-	-
			Total	12	12	12	12
			Total Additional Expenditure	212	90	62	70
			Total Income Reduction	250	265	265	265
			Total Investments	462	355	327	335

Efficiencies earmarked in 2019/20 (and/or beyond) resulting from previous decisions

	Service Directorate	Description of Proposal	Efficiency				
			2019/20	2020/21	2021/22	2022/23	
			£'000	£'000	£'000	£'000	
PE1	Customers	Restructure of Revenues team. The use of technology means that the service can absorb these changes with no impact on service delivery.	Expenditure reduction	- 6	- 12	- 12	- 12
			Additional Income	-	-	-	-
			Total	- 6	- 12	- 12	- 12
PE2	Resources	Reduction in the number of audit days delivered by the Shared Internal Audit Service. Proposed to reduce from 400 days in 2017/18 to 360 days in 2018/19, 320 days in 2019/20 and 300 days from 2020/21 onwards. External Audit no longer place reliance on the work of Internal Audit in respect of key financial systems, hence the substantive testing element of this work is no longer required. The Council generally have good controls and therefore there is scope to reduce the time spent on service audits and still retain capacity to target any identified risk areas. The Audit Manager has advised that at 300 days, SIAS would still expect to be able to provide their annual assurance.	Expenditure reduction	- 10	- 15	- 15	- 15
			Additional Income	-	-	-	-
			Total	- 10	- 15	- 15	- 15
PE3	Resources	Centralisation of property repairs and maintenance budgets. Centralisation of these budgets will facilitate more effective planning and prioritisation of maintenance work.	Expenditure reduction	- 20	- 20	- 20	- 20
			Additional Income	-	-	-	-
			Total	- 20	- 20	- 20	- 20
PE4	Legal & Community	Replace area committees with a more informal alternative. The amount of saving of the direct administration cost of supporting Area Committees could be in the region of £50k, but would be dependent on the format and frequency of any alternative.	Expenditure reduction	- 50	- 50	- 50	- 50
			Additional Income	-	-	-	-
			Total	- 50	- 50	- 50	- 50
PE5	Place	Provision of a Crematorium at Wilbury Hills. Delivery of the crematorium and any revenue efficiency is dependent on a successful planning application. The estimated efficiency value is based on the proposed terms of the lease, with NHDC receiving an annual base rent of £10k (indexed annually by RPI) plus a percentage (up to a maximum of 10%) of the turnover generated from the Crematorium. The eligible percentage of turnover would be linked to the number of cremations that take place over a 12 month period.	Expenditure reduction	-	-	-	-
			Additional Income	-	- 50	- 100	- 100
			Total	-	- 50	- 100	- 100
PE6	Resources	The launch of an NHDC Lottery. Efficiency values are based on activity generated by the Aylesbury Vale lottery and assume 60% of the value of the tickets sold at £1 can be directed to fund activities in the NHDC area. Revenue generated could therefore be used to fund area grant awards.	Expenditure reduction	-	-	-	-
			Additional Income	- 50	- 65	- 65	- 65
			Total	- 50	- 65	- 65	- 65

PE7	Place	Reduction in cost for waste collection and street cleansing arising from the retendering of the service. Increase in efficiency from 2019/20 due to expectation of full year saving (contract commenced May 2018) and removal of initial one-off costs associated with the new contract.	Expenditure reduction	-	203	-	203	-	203	-	203
			Additional Income		-		-		-		-
			Total	-	203	-	203	-	203	-	203
PE8	Place	The expected net impact of introducing garden waste charging, at £40 with a 26% take-up. Efficiency anticipated to be greater after year 1 following removal of initial one-off costs and early bird discount.	Expenditure reduction		-		-		-		-
			Additional Income	-	131	-	131	-	131	-	131
			Total	-	131	-	131	-	131	-	131
PE9	Place	Savings in staffing costs anticipated from year 2 of the contract from a joint waste client team with East Herts Council.	Expenditure reduction	-	60	-	60	-	60	-	60
			Additional Income		-		-		-		-
			Total	-	60	-	60	-	60	-	60
PE10	Legal & Community	Cease MOU and contractual payments to identified Community Groups. Phased reduction in payments to Town Centre Partnerships: Baldock (ceasing March 2021) Reduction over a 3 year term from 2017/18 (ceasing March 2020): Hitchin British Schools Museum, North Herts Arts Council, Sports North Herts and Stevenage & North Herts Womens Resource Centre	Expenditure reduction	-	9	-	18	-	20	-	20
			Additional Income		-		-		-		-
			Total	-	9	-	18	-	20	-	20

Total Net Budget Reduction from earmarked efficiencies	Total Expenditure reduction	-	358	-	378	-	380	-	380
	Total Additional Income	-	181	-	246	-	296	-	296
	Total Efficiencies	-	539	-	624	-	676	-	676

Savings incorporated since 2018/19 Budget approved by Council in February 2018

Report	Service Directorate	Description of Saving	Saving								
			2019/20	2020/21	2021/22	2022/23					
			£'000	£'000	£'000	£'000					
Q3 2017/18	Commercialisation	Increase in rental income following rent review (included within ongoing impact total relating to 'other minor balances' of Q3 2017/18 report)	Expenditure reduction	-	-	-	-				
			Additional Income	-	5	-	5	-	5		
			Total	-	5	-	5	-	5		
Council 10.4.2018	Legal & Community	Council resolution that the adopted member allowances scheme for 2017/18 remain in place without amendment for the 2018/19 year reduces the anticipated cost in future years.	Expenditure reduction	-	7	-	7	-	7		
			Additional Income		-		-		-		
			Total	-	7	-	7	-	7		
Q1 2018/19	Place	The original estimate was based on the results of the public consultation, which indicated a 26% take up. The service has however been more popular than the consultation suggested, with currently over 50% of households registered for the service.	Expenditure reduction		-		-		-		
			Additional Income	-	235	-	235	-	235	-	235
			Total	-	235	-	235	-	235		
Q2 2018/19	All Directorates	The original staff salary cost estimate for 2018/19 was based on assumption of pay award of 3% for all pay grades. Negotiated pay offers resulted in salary increases ranging from 2% for middle to higher salary grades to 9% at the lowest pay point.	Expenditure reduction	-	85	-	85	-	85		
			Additional Income		-		-		-		
			Total	-	85	-	85	-	85		
Q2 2018/19	Chief Executive	Interest on mortgage payments. The final outstanding Housing Association mortgage was redeemed early so the Council no longer has any outstanding mortgages. Saving value included in 'other minor variances' ongoing impact total in Q2 report.	Expenditure reduction	-	7	-	7	-	7		
			Additional Income		-		-		-		
			Total	-	7	-	7	-	7		
Q2 2018/19	Chief Executive	Increase in anticipated level of investment interest income due to the reprofiling of the Capital Programme increasing cash balances available for investment.	Expenditure reduction		-		-		-		
			Additional Income	-	133		-		-		
			Total	-	133		-		-		
Q2 2018/19	Chief Executive	Saving on anticipated cost of External Audit, based on Public Sector Audit Appointments published scale of fees. Saving value included within other minor variances ongoing impact total in Q2 report.	Expenditure reduction	-	6	-	6	-	6		
			Additional Income		-		-		-		
			Total	-	6	-	6	-	6		
Q2 2018/19	Customers	Photocopying costs. The temporary relocation to Town Lodge prompted a reduction in the total number of MFD machines, with three less in operation. This reduction was then made permanent when the lease contract was renewed prior to the return to DCO. This has resulted in lower rental costs, print charges and paper costs.	Expenditure reduction	-	18	-	18	-	18		
			Additional Income		-		-		-		
			Total	-	18	-	18	-	18		
			Expenditure reduction	-	8	-	8	-	8		

Q2 2018/19	Customers	Stationery expenditure. Centralisation of stationery stock management and procurement has facilitated a further reduction in resource required (included within other minor variances ongoing impact total in Q2 report).	Additional Income	-	-	-	-
			Total	- 8	- 8	- 8	- 8
Q2 2018/19	Customers	Court summons fees. With effect from 20th July 2018, the fee charged by Magistrates Courts for the issue of a liability order was reduced from £3.00 to £0.50. Annual saving value based on recent levels of activity and was included within other minor variances ongoing impact total in Q2 report.	Expenditure reduction	- 10	- 10	- 10	- 10
			Additional Income	-	-	-	-
			Total	- 10	- 10	- 10	- 10
Q2 2018/19	Customers	Document Imaging contract. The prevalence of electronic invoicing and the transfer of the building control function to the trading company have contributed to a reduction in the volume of documents sent for scanning. Saving value included within other minor variances ongoing impact total in Q2 report.	Expenditure reduction	- 9	- 9	- 9	- 9
			Additional Income	-	-	-	-
			Total	- 9	- 9	- 9	- 9
Q2 2018/19	Resources	Energy management arrangements. The Council no longer pays a fixed amount to a service provider to check energy bills received and flag any potential variances in amounts billed / energy consumed. The Council appointed a new contractor to be responsible for all aspects of energy procurement and billing, with the fee charged to the Council built into the price per unit of energy. Saving value included within other minor variances ongoing impact total in Q2 report.	Expenditure reduction	- 5	- 5	- 5	- 5
			Additional Income	-	-	-	-
			Total	- 5	- 5	- 5	- 5
Q2 2018/19	Place	Garden Waste Collection. Net income from additional households registering for the service during quarter 2.	Expenditure reduction	-	-	-	-
			Additional Income	- 61	- 61	- 61	- 61
			Total	- 61	- 61	- 61	- 61

Total Savings incorporated since 2018/19 budget agreed in February 2018	Total Expenditure reduction	- 155	- 155	- 155	- 155
	Total Additional Income	- 434	- 301	- 301	- 301
	Total Efficiencies	- 589	- 456	- 456	- 456

Budget Pressures incorporated since 2018/19 Budget approved by Council in February 2018

Report	Service Directorate	Description of Pressure	Pressure			
			2019/20	2020/21	2021/22	2022/23
			£'000	£'000	£'000	£'000
Outturn 2017/18	Resources	Removal of Income expectation from Herts CCTV Company. Anticipated income had been based on the original estimates prepared when the CCTV company was formed.	Additional Expenditure	-	-	-
			Income Reduction	39	39	39
			Total	39	39	39
Outturn 2017/18	Customers	Council Tax Summons Income. The increasing proportion of households paying their Council Tax by direct debit has contributed to reducing the numbers of people taken to court over non-payment. Waiting times for court dates have also increased, which has extended the period available to pay the outstanding sum prior to the court summons being issued.	Additional Expenditure	-	-	-
			Income Reduction	35	35	35
			Total	35	35	35
Outturn 2017/18	Customers	NNDR Court Summons Income	Additional Expenditure	-	-	-
			Income Reduction	11	11	11
			Total	11	11	11
Q1 2018/19	Place	Processing of comingled recyclates. China's decision to ban the import of certain categories of recycled materials from the start of the calendar year has ultimately led to a significant decline in the sale value of these materials. A fall in sale prices directly increases the processing unit cost charged to NHDC.	Additional Expenditure	130	130	130
			Income Reduction	-	-	-
			Total	130	130	130
Q1 2018/19	Customers	Government Grant Income. Notification received from Central Government of reductions to Housing Benefit administration grant (£29,300 reduction from 2017/18) and Council Tax administration grant (£9,600 reduction from 2017/18).	Additional Expenditure	-	-	-
			Income Reduction	39	39	39
			Total	39	39	39
Q3 2017/18 Outturn 17/18 Q1 2018/19	Various	Total net ongoing impact of minor variances reported in quarterly monitoring reports to Cabinet since original budget was approved in February 2018. Q3 2017/18 = £2k, Q1 2018/19 = £11k	Additional Expenditure	13	13	13
			Income Reduction	-	-	-
			Total	13	13	13
Q1 2018/19	Commercialisation	Recruitment of two additional officers to the Commercial Support Team within the Commercialisation Service Directorate. The new posts will lead on the development of a housing investment company and explore new commercial opportunities, while also mapping out, supporting and developing internal services to increase commercial capacity. It is estimated that additional annual resource up to a maximum of £125k is required to meet the cost of the new positions; with maximum additional expenditure in 2018/19 of half	Additional Expenditure	- 62	125	125
			Income Reduction	-	-	-

		this amount (£62.5k) should the recruitment process be successful. The Council's Senior Management Team recommended that the cost of the first two years of these posts should be funded from the Special reserve.	Total	-	62	125	125
Council 22.11.2018	Place	Waste Collection Service in North Herfordshire. In recognition of the service received since the start of the new waste contract, which has not been of the standard we expect, the Council agrees an extension of the current 12 month payment period for green waste collection, for a further period of 3 months.	Additional Expenditure	-	-	-	-
			Income Reduction	290	-	-	-
			Total	290	-	-	-
Council 22.11.2018	Chief Executive	Member Allowances Scheme 2019/20. An additional amount (£1,500) required to cover the payments to the Opposition and Third Party Leaders to cover their increased membership. Honoraria for three panel members at £500 each per year, for any year that a Panel reviews and prepares a report on Members' Allowances.	Additional Expenditure	3	3	3	3
			Income Reduction	-	-	-	-
			Total	3	3	3	3
Q2 2018/19	Customers	Land charges income. The response to building control related elements of personal searches, previously provided by NHDC, is now undertaken by Hertfordshire Building Control.	Additional Expenditure	-	-	-	-
			Income Reduction	10	10	10	10
			Total	10	10	10	10
Q2 2018/19	All Directorates	The national business rates revaluation in April 2017 resulted in significant increases to the rateable values of some of the Council's assets. Where this occurred, the authority was eligible for transitional relief, which allows the increase in rates to the higher value to be incremental over five years.	Additional Expenditure	32	32	32	32
			Income Reduction	-	-	-	-
			Total	32	32	32	32

Total Net Budget Increase	Total Additional Expenditure	178	240	303	303
	Total Income Reduction	424	134	134	134
	Total Pressures Arising	602	374	437	437

Previously agreed changes, including updates to amounts

Proposed revised amounts in yellow

			Pressure / Saving				
Referenc e	Service Directorate	Description	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	
CBP 15/16 & CBP 16/17	Regulatory	Removal of Planning Services investment bids approved in prior years. 2015/16 CBP - Master-Planning of sites costs (part of the delivery of the Local Plan). £50k was earmarked in 2017/18 and £50k in 2018/19 (only). 2016/17 CBP - Local Plan costs - Following the Preferred Options consultation in 2015 additional work was identified as required before publication of the submission documentation. In addition the 2015 Central Bedfordshire examination identified that the current IT system did not meet the necessary legal tests. £120k earmarked in 2017/18 and £110k earmarked in 2018/19 (only).	Expenditure Impact	- 160	- 160	- 160	- 160
			Income Impact	-	-	-	-
			Total	- 160	- 160	- 160	- 160
CBP 2017/18	Customers	The original efficiency proposal, relating to the staffing restructure of the Systems & Technical Team, estimated that the saving would reduce from 2019/20 due to the requirement to renew GovTech Online Forms software.	Expenditure Impact	15	15	15	15
			Income Impact	-	-	-	-
			Total	15	15	15	15
-	Chief Executive	Reduction in annual interest payments relating to outstanding loans with Public Works Loans Board. The annual interest payments reduce as the loan principal is repaid. UPDATE CBP 2019/20: Estimates updated and extended to 2022/23	Expenditure Impact	-	1	- 2	- 3
			Income Impact	-	-	-	-
			Total	-	1	- 2	- 3
Council 31st August 2017	Chief Executive	Annual interest (fixed at 3.5%) receivable from NHDC loan to SLL for purchase of gym and fitness equipment at Hitchin and Royston Leisure Centres, approved by Council in August 2017, decreases as the loan principal is repaid. UPDATE CBP 2019/20: Interest income estimate extended to 2022/23	Expenditure Impact	-	-	-	-
			Income Impact	3	6	10	14
			Total	3	6	10	14
-	Chief Executive	District Wide Survey (estimated cost £16k) and Citizens' Panel (estimated cost £8k) take place in alternate years. UPDATE CBP 2019/20: Estimates include cost of District Wide Survey in 2021/22	Expenditure Impact	8	-	8	-
			Income Impact	-	-	-	-
			Total	8	-	8	-

Total Net Budget Impact	Total Expenditure Impact	- 137	- 146	- 139	- 148
	Total Income Impact	3	6	10	14
	Total Budget Impact	- 134	- 140	- 129	- 134

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CAPITAL INVESTMENT PROPOSALS- CONFIDENTIAL

Ref No	Service	Responsible Service Director	Description of Proposal	Corporate Priority	Total Project Investment 2019/20 onwards	Total Anticipated Funding from Grants or Other Contributions	Proposed Investment in 2019/20	Proposed Investment in 2020/21	Proposed Investment in 2021/22	Proposed Investment in 2022/23	Proposed Investment in 2023/24	Revenue Implication	Anticipated Impact of Proposal (on Public/ Customers/ Staff/ Members/ Reputation/Revenue Budget etc)
					£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Projects and / or values highlighted in yellow indicate new proposals or proposed revision(s) to existing proposals. Revision to existing proposals are clarified in the accompanying commentary.													
Invest To Save Proposals													
ECP3	Estates	Service Director - Resources	Provide housing at market rents.	Prosper & Protect	150	-	150	0	0	0	0	tbc	This project follows on from the revenue investment proposal that explores the feasibility. This is an "invest to earn" proposal to utilise NHDC capital and land to generate revenue income. Under this scheme, the land and properties would remain in NHDC ownership. Phase 1 (as dealt with by the revenue investment bid): form investment mechanism to own houses built for market rent. Phase 2: identify appropriate partnership model to achieve build and/or purchase. Phase 3: contract with a property management company. Phase 4: acquire/build properties. Phase 5 (beyond scope of this bid): identify other sites where this model could be applied. Planned investment in 2018/19 of £2.850million.
Sub-Total: Invest to Save:					150	-	150	-	-	-	-	-	
Other Asset Management													
Page 285	Property Services	Service Director - Resources	Council property improvements following condition surveys	Attractive & Thriving	765	-	255	255	255	0	0	0	Condition surveys have been carried out on a substantial number of the Authority's premises (substantially consists of Community Centres and Pavilions). This bid relates to 29 of those premises which are not currently subject to separate plans or review. The surveys have identified necessary works within priority bands required to ensure the continued use of the premises and to maintain premises in a reasonable condition. Enhancement works of this nature will reduce reliance on reactive maintenance repairs. The level of 'backlog' maintenance is also proposed as a national performance indicator by Central Government. An amount of £150k was approved to undertake the urgent works in 2014/15, based upon surveys carried out to date. In following years a full 5 year programme will be applied, based upon completed condition surveys or the whole estate. this is complementary to the Community Halls strategy (CHS), although covers a larger number of properties than those subject to CHS, i.e., it puts in place funds to allow works to be done that may assist in progressing that strategy (e.g. full repairing/partial repair leases). UPDATE CBP 2019/20: To help ensure that this project can be delivered in the timeframe estimated within the Capital Programme, it is requested that the £775k resource, originally earmarked entirely in 2019/20, instead be allotted over the next three years with an annual capital allocation of £255k (revised total investment of £765k).
Sub-Total: Other Asset Management					765	-	255	255	255	-	-	-	
Grants to Third Parties													
ECP1	Housing Services	Service Director - Regulatory	Private Sector Grants	Responsive & Efficient	240	-	60	60	60	60	60	0	HRAGs are a discretionary form of assistance specifically designed to provide practical help through a grant for small-scale works. This grant provides cash limited assistance up to £5K within any three-year period, for minor works for owner / occupiers and private tenants who meet certain criteria. HRAGs are means tested and help to eradicate CAT1 Hazards, such as excess cold. In February 2015 Council approved an increase in the level of funding from £35k to £60k per annum for 2015/6 and future years. UPDATE 2019/20 CBP: Investment proposed to be extended to 2023/24
ECP5	Estates	Service Director - Resources	Refurbishment and improvement of community facilities	Responsive & Efficient	370	-	250	120	0	0	0	0	To provide a five year fund from 2016/17 towards the refurbishment and improvement of community facilities in both rural and urban areas of North Hertfordshire. £165k spend in 2017/18 and planned spend of £671k in 2018/19 means a total capital allocation of £1.206m
Sub-Total: Grants to Third Parties					610	-	310	180	60	60	60	-	

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					£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Parking Related Proposals													
ECP6	Property Services	Service Director - Resources	Lairage Multi-Storey Car Par - Structural wall repairs	Attractive & Thriving	120	-	120	0	0	0	0	0	Works to preserve this income generating asset in usable condition. Works necessary to protect surface following experience at Letchworth multi-storey.
Sub-Total: Parking					120	-	120	-	-	-	-	-	
Community and Cultural Related Proposals													
NCP1	Hitchin Town Hall Community Facility	Service Director - Commercialisation	Hitchin Town Hall Acoustic Panelling	Prosper & Protect	30	-	30	0	0	0	0	0	There has been heavy criticism in local publications over the sound quality and acoustics at Hitchin Town Hall. A sound engineer has been brought in to advise on the cost of introducing some tasteful acoustic panelling, which would allow the hall to become a much more appropriate venue for spoken word events.
NCP2	Hitchin Town Hall Community Facility	Service Director - Commercialisation	Additional Bar Facility at Hitchin Town Hall	Prosper & Protect	15	-	15	0	0	0	0	0	Hitchin Town Hall can host up to 350 people in its main hall. The bar area however is very small and only has two fridges. Service can therefore be slow during busy events, with the lack of fridge space meaning drinks are often not chilled due to the high rate of turnover. Whilst the turnover of stock in the fridges is high, this is only in the context of the fridge space available. It is highly likely that a faster service and more adequate chilling of the products should result in higher sales. If the Council invested in a second bar on the other side of the hall, additional till systems and more fridge space, there is every likelihood that a higher return could be achieved. Although two bars will require more staff, it is expected that any increased outlay on staff would be offset by the return of higher income at the bars. If we wish to position the venue as a go-to live entertainment venue then this sort of investment is necessary.
NCP3	Hitchin Town Hall Community Facility	Service Director - Commercialisation	Hitchin Town Hall Sprung Floor Replacement	Prosper & Protect	75	-	75	0	0	0	0	0	It has been reported to the Council that the Floor Boards of the Sprung Floor in the Mountford Hall at Hitchin Town Hall is coming to the end of its life. The sprung floor is one of very few in the local area and is a selling point of the Town Hall (which is grade ii listed). In the meantime, we can attempt to prolong the life of the flooring through replacing boards as and when they are damaged and through regular waxing we can create a protective layer. However this will incur increased operational expenses and it is not clear how long this will extend the life of the floor boards for. Additional investigations are hoped to be carried out this financial year to gain a clearer understanding of the remaining lifespan for the current floor boards.
Sub-Total: Community and Cultural					120	-	120	-	-	-	-	-	
Leisure Related Proposals													
NCP4	Leisure Facilities	Service Director - Place	Hitchin and Letchworth Outdoor Pool Automatic Chemical Dosing Pumps	Attractive & Thriving	20	-	20	0	0	0	0	0	Introducing the automatic dosing system at the outdoor pools will ensure the same pool water control mechanisms as in operation at the indoor swimming pools.

CAPITAL INVESTMENT PROPOSALS- CONFIDENTIAL

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					£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
NCP5	Leisure Facilities	Service Director - Place	Leisure Condition Survey Enhancements	Attractive & Thriving	126	-	64	23	0	39	140	0	A physical condition survey has been carried out at all four leisure facilities. The survey identified all works that are needed and/ or will become necessary over the next five financial years.
ECP29	Leisure Facilities	Service Director - Place	Royston Leisure Centre extension	Attractive & Thriving	-	-	0	0	0	0	1,000	0	To extend the front of the Royston Leisure Centre. This will provide a new multi functional room and increase the size of the fitness room. The gym membership at Royston Leisure Centre is close to capacity and a recent latent demand survey demonstrated there is a demand to increase the size of this facility. By undertaking the capital work the Council will renegotiate the Leisure Management contract and SLL will increase their management fee to the Council. UPDATE 2019/20 CBP: Proposed to earmark this investment in 2023/24.
Sub-Total: Leisure					146	-	84	23	-	39	1,140	-	
Green Space Strategy - Baldock													
ECP22	Parks & Countryside Development	Service Director - Place	Replace items of play equipment Holroyd Cres, Baldock	Responsive & Efficient	10	-	0	10	0	0	0	0	Listed as a project for 2020/21 in the Council's adopted Green Space Management Strategy 2017 - 2021. Holroyd Cres is a large play area serving a large housing development. Some items of equipment have been identified as nearing end of life and in need of replacement.
Sub-Total: Green Space Strategy - Baldock:					10	-	-	10	-	-	-	-	
Green Space Strategy - Hitchin													
ECP17	Parks & Countryside Development	Service Director - Place	Renovate play area King George V Recreation Ground, Hitchin	Responsive & Efficient	75	-	75	0	0	0	0	0	Listed as a project for 2019/20 in the Council's adopted Green Space Management Strategy 2017 - 2021. The play area King George V Recreation Ground is one of the main neighbourhood play areas in Hitchin, serving a large housing estate. The play area is in need of refurbishment.
ECP25	Parks & Countryside Development	Service Director - Place	Walsworth Common Pavilion - contribution to scheme	Attractive & Thriving	300	287	0	300	0	0	0	0	This project was originally listed as a project for 2016/17 in the Council's adopted Green Space Management Strategy 2014 - 2019. The project was slipped into 2017/18 pending the outcome of the Green Space Strategy review. Following the review, this project is now earmarked for 2020/21 in the Council's adopted Green Space Management Strategy 2017 - 2021. The project is dependent on securing section 106 contributions and/or external grants. In the review, the pavilion was identified as being beyond economic repair.
Sub-Total: Green Space Strategy - Hitchin:					375	287	75	300	-	-	-	-	
Green Space Strategy - Letchworth													
ECP15	Parks & Countryside Development	Service Director - Place	Replace items of play equipment Wilbury Recreation Ground, Letchworth	Responsive & Efficient	10	-	10	0	0	0	0	0	Listed as a project for 2019/20 in the Council's adopted Green Space Management Strategy 2017 - 2021. The recreation ground has a good catchment area with a range of equipment for all ages. Some items of equipment are however nearing end of life and in need of replacement.
ECP21	Parks & Countryside Development	Service Director - Place	Renovate play area Howard Park, Letchworth	Responsive & Efficient	75	-	0	75	0	0	0	0	Listed as a project for 2020/21 in the Council's adopted Green Space Management Strategy 2017 - 2021. Situated in a town centre location, the high level of usage causes wear on equipment.
Sub-Total: Green Space Strategy - Letchworth:					85	-	10	75	-	-	-	-	
IT Schemes:													

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					£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
ECP20	IT	Service Director - Customers	Core Backbone Switch	Responsive & Efficient	20	-	20	0	0	0	0	0	Dual processor switch, which links the virtual servers to the SAN.
ECP2	IT	Service Director - Customers	PC's - Refresh Programme	Responsive & Efficient	51	-	17	17	17	0	0	0	PC's identified as having reached their end of useful life as part of the annual refresh programme. The assets have been used well past their original end of life because of the introduction of the citrix thin client technology.
ECP9	IT	Service Director - Customers	Tablets - Android Devices	Responsive & Efficient	41	-	14	12	15	0	0	0	As part of the IT Strategy and supporting the channel migration programme, the tablets are required to continue the roll-out to identified officers who would benefit from having mobile devices to be more efficient and productive. It is becoming increasingly important for those staff who are mobile working that they have the correct tools to view emails and documents whilst on the move. UPDATE CBP 2019/20: To facilitate paperless Committee Meetings, it is requested that existing provision of £8k in each of the next three financial years be increased to £14k in 2019/20, £12K in 2020/2021 and £15K in 2021/2022.
ECP28	IT	Service Director - Customers	Security - Firewalls	Responsive & Efficient	14	-	0	0	14	0	0	0	Firewalls are one of the most important pieces of hardware between the NHDC Network and the outside world and it is this equipment that stops cyber attacks from penetrating NHDC systems and data. There is a need to ensure this hardware is kept as current and up to date as possible to ensure the Council's networks and data are kept secure.
ECP9	IT	Service Director - Customers	Cabinet Switches - 4 Floors	Responsive & Efficient	18	-	0	0	18	0	0	0	This hardware connects each floor across the DCO to each other and back to the IT Data Centre on the ground floor. This hardware is the essential piece of kit that routes the traffic from desktops to the data servers and hence keeping this technology up to date and modern is essential to ensure data speeds are maintained.
ECP10	IT	Service Director - Customers	Dell Servers	Responsive & Efficient	65	-	65	0	0	0	0	0	In 2015/16 the authority upgraded the Server Estate with 10 Physical high level Dell Servers which have 179 virtual servers running within them. The hardware has a 5 year shelf life before coming unsupported.
ECP11	IT	Service Director - Customers	New Blade Enclosure	Responsive & Efficient	32	-	32	0	0	0	0	0	The Blades are an integral part of the Servers and go hand in hand. These formed part of the hardware refresh programme in 2015/16 and have a shelf life of 5 years.
ECP12	IT	Service Director - Customers	Replacement SAN	Responsive & Efficient	110	-	110	0	0	0	0	0	The Storage Area Network (SAN) is used to compliment the data storage and backups across the infrastructure estate. These are a critical element of the data infrastructure network as they also move the data traffic around the servers. The authority replaced the current SAN in 2015/16 and the life of this hardware is 5 years.
ECP13	IT	Service Director - Customers	Back-up Diesel 40 KVA Generator (DCO)	Responsive & Efficient	20	-	20	0	0	0	0	0	As part of Business Continuity and improving services, the authority purchased a Diesel Generator in 2015/16. The operation life of this hardware is 5 years.
ECP16	IT	Service Director - Customers	40 KVA UPS Device or Battery Replacement	Responsive & Efficient	7	-	7	0	0	0	0	0	The operation life of the batteries within the UPS Systems is 3 years and they need to be replaced. The authority has got 3 40 KVA UPS Systems which have varying battery sizes installed.

CAPITAL INVESTMENT PROPOSALS- CONFIDENTIAL

Ref No	Service	Responsible Service Director	Description of Proposal	Corporate Priority	Total Project Investment 2019/20 onwards	Total Anticipated Funding from Grants or Other Contributions	Proposed Investment in 2019/20	Proposed Investment in 2020/21	Proposed Investment in 2021/22	Proposed Investment in 2022/23	Proposed Investment in 2023/24	Revenue Implication	Anticipated Impact of Proposal (on Public/ Customers/ Staff/ Members/ Reputation/Revenue Budget etc)
					£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
ECP17	IT	Service Director - Customers	Additional PC's - Support Home Working/OAP	Responsive & Efficient	13	-	13	0	0	0	0	0	The authority has a large PC/Monitor estate which as part of the ICT Service Plan annual requires refreshing. In recent years Microsoft stopped supporting Windows XP and we are soon to be given notice of de-support on Windows 7.
ECP26	IT	Service Director - Customers	Laptops - Refresh Programme	Responsive & Efficient	6	-	0	6	0	0	0	0	Over the past 3 years IT have reduced the laptop estate from 149 devices down to only having 48 still in use. The small budget provision is to ensure we have funds to replace these devices when Windows 7 becomes de-supported or they have reached their end of life as part of the refresh programme.
ECP7	IT	Service Director - Customers	Additional Storage	Responsive & Efficient	13	-	13	0	0	0	0	0	As part of the day to day collection and storage of data within the Information@Works (I@W) which is the Corporate Document Management solution, the amount of data that is being scanned and captured via the Doc's on-line contract provided by Northgate is increasing by the day. There has been a huge push over the past year to work towards enabling every department to have access to I@W as this compliments Home Working.
ECP8	IT	Service Director - Customers	Disaster Recovery Set-up	Responsive & Efficient	25	-	25	0	0	0	0	0	Back in late 2016 NHDC launched its own Disaster Recovery Data Centre and this budget is requested to ensure we keep the hardware and security up to date to ensure it is fit for purpose and secure from cyber attacks.
ECP11	IT	Service Director - Customers	Alternative to safeword tokens for staff/members working remotely	Responsive & Efficient	8	-	8	0	0	0	0	0	The technology has changed considerably since we first starting using the Safeword Tokens 7-8 years ago. With the changes in personal technology such as Smart/IOS Phones there are now products on the market that are PSN approved for getting Access Keys delivered for 2 Layer Authentication such as Texts or App's on Smart Phones etc. This enables Members, Staff and Support Agencies to gain access to the remote login site from anywhere with no need to have a physical hardware device to hand
ECP19	IT	Service Director - Customers	Microsoft Enterprise Agreement	Responsive & Efficient	808	-	358	0	0	450	0	0	NHDC entered into a 3 year Contract for the use of Microsoft Licences for which 2018/19 represents year 3 of 3. There is the option within the contract to extend by a further 2 years. It is essential NHDC has the correct Microsoft Licences to ensure we do not fall foul of F.A.S.T (Fraud Against Software Threat) regulations. UPDATE CBP 2019/20 : The option of extending the original 3 year contract by two years is no longer available. Microsoft are offering authorities, including NHDC, where their contract expires early next year, an early commitment price of £112k per annum in year 1 (£123k per annum in years 2 and 3), which includes all licences required to ensure there is no breach of any F.A.S.T rules. The new three year contract will still start from 1st April 2019. It is therefore requested that the capital provision in 2019/20 by increased by £158k to a total of £358k and that the original £450k capital allocation in 2021/22 now be earmarked in 2022/23.
ECP23	IT	Service Director - Customers	Email / Web Gateway with SPAM Filtering Software Solution - Licence 3 Year Contract	Responsive & Efficient	39	-	0	39	0	0	0	0	Replacement of the current Cygnia Web Filtering (Bloxx) Software Solution and Clearswift Email Secure Gateway Software Solution. This contract for the software licenses is due for renewal in July 2020.
ECP24	IT	Service Director - Customers	Email Encryption Software Solution	Responsive & Efficient	45	-	0	45	0	0	0	0	Replacement of the Egress Email Encryption Software Solution, which was on a 3 year contract. North Herts have been using the Egress Email Encryption solution to ensure any Data above the protective marker of restricted is encrypted before leaving the Email Exchange Solution. The current three year software contract expires on the 31 March 2020.
Sub-Total: IT					1,335	-	702	119	64	450	-	-	
TOTAL					3,716	287	1,826	962	379	549	1,200	0	

TOTAL CONSISTS OF:													
PROPOSALS ALREADY IN THE CAPITAL PROGRAMME:					3,450	287	1,622	939	379	510	1,060	0	
NEW PROPOSALS IN THE 2019/20 PROCESS					266	0	204	23	0	39	140	0	

These totals exclude those capital projects planned to complete in 2018/19.

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Appendix C- Budget Workshop comments

Revenue savings and pressures

Ref.	Description	Conservative Group Comments	Labour and Co-operative Group Comments	Liberal Democrats Group Comments
E2	Removal of funding for Area Wide Parking Reviews in 2019/20		Need to ensure that actions from the previous parking reviews are carried out.	Query over whether these could be funded from reserves again in future years
E5	Effective procurement and management of tree maintenance		Need to make sure that we maintain NHDC trees	
E7	Rolling reduction in area committee budgets equivalent to 20% of annual provision	Add "grant" to description. I.e. "Rolling reduction in area committee grant budgets equivalent to 20% of annual provision"	Disagree, need to increase budget and have more flexible conditions.	Disagree, would like to see greater funding for Area Committees
R2	Retention of the 2018/19 parking tariff structure for 2019/20			Unclear as to the reasons for this.
R3	Removal of earmarked efficiency from launch of NHDC Lottery			Ok, did not support in the first place.
PE4	Informal alternative to area committees	Add comment to say "see R4", as this saving is proposed to be reversed.		
PE5	Provision of a Crematorium at Wilbury Hills			Ok, but would have expected a bigger return.

Ref.	Description	Conservative Group Comments	Labour and Co-operative Group Comments	Liberal Democrats Group Comments
PE6	NHDC Lottery	Add comment to say “see R3”, as this saving is proposed to be reversed.		
PE8	Full-year effect of garden waste charging	Make clear what it relates to. Change description to “Full-year effect of previous saving relating to garden waste charging. The expected net impact of introducing garden waste charging, at £40 with a 26% take-up.”		
PE10	MOU payments	Add to the description to explain the status of each grant. End of the description to be changed to: Baldock Town Centre Partnership. Grant ceasing at the end of 2020/21. Amounts to be paid: 2018/19 £6.8k, 2019/20 £4.6k, 2019/20 £2.3k. Hitchin British Schools Museum. Ceasing at end of 2019/20. Amounts to be paid: 2018/19 £4.5k, 2019/20 £2.2k. Sports North Herts. Ceasing at end of 2019/20. Amounts to be paid: 2018/19 £3k, 2019/20 £1.5k. Arts Council for North Herts. Ceasing at end of 2019/20. Amounts to be paid: 2018/19 £5.5k, 2019/20 £2.8k. Stevenage and North Herts Women’s Resource Centre. Ceasing at end of 2019/20. Amounts to be paid: 2018/19 £0.7k, 2019/20 £0.4k.	Disagree, reverse this saving.	Not supported. Small sums for Council can be significant to smaller bodies. Activities undertaken by these groups can help to reduce demand on Council services.

Ref.	Description	Conservative Group Comments	Labour and Co-operative Group Comments	Liberal Democrats Group Comments
na	Council resolution that the adopted member allowances scheme for 2017/18 remain in place without amendment for the 2018/19 year reduces the anticipated cost in future years.	Make it clear that this relates to the inflation that was added to the Members Allowances budget, but is now not required. Therefore change the description to: “The Council resolution at its meeting on 10th April was that that the adopted member allowances scheme for 2017/18 should remain in place without amendment for the 2018/19 year which reduces the anticipated cost in future years. This saving is the inflation that would have been paid if the amounts had increased”		
na	The original estimate was based on the results of the public consultation, which indicated a 26% take up. The service has however been more popular than the consultation suggested, with currently over 50% of households registered for the service.	Make it clearer what this relates to. Therefore change the description to: The original estimate of take-up of the chargeable garden waste service was based on the results of the public consultation, which indicated a 26% take up. The service has however been more popular than the consultation suggested, with currently over 50% of households registered for the service. It is currently assumed that this level of take-up will continue next year.		
na	Recruitment of two additional officers to the Commercial Support Team			Should have an income target for commercialisation.

Ref.	Description	Conservative Group Comments	Labour and Co-operative Group Comments	Liberal Democrats Group Comments
Various	Garden Waste Charging		Appreciate that too expensive to reverse the decision, so look at exemptions and reduce the amount charged for everyone.	
na	General Presentation	Remove the distinction between “expenditure reduction/ additional expenditure” and “additional income/ income reduction” throughout to simplify the tables.		
na	General Presentation	Make negative numbers easier to distinguish. Therefore propose to show negative numbers in brackets.		
na	General			Would like to see the existing budget against each of the items to provide context.
New	Health and Wellbeing	Add in a one-off investment (in 2019/20) for Health and Wellbeing / Active Communities projects of £50k.		
New	Grant payments	Additional support for Citizens Advice North Herts in 2019/20 of up to £50k.		
New	Film Income			Take advantage of the commercial opportunities presented by the film industry e.g. use of land for film sets.

Capital

Ref.	Description	Conservative Group Comments	Labour and Co-operative Group Comments	Liberal Democrats Group Comments
NCP1-3	Hitchin Town Hall			Need to include the revenue return from this investment
ECP3	Provide housing at market rents			Need to include the revenue return from this investment What was the basis for allocating £3m when the Council hasn't decided yet what investment route to take.
ECP29	Royston Leisure Centre extension			Needs a cafe

CABINET 18 DECEMBER 2018

*PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: SECOND QUARTER REVENUE MONITORING 2018/19

REPORT OF: SERVICE DIRECTOR - RESOURCES
EXECUTIVE MEMBER: COUNCILLOR JULIAN CUNNINGHAM
COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform Cabinet of the summary position on revenue income and expenditure forecasts for financial year 2018/19, as at the end of the second quarter. The forecast variance is a **£17k decrease** on the net working budget of £15.293m for 2018/19, with an ongoing impact in future years of **£300k decrease** and a request to carry forward budget of **£87k** to fund a specific project in 2019/20. There are a number of significant variances within these totals, which are detailed and explained in table 3. The report also provides an update on;
- the progress with the planned delivery of efficiencies (paragraph 8.3)
 - the use of budget approved to be carried forward from 2017/18 (paragraph 8.5)
 - performance against the four key corporate 'financial health' indicators (para 8.6)
 - the overall forecast funding position for the Council and factors that may affect this (paras 8.7 – 8.13)

2. RECOMMENDATIONS

- 2.1 That Cabinet note this report.
- 2.2 That Cabinet approves the changes to the 2018/19 General Fund budget, as identified in table 3 and paragraph 8.2, a £17k decrease in net expenditure.
- 2.3 That Cabinet notes the changes to the 2019/20 General Fund budget, as identified in table 3 and paragraph 8.2, a £213k decrease in net expenditure. These will be incorporated in the draft revenue budget for 2019/20.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Members are able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Budget holders have considered the options to manage within the existing budget but consider the variances reported here necessary and appropriate.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation on the budget monitoring is not required. Members will be aware that there is wider consultation on budget estimates during the corporate business planning process each year.

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 on the 12th October 2018.

7. BACKGROUND

- 7.1 Council approved the revenue budget in February 2018 of £14.747 million. As at quarter 2 the working budget has increased to £15.293 million. Table 1 below details the approved changes to this budget to get to the current working budget:

Table 1 - Current Working Budget

	£k
Original approved budget for 2018/19	14,747
Quarter 3 2017/18 Revenue Monitoring report - 2018/19 budget changes approved by Cabinet (March 2018)	85
2017/18 Revenue Outturn Report - 2017/18 budget changes approved by Cabinet (June 2018)	346
Quarter 1 2018/19 Revenue Monitoring report - 2018/19 variances approved by Cabinet (July 2018)	30
Waste Collection Service in North Hertfordshire report – 2018/19 income implication from 3 month extension to payment period for green waste collection – approved by Council (November 2018)	85
Current Working Budget	15,293

- 7.2 The Council is managed under Service Directorates. Table 2 below confirms the current net direct resource allocation of each Service Directorate in 2018/19 and how this has changed from the allocations published in the quarter one monitoring report. Budget was reallocated between directorates during quarter 2 as the finer details of phase one of the corporate restructure were finalised.

Table 2 – Service Directorate Budget Allocations

Service Directorate	Net Direct Working Budget at Q1	Forecast Variances approved at Q1	Garden Waste Income Adjustment	Budget Transfers in Q2	Current Net Direct Working Budget
	£k	£k	£k	£k	£k
Chief Executive	1,479	(105)	0	0	1,374
Commercialisation	(349)	42	0	(138)	(447)

Customers	3,588	59	0	0	3,647
Legal & Community	2,101	33	0	97	2,232
Place	4,645	(100)	85	(98)	4,532
Regulatory Services	1,253	63	0	0	1,316
Resources	2,461	38	0	139	2,638
TOTAL	15,178	30	85	0	15,293

8. RELEVANT CONSIDERATIONS

REVENUE INCOME AND EXPENDITURE FORECASTS

- 8.1 Service Managers are responsible for monitoring their expenditure and income against their working budget. Table 3 below highlights those areas where there are forecast to be differences. An explanation is provided for each of the most significant variances, which are generally more than £25k. The final column details if there is expected to be an impact on next year's (2019/20) budget:

Table 3 - Summary of forecast variances

Budget Area	Working Budget £k	Forecast £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2019/20 £k
Investment Interest Income	-255	-320	-65	Level of investment interest income is forecast to be higher than budgeted due to the re-profiling of Capital Programme expenditure increasing cash balances available for investment.	0	-133
Employee Payroll Costs – Savings Target	-516	-601	-85	Original payroll budgets included provision for 3% increase in salaries for all pay grades. With the respective pay offers for 2018/19 now agreed, adjustment to current year vacancy control savings target is the estimated over-provision in respect of the pay award for 2018/19. The ongoing impact will be incorporated in the base salary budgets calculated for each service.	0	-85
Business Rates Expenditure	+558	+586	+28	The national business rates revaluation in April 2017 resulted in significant increases to the rateable values of some of the Council's assets. Where this occurred, the authority was eligible for transitional relief, which allows the increase in rates to the higher value to be incremental over five years. Increase in spend therefore reflects reduction in value of the transitional relief in 2018/19 compared to last year.	0	+32
Land Charges Income	-174	-149	+25	Forecast shortfall is based on activity to date. The response to building control related elements of personal searches, previously provided by NHDC, is now undertaken by Hertfordshire Building Control. This is estimated to account for around £10k of the shortfall, with the remainder an indication of the effect of the slow down in the housing market due to economic uncertainty and the potential impact of Brexit.	0	+10

Budget Area	Working Budget £k	Forecast £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2019/20 £k
Planning Control – Legal and Consultants Costs	+103	+338	+235	Two appeals against Planning Committee decisions (both taken against officer recommendation) resulted in full cost awards against the Council and supplementary expenditure of approx. £140k. In addition, two 'hostile' planning applications for sites not taken forward within the Local Plan submission were defended at appeal. The first was a public inquiry at which the Council successfully defended its case. The outcome of the second appeal is awaited. Additional expenditure incurred as a result of planning appeals or hostile planning applications were identified as financial risks for 2018/19.	0	0
Local Plan Costs	+191	+306	+115	Anticipated further spend in this year includes inspector fees and legal fees for main modifications, and consultants' fees for advice on transport and green belt issues. Additional costs associated with the progress of the Local Plan were highlighted as a financial risk for 2018/19.	0	0
Community Infrastructure Levy (CIL)	+87	0	-87	The carry forward budget for CIL implementation will not be spent this year. The work has just started to see if it is beneficial for North Herts to introduce a Community Infrastructure Levy. This work will continue into the new financial year and therefore it is requested to carry forward this budget into 2019/20.	+87	0
Car Parking Fee Income	-1,906	-1,814	+92	The working budget total includes an additional £100k of income anticipated from the outcomes of the Strategic Parking Review. At the end of quarter two no additional income raising measures have been implemented and are unlikely to be introduced in this financial year.	0	0
Insurance	+224	+172	-52	Savings on insurance from the re-tender of the Council's insurance arrangements, primarily on our property insurance. This has included some changes to the level and scope of the insurance cover. The ongoing financial implication is included as an efficiency proposal in the draft 2019/20 budget report.	0	0
North Herts Leisure Centre – Contribution from Stevenage Leisure Limited (SLL)	0	-126	-126	The £126k variance represents the amount of SLL contribution applied to the General Fund following the agreement of the final account for the capital expenses of the development project. The delay in the completion of the development put back the realisation of the additional income from the Learner Pool. SLL agreed to make an additional contribution, made up of a fixed amount and an element of profit share, to reduce the financial impact on the Council.	0	0

Budget Area	Working Budget £k	Forecast £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2019/20 £k
Hitchin Swim Centre Car Park Extension – transfer of abortive capital scheme costs to the General Fund	0	+109	+109	Transfer of costs incurred over a number of years in progressing the project to extend the HSC car park, which to date have been charged as capital expenditure. Following a public enquiry the Council was refused permission for an access road through Butts Close, which has meant the original scheme is no longer viable. A new plan is currently being considered to increase the number of parking spaces at the car park.	0	0
Property Compliance	+143	+118	-25	Underspend primarily due to buildings being removed from the compliance contract. Buildings removed include the DCO and Town Lodge, where compliance is generally delivered in-house, and those sports pavilions no longer maintained by the Council. Ongoing budget provision required for compliance will be reviewed again once the new contract, commencing in February 2019, is fully operational.	0	0
Net Income from Hitchin Town Hall Community Facility	-73	+38	+111	Whilst significant progress has been made concerning the ownership of 14 and 15 Brand Street, this revised forecast is an acknowledgement that the facility will not be fully operational before the end of this financial year, with the Council not able to achieve income from the café and the hiring of the terrace gallery. The opening of the museum and café was also expected to increase the footfall around the facility and so help in raising awareness of what services and activities are available. The adverse impact of a further delay to the opening of the Museum and Café was identified as a financial risk for 2018/19.	0	0
Corporate Photocopiers	+43	+25	-18	The temporary relocation to Town Lodge prompted a reduction in the total number of MFD machines, with three less in operation. This reduction was then made permanent when the lease contract was renewed prior to the return to DCO. This has resulted in lower rental costs, print charges and paper costs.	0	-18
Net Cost of Food and Garden Waste Collection	763	577	-186	Movement in forecast cost is indicative of both additional households registering for the Garden Waste Collection service during quarter 2 and performance management reductions in payments to the waste contractor relating to the delivery of the food and garden waste collection services in this year.	0	-61
Total of explained variances	-812	-741	+71		+87	-255
Other minor balances	16,105	16,017	-88		0	-45
Overall Total	15,293	15,276	-17		+87	-300

- 8.2 Cabinet are asked to approve the differences highlighted in the table above (£17k decrease in spend), as an adjustment to the working budget (recommendation 2.2). Cabinet are asked to note the estimated impact on the 2019/20 budget (£213k decrease in budget which includes the request to carry forward £87k of budget from 2018/19 to 2019/20), which will be incorporated in to the 2019/20 budget setting process (recommendation 2.3).
- 8.3 The original approved budget for 2018/19 (and therefore working budget) included efficiencies totalling £2,706k, which were agreed by Council in February 2018. Any under or over delivery of efficiencies will be picked up by any budget variances (table 3 above). However there can be off-setting variances which mean that is unclear whether the efficiency has been delivered. Where this is the case, this will be highlighted. A net overachievement of £229k was forecast at quarter one. The current forecast is a net overachievement of £338k. The main reason for this increase that is not highlighted in table 3 is:
- Shared Client Waste Team staff; -£56k. While the efficiency proposal phased the £120k estimated total saving over two years (2018/19 -£60k and 2019/20 -£60k), the approved staffing structure for the shared waste client team has delivered an estimated permanent saving of £115,600 from 2018/19. The overachievement in the current year has however been absorbed by temporary staffing pressures associated with the new waste contract. The £4,400 shortfall against the ongoing £120k saving is included within the other minor balances ongoing impact total in table 3.
- 8.4 The original budget estimates approved in February 2018 included an expectation that permanent annual payroll savings of £305k would be identified as part of the corporate staff restructure, bringing the total annual saving to the £500k total estimated in the original corporate restructure efficiency proposals (£195k expenditure was permanently removed from the budget following the two senior management voluntary redundancies agreed in October 2016 as part of phase 1). As part of phase 2 of the restructure, following their appointment each Service Director has reviewed and amended their respective Directorate staffing needs and arrangements during quarter two. While having only a part-year impact in 2018/19, the outcome of the review has been the identification of the £305k ongoing annual savings, with the associated budget adjustments incorporated into the staffing budget estimates for 2019/20.
- 8.5 The working budget for 2018/19 includes budgets totalling £515k that were carried forward from the previous year. These are generally carried forward so that they can be spent for a particular purpose that had been due to happen in 2017/18 but was delayed into 2018/19. At quarter two, it is forecast that one carry forward budget of £87k will not be spent. This unspent budget, relating to the potential implementation of a Community Infrastructure Levy, is highlighted and explained in table 3 above, with the allocated resource now requested to be carried forward again to be utilised in 2019/20. All other carry forward budgets are expected to be spent in 2018/19.
- 8.6 There are 4 key corporate 'financial health' indicators identified in relation to key sources of income for the Council. Table 4 below shows the income to date and forecasts for the year. A comparison is made to the original budget to give the complete picture for the year. Each indicator is given a status of red, amber or green. A green

indicator means that they are forecast to match or exceed the budgeted level of income. An amber indicator means that there is a risk that they will not meet the budgeted level of income. A red indicator means that they will not meet the budgeted level of income. Currently two of the indicators are green and two are red. Explanations for both red indicators, land charges and car parking fees, are provided in table 3 above.

Table 4 - Corporate financial health indicators

Indicator	Status	Original Budget £k	Actual income to date £k	Forecast income for the year £k	Projected Variance £k
Planning Application Fees (including fees for pre-application advice)	Green	(940)	(399)	(940)	0
Land Charges	Red	(174)	(72)	(149)	25
Car Parking Fees	Red	(1,906)	(852)	(1,814)	92
Parking Penalty Charge Notices	Green	(532)	(228)	(532)	0

FUNDING, RISK AND GENERAL FUND BALANCE

- 8.7 The Council's revenue budget is funded from the following main sources; Council Tax, New Homes Bonus and Retained Business Rates. The Council was notified by Central Government in February 2018 of the amount of New Homes Bonus it could expect to receive in 2018/19 and planned accordingly.
- 8.8 Council Tax and Business Rates are accounted for in the Collection Fund rather than directly in our accounts, as we also collect them on behalf of others (e.g. County Council). Each organisation has a share of the balance on the Collection Fund account. The current forecast position for 2018/19 is a surplus on the Council Tax position of around £300k and a deficit on Business Rates of approximately £30k. In respect of business rates, where a deficit is declared to Central Government (actual business rates income collected is lower than originally anticipated) NHDC is required to make a corresponding additional contribution to the Business Rates Collection Fund in the following year. This is the case in 2018/19, as at the end of 2017/18 there was a deficit on Business Rates of around £650k.
- 8.9 In respect of Council Tax, £257k of the forecast £300k surplus position on our share of the Council Tax Collection Fund is the accumulation of annual surpluses recorded for prior financial years. The reason for retaining an annual surplus in the Collection Fund has been that the accumulated surplus can be used to fund / offset collection deficits reported in future years. Annual surpluses have however been recorded for a number of years consecutively and so, as detailed in the draft budget report, the accumulated surplus will be transferred from the Collection Fund to fund the Council's General Fund activities in 2019/20.

- 8.10 The Council is also subject to a business rates levy from Central Government as it is expected that NHDC will collect more in business rates than the baseline need determined by Central Government. In 2017/18 this levy amount was £685k. In 2018/19 however NHDC is a member of the re-formed Hertfordshire Business Rates Pool, with the expectation that this should reduce the levy amount required. The original estimate prepared by Hertfordshire County Council, calculated around the time the application was submitted to Central Government, indicated that NHDC would benefit from a pooling gain (in the form of a reduced levy amount payable) of approximately £400k. The County Council has recently requested from pool member authorities details of their forecast Business Rates income for 2018/19. The information collected will be used in preparing an updated estimate of the respective pooling gain for each authority. The updated calculation is expected to be circulated shortly.
- 8.11 Central Government have implemented a number of reliefs to reduce the burden of business rates and therefore promote business growth. The Council receives compensation for these reliefs in the form of a grant, which goes in to our funds rather than the Collection Fund. In 2018/19 NHDC expects to receive grant totalling £1.435m. This amount is held in an earmarked reserve and will be used to fund the additional contribution required to the Business Rates Collection Fund (following the deficit recorded for 2017/18) and the Business Rates levy amount payable for 2018/19.
- 8.12 Table 5 below summarises the impact on the general fund of the position at quarter two detailed in this report.

Table 5 – General Fund impact

	Working Budget £k	Q2 Projected Outturn £k	Difference £k
Brought Forward balance (1st April 2018)	(7,403)	(7,403)	-
Projected Net Spend	15,293	15,276	(17)
Funding (Council Tax, Business Rates, New Homes Bonus)	(15,045)	(15,044)	1
Contribution to Collection Fund relating to 2017/18 business rates deficit recorded	656	656	0
Funding from Business Rate Relief Grant Earmarked Reserve	(656)	(656)	0
Carried Forward balance (31st March 2019)	(7,155)	(7,171)	(16)

- 8.13 The minimum level of General Fund balance is determined based on known and unknown risks. Known risks are those things that we think could happen and we can forecast both a potential cost if they happen, and percentage likelihood. The notional amount is based on multiplying the cost by the potential likelihood. The notional amount for unknown risks is based on 5% of net expenditure. There is not an actual budget set aside for either of these risk types, so when they occur they are reflected as budget

variances (see table 3). We monitor the level of known risks that actually happen, as it highlights whether there might be further variances. This would be likely if a number of risks come to fruition during the early part of the year. We also use this monitoring to inform the assessment of risks in future years. The notional amount calculated at the start of the year for known risks was £1,424k, and by the end of quarter two a total of £709k have come to fruition. The four identified risks realised in the second quarter relate to;

- Higher than anticipated net cost of Hitchin Town Hall (as detailed in table 3). £111k
- Legal costs awards after successful appeals against planning application decisions (as detailed in table 3). £140k
- Costs associated with receipt of 'hostile' planning applications (as detailed in table 3). £95k
- Additional costs associated with the progression of the Local Plan (as detailed in table 3). £115k
- Usage of bed and breakfast accommodation for homeless households (included within other minor variances in table 3). £5k

Table 6 – Known financial risks

	£'000
Original allowance for known financial risks	1,424
Known financial risks realised in quarter 1	(243)
Known financial risks realised in quarter 2	(466)
Allowance for known financial risks remaining	715

9. LEGAL IMPLICATIONS

- 9.1 The Cabinet has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. Specifically 5.6.8 of Cabinet's terms of reference state that it has remit "*to monitor quarterly revenue expenditure and agree adjustments within the overall budgetary framework*". The Council is under a duty to maintain a balanced budget and to maintain a prudent level of reserves.

10. FINANCIAL IMPLICATIONS

- 10.1 Members have been advised of any variations from the budgets in the body of this report and of any action taken by officers.

11. RISK IMPLICATIONS

- 11.1 As outlined in the body of the report. The process of quarterly monitoring to Cabinet is a control mechanism to help to mitigate the risk of an unplanned overspend of the overall Council budget.

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 For any individual new revenue investment proposal of £50k or more, or affecting more than two wards, a brief equality analysis is required to be carried out to demonstrate that the authority has taken full account of any negative, or positive, equalities implications; this will take place following agreement of the investment.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 Although there are no direct human resource implications at this stage, care is taken to ensure that where efficiency proposals or service reviews may effect staff, appropriate communication and consultation is provided in line with HR policy.

15. APPENDICES

- 15.1 None.

16. CONTACT OFFICERS

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CABINET 18 DECEMBER 2018

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: SECOND QUARTER CAPITAL MONITORING 2018/19

REPORT OF: SERVICE DIRECTOR - RESOURCES
EXECUTIVE MEMBER: CLLR JULIAN CUNNINGHAM
COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 To update Cabinet on progress with delivering the capital programme for 2018/19, as at the end of September 2018, and indicating its impact upon the approved capital programme for 2019/20 - 2021/22. The current estimate is a decrease in spend in 2018/19 of £8.666million and an increase in spend in future years of £7.387 million. The most significant individual changes are the re-profiling of funding for John Barker Place, Providing Housing at Market Rents and Hitchin Swim Centre Car Park into 2019/20 and the withdrawal of the Pension Fund Contribution.

2. RECOMMENDATIONS

- 2.1 That Cabinet notes the forecast expenditure of **£7.211million** in 2018/19 on the capital programme, paragraph 8.2 refers, and approves the adjustments detailed in table 3 which resulted in a net decrease on the working estimate of **£2.468million**.
- 2.2 That Cabinet approves the adjustments to the capital programme for 2018/19 onwards as a result of the revised timetable of schemes detailed in table 2, increasing the estimated spend in future years 2019/20 by **£7.387million**.
- 2.3 That Cabinet notes the position of the availability of capital resources, as detailed in table 4, and the requirement to keep the capital programme under review for affordability.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Cabinet is required to approve revisions to the capital programme.
- 3.2 Cabinet is required to ensure that the capital programme is fully funded.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Options for capital investment are considered as part of the Corporate Business Planning process.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation on the capital expenditure report is not required. Members will be aware that consultation is incorporated into project plans of individual capital schemes as they are progressed.

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 on the 12th October 2018.

7. BACKGROUND

- 7.1 In February 2018, Council approved the capital programme for 2018/19 to 2021/22. This was subsequently amended by reprogramming from 2017/18 and again in the 1st Quarter Monitoring Report.
- 7.2 The Medium Term Financial Strategy for 2018 to 2023 confirmed that the Council will seek opportunities to utilise capital funding for invest to save schemes and proposals that generate higher rates of return than standard treasury investments. This is one way the Council will allocate resources to support organisational transformation that will reduce revenue expenditure.

8. RELEVANT CONSIDERATIONS

Capital Programme 2018/19

- 8.1 Summaries of the capital programme by Council priority and service are shown in appendix A together with the overall funding analysis and projected availability of capital funding balances (set aside and capital receipts). The full programme is detailed in Appendix B and shows the expected spend from 2018/19 to 2021/2 and the funding source for each capital scheme.
- 8.2 Capital expenditure for 2018/19 is estimated to be **£7.211million**. This is a reduction of **£8.646million** on the forecast in the 1st quarter report (reported to Cabinet on 31st July 2018). The decrease in spend in 2018/19 is largely due to the re-profiling of spend into future years. Table 1 below details changes to capital programme.

Table 1- Current Capital Estimates

	2018/19 £M	2019/20 £M	2020/21 to 2023/24 £M
Original Estimates approved by Full Council February 2018	12.511	1.828	2.737
Changes approved by Cabinet in 2017/18 Capital Outturn report (reprogramming from 2017/18)	5.644	0	0
Revised Capital estimates at start of 2017/18	18.155	1.828	2.737
Changes at Q1	-2.298	0.150	-1.490

	2018/19 £M	2019/20 £M	2020/21 to 2023/24 £M
Addition to capital programme for lift at Town Hall / Museum	0.020	0	0
Changes at Q2 detailed in this report	-8.666	6.387	1.000
Current Capital Estimates	7.211	8.365	2.247

8.3 Table 2 lists changes to the 2018/19 Capital Programme and the impact in subsequent years:

Table 2: Scheme Timetable Revision:

(Key: - = reduction in capital expenditure, + = increase in capital expenditure)

Scheme	2018/19 Working Budget £'000	2018/19 Forecast Spend £'000	Difference £'000	Reason for Difference	Estimated impact on 2019/20 onwards £'000
Provide Housing at Market Rents	2,850	500	-2,350	This budget was moved to the newly appointed Service Director for Commercial who commence employment in June 2018, therefore, the total spend is significant less than originally projected. Works in progress to establish a property company. Current year spend will relate to Harkness Court.	2,350
HAG John Barker Place	1,096	0	-1,096	Settle (formerly North Herts Homes) have submitted revised plans for pre-application advice and are waiting for confirmation from their Board to proceed with the revised application.	1,096
Hitchin Swim Centre Car Park	498	0	-498	A revised plan will be prepared to increase the number of parking spaces at the current car parking site.	498
Hitchin Multi-Storey Lifts Refurbishment	360	0	-360	On hold until the Parking review is complete.	360
Letchworth Multi-storey Parapet / Soffit Decoration	138	0	-138		138
St Marys Car Park Lighting	60	0	-60		60
Install On Street Charging	50	0	-50		50
Hitchin Multi-Storey	39	0	-39		39

Scheme	2018/19 Working Budget £'000	2018/19 Forecast Spend £'000	Difference £'000	Reason for Difference	Estimated impact on 2019/20 onwards £'000
Car Park – Safety & Equality					
Community Facilities Refurbishment	671	379	-292	The next Capital Grants Member Panel is scheduled for mid January 2019 and currently there are approximately 10 potential schemes looking for significant funding. It is unlikely however that all funds awarded at the meeting will be spent before year end.	292
Cycle Strategy Implementation	278	0	-278	A draft strategy is currently being worked on. Consultation on the strategy will not happen before 2019/20.	278
Transport Plans Implementation	250	0	-250	The work on the transport plan has been dependent on the progress of the local plan. Recruitment will shortly be undertaken for a Transport Policy Officer, who will be able to undertake this work.	250
On Street Charging – Pay & Display	235	0	-235	A review of the parking strategy will be presented to Cabinet in January 2019. Work will not commence before 2019/20.	235
Green Infrastructure Implementation	185	0	-185	A draft strategy is currently being worked on. Consultation on the strategy will not happen before 2019/20.	185
Bancroft Recreation Ground MUGA	170	0	-170	Working with Groundwork Hertfordshire to produce the specification and undertake the procurement. Works are expected to commence in April.	170
Walsworth Common Pitch Improvements	100	0	-100	Will commence once the current football season has finished.	100
Off Street Car Parks Resurfacing	91	0	-91	Car Parks are in satisfactory condition so budget not required in 18/19.	91
Baldock Town Hall Improvements	75	9	-66	Part of the planned improvements works have commenced however an	66

Scheme	2018/19 Working Budget £'000	2018/19 Forecast Spend £'000	Difference £'000	Reason for Difference	Estimated impact on 2019/20 onwards £'000
				asbestos survey was carried out prior to the contractors starting which revealed a significant amount of the hazardous material within the ceiling of one of the areas due to be refurbished. The decision has been taken to delay works within this area until the material has been removed.	
Royston Leisure Centre	0	0	0	The outline business case did not provide a payback within the current contract period. The proposal has been deferred to allow it to be kept under review. This could be within the current contact period, if there were to be a change in circumstances or external funding was available.	1,000
Section 106 Projects	0	60	60	To date, a total of £59k of S106 funds have been released for community schemes.	129
Total Minor (under £25k) slippage on other projects			0		0
Total Revision to Budget Profile			-6,198		7,387

8.4 There are also changes to the overall costs of schemes in 2018/19. These changes total a net decrease of £2.468million and are detailed in Table 3.

Table 3: Changes to Capital Schemes Commencing in 2018/19:

(Key: - = reduction in capital expenditure, + = increase in capital expenditure)

Scheme	2018/19 Working Budget £'000	2018/19 Forecast Spend £'000	Difference £'000	Comments
Museum Services Development	5	80	75	The contractors who originally ceased work because of the issues with 14/15 Brand Street in March 2016 have come back with new quotes for completing the work for the design and retail fit out. This is within the tolerance limit for capital schemes and will be funded

Scheme	2018/19 Working Budget £'000	2018/19 Forecast Spend £'000	Difference £'000	Comments
				from grant received from The Heritage Lottery Fund.
Hitchin and Royston Fitness Equipment	0	27	27	Expenditure relates to costs incurred 17/18 but were not accrued. This amount has been added to the SLL loan total.
N H Leisure Centre Development	220	172	-48	Project completed last year. The final account has now been negotiated and agreed with the contractor.
Pension Capitalisation Contribution	2,500	0	-2,500	This required approval from the Department for Communities and Local Government (DCLG) to grant a capitalisation request, where capital funding is used for what would usually be considered to be revenue purposes. The application was denied on the basis that our reserves would still be above the minimum level at the end of 2020/21. As we are now approaching a need to borrow to fund Capital this contribution is unlikely to offer sufficient revenue savings to justify the Capital expenditure and there will therefore be no further request to DCLG.
Other minor changes			-22	
Total revision to scheme spend			-2,468	

Capital Programme 2018/19 Funding onwards

8.5 Table 4 below shows how the Council will fund the 2018/19 capital programme.

Table 4: Funding the Capital Programme:

	2018/19 Balance at start of year £M	2018/19 Forecast Additions £M	2018/19 Estimated Use of Funding £M	2018/19 Forecast Balance at end of year £M
Useable Capital Receipts	3.090	0.109	(0.571)	2.628
Set-aside Receipts	10.252		(5.920)	4.332
<i>S106 receipts</i>			(0.146)	
<i>Other third party grants and</i>			(0.574)	

	2018/19 Balance at start of year	2018/19 Forecast Additions	2018/19 Estimated Use of Funding	2018/19 Forecast Balance at end of year
	£M	£M	£M	£M
<i>contributions</i>				
Total	13.342	0.109	(7.211)	6.960

- 8.6 The availability of third party contributions and grants to fund capital investment is continuously sought in order to reduce pressure on the Council's available capital receipts and allow for further investment.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet's terms of reference specifically include "to monitor expenditure on the capital programme and agree adjustments within the overall budgetary framework". The Cabinet also has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. By considering monitoring reports throughout the financial year Cabinet is able to make informed recommendations on the budget to Council. The Council is under a duty to maintain a balanced budget.
- 9.2 Asset disposals must be handled in accordance with the Council's Contract Procurement Rules.

10. FINANCIAL IMPLICATIONS

- 10.1 The main financial implications are covered in section 8 of the report.
- 10.2 The Authority operates a tolerance limit on capital projects that dependent on the value of the scheme and on this basis over the duration of the programme it should be anticipated that the total spend over the period could be around £2.3million higher than the estimated £17.823million.
- 10.3 The capital programme will need to remain under close review due to the limited availability of capital resources and the affordability in the general fund of the cost of using the Council's capital receipts. When capital receipts are used and not replaced the availability of cash for investment reduces. Consequently interest income from investments reduces. A cash balance of £1.0million currently earns the Authority approximately £8k per year in interest. The general fund estimates are routinely updated to reflect the reduced income from investments as cash balances reduce. When the Capital Financing Requirement (CFR) reaches zero the Council will need to consider borrowing for further capital spend and will need to start charging a minimum revenue provision to the general fund for the cost of capital. The CFR at the 31 March 2018 was negative £10.3million.
- 10.4 The Council also aims to ensure that the level of planned capital spending in any one-year matches the capacity of the organisation to deliver the schemes to ensure that the impact on the revenue budget of loss of cash-flow investment income is minimised.

11. RISK IMPLICATIONS

- 11.1 The inherent risks in undertaking a capital project are managed by the project manager of each individual scheme. These are recorded on a project risk log which will be considered by the Project Board (if applicable). The key risks arising from the project may be recorded on Pentana (the Council's Performance & Risk management software). Some of the major capital projects have been included as the Council's Top Risks (e.g. North Hertfordshire Museum). The Top Risks are monitored by the Finance, Audit and Risk Committee.
- 11.2 Cabinet receives quarterly reports on project progress and forecast spend

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 For any individual new capital investment proposal of £50k or more, or affecting more than two wards, an equality analysis is required to be carried out; this will take place following Cabinet agreement of the investment. A sound management of funds ensures that the Council has sufficient monies to support the improvement of district facilities.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12. Any individual capital scheme which is subject to the award of a public service contract will be evaluated in terms of its social value through the Council's procurement processes.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no direct human resource implications.

15. APPENDICES

- 15.1 Appendix A - Capital Programme Summary 2018/19 onwards.
Appendix B - Capital Programme Detail including Funding 2018/19 onwards.

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17. BACKGROUND PAPERS

17.1 2018/19 Budget Estimates Book.

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By Council Priority

Priority	2017/18 Outturn £	2018/19 Working Estimate £	2018/19 Revised Estimate £	2018/19 Movement £	2019/20 Revised Estimate £	2020/21 Revised Estimate £	2021/22 Revised Estimate £
Attractive & Thriving	2,501,300	2,506,600	737,300	-1,769,300	2,636,100	300,000	0
Prosper & Protect	335,600	5,309,200	1,224,900	-4,084,300	4,504,100	0	0
Responsive & Efficient	6,646,800	8,061,300	5,248,800	-2,812,500	1,224,700	380,000	567,000
Grand Total	9,483,700	15,877,100	7,211,000	-8,666,100	8,364,900	680,000	567,000

By Service Group

Service Group	2017/18 Outturn £	2018/19 Working Estimate £	2018/19 Revised Estimate £	2018/19 Movement £	2019/20 Revised Estimate £	2020/21 Revised Estimate £	2021/22 Revised Estimate £
Advances & Cash Incentives	0	1,096,000	0	-1,096,000	1,096,000	0	0
Asset Management	5,532,300	3,561,500	1,211,500	-2,350,000	3,275,000	0	0
Building Control	0	0	0	0	0	0	0
CCTV	21,700	0	0	0	0	0	0
Community Services	364,000	746,500	447,500	-299,000	737,200	120,000	0
Computer Software and Equipment	142,600	287,400	276,700	-10,700	537,600	115,000	507,000
Corporate Items	0	2,510,600	10,600	-2,500,000	0	0	0
Growth Fund Projects	0	713,000	0	-713,000	713,000	0	0
Leisure Facilities	2,600,300	1,845,400	1,040,100	-805,300	853,000	385,000	0
Museum & Arts	141,700	24,900	105,900	81,000	0	0	0
Parking	11,300	999,800	26,700	-973,100	1,093,100	0	0
Renovation & Reinstatement Grant Expenditure	669,800	360,000	360,000	0	60,000	60,000	60,000
Town Centre Enhancement	0	0	0	0	0	0	0
Waste Disposal	0	0	0	0	0	0	0
Waste collection	0	3,732,000	3,732,000	0	0	0	0
Grand Total	9,483,700	15,877,100	7,211,000	-8,666,100	8,364,900	680,000	567,000

Capital Funding Source

Service Group	2017/18 Outturn £	2018/19 Working Estimate £	2018/19 Revised Estimate £	2017/18 Movement £	2019/20 Revised Estimate £	2020/21 Revised Estimate £	2021/22 Revised Estimate £
Capital Receipt	1,436,700	3,803,200	571,600	-3,231,600	2,658,200	393,000	567,000
Government Grant	704,900	1,063,000	300,000	-763,000	763,000	0	0
IT Reserve	0	0	0	0	0	0	0
Revenue Contribution / Borrowing	0	0	0	0	0	0	0
Other Capital Contributions	480,900	383,100	273,400	-109,700	143,000	250,000	0
S106 Funding	471,000	355,600	146,300	-209,300	468,200	37,000	0
Drawdown of cash investments	6,390,200	10,272,200	5,919,700	-4,352,500	4,332,500	0	0
Grand Total	9,483,700	15,877,100	7,211,000	-8,666,100	8,364,900	680,000	567,000

Capital Receipt Analysis

	2017/18 Outturn £	2018/19 Working Budget £	2018/19 Revised Funding £	2017/18 Movement £	2019/20 Estimate £	2020/21 Estimate £	2021/22 Estimate £
B/fwd Capital Receipt Funding	-3,223,516	-3,090,265	-3,090,265	0	-2,627,658	-6,469,458	-6,826,458
Add: Capital Receipts Received in Year	-1,303,449	-2,500,000	-108,993	2,391,007	-6,500,000	-750,000	-1,250,000
Less: Capital Receipts Used in Year	1,436,700	3,803,200	571,600	-3,231,600	2,658,200	393,000	567,000
C/Fwd Capital Receipt Funding	-3,090,265	-1,787,065	-2,627,658	-840,593	-6,469,458	-6,826,458	-7,509,458

Set-Aside Receipts Analysis

	2017/18 Outturn £	2018/19 Working Budget £	2018/19 Revised Funding £	2017/18 Movement £	2019/20 Estimate £	2020/21 Estimate £	2021/22 Estimate £
B/fwd Set-Aside Receipt Funding	-16,642,400	-10,252,200	-10,252,200	0	-4,332,500	0	0
Set-Aside Receipts Received in Year	0	0	0	0	0	0	0
Set -Aside Receipts Used in Year	6,390,200	10,272,200	5,919,700	-4,352,500	4,332,500	0	0
C/Fwd Set-Aside Receipt Funding	-10,252,200	20,000	-4,332,500	-4,352,500	0	0	0

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		2017/18 Outturn Funding £	2018/19 Revised Funding £	2018/19 Revised Funding £	Movement £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £
Project								
40 KVA UPS Device or Battery Replacement	Capital Receipt	0	0	0	0	7,000	0	0
40 KVA UPS Device or Battery Replacement Total		0	0	0	0	7,000	0	0
Additional PC's - Support Home Working/OAP	Capital Receipt	0	0	0	0	13,000	0	0
Additional PC's - Support Home Working/OAP	Drawdown of cash investments	12,700	0	0	0	0	0	0
Additional PC's - Support Home Working/OAP Total		12,700	0	0	0	13,000	0	0
Additional Storage	Capital Receipt	0	0	0	0	13,000	0	0
Additional Storage	Drawdown of cash investments	0	12,000	12,000	0	0	0	0
Additional Storage Total		0	12,000	12,000	0	13,000	0	0
Alternative to safeword tokens for staff/members working remotely	Capital Receipt	0	0	0	0	8,000	0	0
Alternative to safeword tokens for staff/members working remotely Total		0	0	0	0	8,000	0	0
Area Visioning	Drawdown of cash investments	26,400	0	0	0	0	0	0
Area Visioning Total		26,400	0	0	0	0	0	0
Back-up Diesel 40 KVA Generator (DCO)	Capital Receipt	0	0	0	0	20,000	0	0
Back-up Diesel 40 KVA Generator (DCO) Total		0	0	0	0	20,000	0	0
Baldock Town Hall project	Drawdown of cash investments	0	74,500	9,000	-65,500	65,500	0	0
Baldock Town Hall project	S106 Funding	1,500	800	0	-800	800	0	0
Baldock Town Hall project Total		1,500	75,300	9,000	-66,300	66,300	0	0
Bancroft Gardens Play Area	Capital Receipt	36,800	2,200	2,200	0	0	0	0
Bancroft Gardens Play Area	S106 Funding	11,500	3,400	3,400	0	0	0	0
Bancroft Gardens Play Area Total		48,300	5,600	5,600	0	0	0	0
Bancroft Recreation Ground, Hitchin, Multi Use Games Area (MUGA)	Capital Receipt	0	24,100	0	-24,100	44,100	0	0
Bancroft Recreation Ground, Hitchin, Multi Use Games Area (MUGA)	Other Capital Contributions	0	80,000	0	-80,000	60,000	0	0
Bancroft Recreation Ground, Hitchin, Multi Use Games Area (MUGA)	S106 Funding	0	65,900	0	-65,900	65,900	0	0
Bancroft Recreation Ground, Hitchin, Multi Use Games Area (MUGA) Total		0	170,000	0	-170,000	170,000	0	0
Cabinet Switches - 4 Floors	Capital Receipt	0	0	0	0	0	0	18,000
Cabinet Switches - 4 Floors	Drawdown of cash investments	6,700	0	0	0	0	0	0
Cabinet Switches - 4 Floors Total		6,700	0	0	0	0	0	18,000
Cadcorp Local Knowledge & Notice Board Software	Capital Receipt	0	13,500	13,500	0	0	0	0
Cadcorp Local Knowledge & Notice Board Software Total		0	13,500	13,500	0	0	0	0
Capitalised Pension Fund Contribution	Drawdown of cash investments	0	2,500,000		-2,500,000	0	0	0
Capitalised Pension Fund Contribution Total		0	2,500,000	0	-2,500,000	0	0	0
Channel shift - processing of housing register applications	Drawdown of cash investments	0	40,000	40,000	0	0	0	0
Channel shift - processing of housing register applications Total		0	40,000	40,000	0	0	0	0
Construction of pathway and roadway, Wilbury Hills Cemetery, Letchworth	Capital Receipt	0	35,000	35,000	0	0	0	0
Construction of pathway and roadway, Wilbury Hills Cemetery, Letchworth Total		0	35,000	35,000	0	0	0	0
Core Backbone Switch	Capital Receipt	0	0	0	0	20,000	0	0
Core Backbone Switch Total		0	0	0	0	20,000	0	0
Council property improvements following condition surveys	Capital Receipt	63,600	100,000	25,000	-75,000	775,000	0	0
Council property improvements following condition surveys	Drawdown of cash investments	0	0	75,000	75,000	0	0	0
Council property improvements following condition surveys	Revenue Contribution / Borrowing	0	0	0	0	0	0	0
Council property improvements following condition surveys Total		63,600	100,000	100,000	0	775,000	0	0
Customer Self Serve Module	Capital Receipt	0	3,000	3,000	0	0	0	0
Customer Self Serve Module Total		0	3,000	3,000	0	0	0	0
Cyber Attacks - Events Monitoring Software Solution	Capital Receipt	0	30,000	30,000	0	0	0	0
Cyber Attacks - Events Monitoring Software Solution Total		0	30,000	30,000	0	0	0	0
Cycle Strategy implementation (GAF)	Government Grant	0	278,000	0	-278,000	278,000	0	0
Cycle Strategy implementation (GAF) Total		0	278,000	0	-278,000	278,000	0	0
Decommissioning of Pavilions	Capital Receipt	0	120,000		-120,000	0	0	0
Decommissioning of Pavilions	Drawdown of cash investments	0	0	120,000	120,000	0	0	0
Decommissioning of Pavilions Total		0	120,000	120,000	0	0	0	0
Decommissioning of Play Areas	Capital Receipt	0	130,000	0	-130,000	0	0	0
Decommissioning of Play Areas	Drawdown of cash investments	0	0	130,000	130,000	0	0	0
Decommissioning of Play Areas Total		0	130,000	130,000	0	0	0	0
Dell Servers	Capital Receipt	0	0	0	0	65,000	0	0
Dell Servers Total		0	0	0	0	65,000	0	0
Demolition of Bancroft Hall	Drawdown of cash investments	0	600	0	-600	0	0	0
Demolition of Bancroft Hall Total		0	600	0	-600	0	0	0

		2017/18 Outturn Funding £	2018/19 Revised Funding £	2018/19 Revised Funding £	Movement £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £
Project								
Dog / Litter Bins	Capital Receipt	32,600	0	0	0	0	0	0
Dog / Litter Bins Total		32,600	0	0	0	0	0	0
DR Set-up	Capital Receipt	0	0	0	0	25,000	0	0
DR Set-up	Drawdown of cash investments	0	47,400	47,400	0	0	0	0
DR Set-up Total		0	47,400	47,400	0	25,000	0	0
EA Agreement (MS EA) TN agreed funded within 4571 Account	Capital Receipt	-5,200	0	0	0	199,600	0	450,000
EA Agreement (MS EA) TN agreed funded within 4571 Account	Drawdown of cash investments	0	0	0	0	0	0	0
EA Agreement (MS EA) TN agreed funded within 4571 Account Total		-5,200	0	0	0	199,600	0	450,000
Email / Web Gateway with SPAM Filtering Software Solution - Licence 3 Year Contract	Capital Receipt	28,000	0	0	0	0	39,000	0
Email / Web Gateway with SPAM Filtering Software Solution - Licence 3 Year Contract Total		28,000	0	0	0	0	39,000	0
Email Encryption Software Solution	Capital Receipt	0	0	0	0	0	45,000	0
Email Encryption Software Solution Total		0	0	0	0	0	45,000	0
Energy efficiency measures	Drawdown of cash investments	51,500	8,500	8,500	0	0	0	0
Energy efficiency measures Total		51,500	8,500	8,500	0	0	0	0
Financial System upgrade - E-series	Drawdown of cash investments	4,400	0	0	0	0	0	0
Financial System upgrade - E-series Total		4,400	0	0	0	0	0	0
Food Waste Caddies	Drawdown of cash investments	0	132,000	132,000	0	0	0	0
Food Waste Caddies Total		0	132,000	132,000	0	0	0	0
Green Infrastructure implementation (GAF)	Government Grant	0	185,000	0	-185,000	185,000	0	0
Green Infrastructure implementation (GAF) Total		0	185,000	0	-185,000	185,000	0	0
Hitchin & Royston Fitness Equipment	Other Capital Contributions	480,900	0	26,700	26,700	0	0	0
Hitchin & Royston Fitness Equipment Total		480,900	0	26,700	26,700	0	0	0
Hitchin Multi Storey Safety and Equalities Act improvements	Drawdown of cash investments	700	39,300	0	-39,300	39,300	0	0
Hitchin Multi Storey Safety and Equalities Act improvements Total		700	39,300	0	-39,300	39,300	0	0
Hitchin Outdoor Pool Showers and Toilets	Drawdown of cash investments	0	92,500	47,900	-44,600	0	0	0
Hitchin Outdoor Pool Showers and Toilets	S106 Funding	0	0	53,300	53,300	0	0	0
Hitchin Outdoor Pool Showers and Toilets Total		0	92,500	101,200	8,700	0	0	0
Hitchin Swimming Centre Lift	Drawdown of cash investments	3,100	96,900	84,300	-12,600	0	0	0
Hitchin Swimming Centre Lift Total		3,100	96,900	84,300	-12,600	0	0	0
Hitchin Swimming Pool Car Park extension	Capital Receipt	28,200	497,700	0	-497,700	497,700	0	0
Hitchin Swimming Pool Car Park extension Total		28,200	497,700	0	-497,700	497,700	0	0
Installation of trial on-street charging (GAF)	Government Grant	0	50,000	0	-50,000	50,000	0	0
Installation of trial on-street charging (GAF) Total		0	50,000	0	-50,000	50,000	0	0
Jackmans Central Play Area Renovation	Capital Receipt	64,500	0	0	0	0	0	0
Jackmans Central Play Area Renovation	S106 Funding	10,500	0	0	0	0	0	0
Jackmans Central Play Area Renovation Total		75,000	0	0	0	0	0	0
John Barker Place, Hitchin	Drawdown of cash investments	0	825,600	0	-825,600	825,600	0	0
John Barker Place, Hitchin	S106 Funding	0	270,400	0	-270,400	270,400	0	0
John Barker Place, Hitchin Total		0	1,096,000	0	-1,096,000	1,096,000	0	0
Jontek Database Server	Government Grant	33,800	0	0	0	0	0	0
Jontek Database Server Total		33,800	0	0	0	0	0	0
Lairage Multi-Storey Car Par - Structural wall repairs	Drawdown of cash investments	1,700	4,000	4,000	0	0	0	0
Lairage Multi-Storey Car Par - Structural wall repairs	Capital Receipt	0	0	0	0	120,000	0	0
Lairage Multi-Storey Car Par - Structural wall repairs Total		0	0	0	0	120,000	0	0
Laptops - Refresh Programme	Capital Receipt	0	6,000	6,000	0	0	6,000	0
Laptops - Refresh Programme Total		0	6,000	6,000	0	0	6,000	0
Letchworth Multi_storey Car Park - parapet walls, soffit & decoration	Capital Receipt	8,900	137,600	0	-137,600	137,600	0	0
Letchworth Multi_storey Car Park - parapet walls, soffit & decoration Total		8,900	137,600	0	-137,600	137,600	0	0
Letchworth multi-storey car park - lighting	Drawdown of cash investments	0	22,700	22,700	0	0	0	0
Letchworth multi-storey car park - lighting Total		0	22,700	22,700	0	0	0	0
Letchworth Outdoor Pool safety surface	Capital Receipt	3,500	56,500	56,500	0	0	0	0
Letchworth Outdoor Pool safety surface Total		3,500	56,500	56,500	0	0	0	0
Letchworth Outdoor Pool Showers and Toilets	Drawdown of cash investments	0	92,500	97,000	4,500	0	0	0
Letchworth Outdoor Pool Showers and Toilets Total		0	92,500	97,000	4,500	0	0	0
Mandatory Disabled Facility Grants	Government Grant	645,800	300,000	300,000	0	0	0	0
Mandatory Disabled Facility Grants Total		645,800	300,000	300,000	0	0	0	0
New Blade Enclosure	Capital Receipt	0	0	0	0	32,000	0	0
New Blade Enclosure Total		0	0	0	0	32,000	0	0
NH Museum & Community Facility	Drawdown of cash investments	92,700	4,900	4,900	0	0	0	0
NH Museum & Community Facility	Other Capital Contributions	0	0	75,000	75,000	0	0	0
NH Museum & Community Facility	S106 Funding	49,000	0	0	0	0	0	0
Museum / Town Hall Lift	Drawdown of cash investments	0	20,000	26,000	6,000	0	0	0
NH Museum & Community Facility Total		141,700	24,900	105,900	81,000	0	0	0
North Herts Leisure Centre Development	Capital Receipt	892,400	0	0	0	0	0	0

		2017/18 Outturn Funding £	2018/19 Revised Funding £	2018/19 Revised Funding £	Movement £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £
Project								
North Herts Leisure Centre Development	Drawdown of cash investments	744,100	0	0	0	0	0	0
North Herts Leisure Centre Development	Other Capital Contributions	0	220,100	171,700	-48,400	0	0	0
North Herts Leisure Centre Development	S106 Funding	65,600	0	0	0	0	0	0
North Herts Leisure Centre Development Total		1,702,100	220,100	171,700	-48,400	0	0	0
Norton Common Wheeled Sports improvements	Drawdown of cash investments	7,600	0	0	0	0	0	0
Norton Common Wheeled Sports improvements	S106 Funding	142,100	9,300	26,900	17,600	0	0	0
Norton Common Wheeled Sports improvements Total		149,700	9,300	26,900	17,600	0	0	0
Off Street Car Parks resurfacing and enhancement	Capital Receipt	0	91,200	0	-91,200	91,200	0	0
Off Street Car Parks resurfacing and enhancement Total		0	91,200	0	-91,200	91,200	0	0
PC's - Refresh Programme	Capital Receipt	0	14,000	14,000	0	17,000	17,000	17,000
PC's - Refresh Programme	Drawdown of cash investments	20,000	0	0	0	0	0	0
PC's - Refresh Programme Total		20,000	14,000	14,000	0	17,000	17,000	17,000
Permit gateway Citizen - to enable customers to renew permits on line	Capital Receipt	0	10,700	0	-10,700	0	0	0
Permit gateway Citizen - to enable customers to renew permits on line Total		0	10,700	0	-10,700	0	0	0
Portable Pendants	Government Grant	15,000	0	0	0	0	0	0
Portable Pendants Total		15,000	0	0	0	0	0	0
Private Sector Grants	Capital Receipt	24,000	60,000	60,000	0	60,000	60,000	60,000
Private Sector Grants Total		24,000	60,000	60,000	0	60,000	60,000	60,000
Provide housing at market rents.	Capital Receipt	0	804,700	0	-804,700	0	0	0
Provide housing at market rents.	Drawdown of cash investments	0	2,045,300	500,000	-1,545,300	2,500,000	0	0
Provide housing at market rents. Total		0	2,850,000	500,000	-2,350,000	2,500,000	0	0
Purchase of 14 & 15 Brand Street	Drawdown of cash investments	0	550,000	550,000	0	0	0	0
Purchase of 14 & 15 Brand Street Total		0	550,000	550,000	0	0	0	0
Recording of Council Meetings	Capital Receipt	0	80,800	80,800	0	0	0	0
Recording of Council Meetings Total		0	80,800	80,800	0	0	0	0
Refurbishment and improvement of community facilities	Capital Receipt	165,400	670,600		-670,600	0	120,000	0
Refurbishment and improvement of community facilities	Drawdown of cash investments	0	0	378,500	378,500	542,100	0	0
Refurbishment and improvement of community facilities Total		165,400	670,600	378,500	-292,100	542,100	120,000	0
Refurbishment of DCO	Drawdown of cash investments	5,288,100	0	0	0	0	0	0
Refurbishment of DCO Total		5,288,100	0	0	0	0	0	0
Refurbishment of lifts at Lairage Car Park	Capital Receipt	0	360,000	0	-360,000	0	0	0
Refurbishment of lifts at Lairage Car Park	Drawdown of cash investments	0		0	0	360,000	0	0
Refurbishment of lifts at Lairage Car Park Total		0	360,000	0	-360,000	360,000	0	0
Relay concrete slabs that surround the Hitchin outdoor pool.	Capital Receipt	30,600	1,500	1,500	0	0	0	0
Relay concrete slabs that surround the Hitchin outdoor pool. Total		30,600	1,500	1,500	0	0	0	0
Renew pathways at Bancroft Recreation Ground, Hitchin	Capital Receipt	14,600	23,100	23,100	0	0	0	0
Renew pathways at Bancroft Recreation Ground, Hitchin	S106 Funding	12,300	0	0	0	0	0	0
Renew pathways at Bancroft Recreation Ground, Hitchin Total		26,900	23,100	23,100	0	0	0	0
Renovate play area Howard Park, Letchworth	Capital Receipt	0	0	0	0	0	75,000	0
Renovate play area Howard Park, Letchworth Total		0	0	0	0	0	75,000	0
Renovate play area King George V Recreation Ground, Hitchin	Capital Receipt	0	0	0	0	75,000	0	0
Renovate play area King George V Recreation Ground, Hitchin Total		0	0	0	0	75,000	0	0
Renovate play area, District Park, Gt. Ashby	Capital Receipt	0	75,000	75,000	0	0	0	0
Renovate play area, District Park, Gt. Ashby Total		0	75,000	75,000	0	0	0	0
Replace and enhance lighting at St Mary's Car Park	Capital Receipt	0	60,000	0	-60,000	60,000	0	0
Replace and enhance lighting at St Mary's Car Park Total		0	60,000	0	-60,000	60,000	0	0
Replace items of equipment, Brook View, Hitchin	Capital Receipt	10,000	0	0	0	0	0	0
Replace items of equipment, Brook View, Hitchin Total		10,000	0	0	0	0	0	0
Replace items of play equipment Holroyd Cres, Baldock	Capital Receipt	0	0	0	0	0	10,000	0
Replace items of play equipment Holroyd Cres, Baldock Total		0	0	0	0	0	10,000	0
Replace items of play equipment Wilbury Recreation Ground, Letchworth	Capital Receipt	0	0	0	0	10,000	0	0
Replace items of play equipment Wilbury Recreation Ground, Letchworth Total		0	0	0	0	10,000	0	0
Replace items of play equipment, Chiltern Road, Baldock	Capital Receipt	0	10,000	10,000	0	0	0	0
Replace items of play equipment, Chiltern Road, Baldock Total		0	10,000	10,000	0	0	0	0
Replace main pool grating and overflow gullies at Hitchin Swim Centre	Capital Receipt	1,100	0	0	0	0	0	0
Replace main pool grating and overflow gullies at Hitchin Swim Centre Total		1,100	0	0	0	0	0	0
Replacement of neighbourhood CCTV equipment	Capital Receipt	21,700	0	0	0	0	0	0
Replacement of neighbourhood CCTV equipment Total		21,700	0	0	0	0	0	0
Replacement of Walsworth Common Access Bridge	Drawdown of cash investments	113,600	3,000	3,000	0	0	0	0
Replacement of Walsworth Common Access Bridge Total		113,600	3,000	3,000	0	0	0	0

		2017/18 Outturn Funding £	2018/19 Revised Funding £	2018/19 Revised Funding £	Movement £	2019/20 Funding £	2020/21 Funding £	2021/22 Funding £
Project								
Replacement SAN	Capital Receipt	0	0	0	0	110,000	0	0
Replacement SAN Total		0	0	0	0	110,000	0	0
Royston Leisure Centre extension	Capital Receipt	0	0	0	0	0	0	0
Royston Leisure Centre extension Total		0	0	0	0	0	0	0
S106 Projects	S106 Funding	170,700	0	60,000	60,000	128,800	0	0
S106 Projects Total		170,700	0	60,000	60,000	128,800	0	0
Scheme Alarms	Government Grant	10,300	0	0	0	0	0	0
Scheme Alarms Total		10,300	0	0	0	0	0	0
Security - Firewalls	Capital Receipt	0	0	0	0	0	0	14,000
Security - Firewalls	Drawdown of cash investments	9,900	14,000	14,000	0	0	0	0
Security - Firewalls Total		9,900	14,000	14,000	0	0	0	14,000
Serby Avenue Play Area renovation, Royston	Capital Receipt	0	0	0	0	0	0	0
Serby Avenue Play Area renovation, Royston	S106 Funding	7,800	0	0	0	0	0	0
Serby Avenue Play Area renovation, Royston Total		7,800	0	0	0	0	0	0
Smithsons Recreation Ground	Capital Receipt	500	0	0	0	0	0	0
Smithsons Recreation Ground	S106 Funding	0	0	0	0	0	0	0
Smithsons Recreation Ground Total		500	0	0	0	0	0	0
Software for personalised bills and annual billing.	Capital Receipt	0	6,000	6,000	0	0	0	0
Software for personalised bills and annual billing. Total		0	6,000	6,000	0	0	0	0
Splash Park at Bancroft Recreation Ground	Drawdown of cash investments	0	10,900	0	-10,900	0	0	0
Splash Park at Bancroft Recreation Ground	S106 Funding	0	800	0	-800	0	0	0
Splash Park at Bancroft Recreation Ground Total		0	11,700	0	-11,700	0	0	0
Splash Park at Priory Memorial, Royston	Drawdown of cash investments	0	15,000	0	-15,000	0	0	0
Splash Park at Priory Memorial, Royston Total		0	15,000	0	-15,000	0	0	0
St Mary's car park. Structural repairs to steps	Capital Receipt	0	0	0	0	0	0	0
St Mary's car park. Structural repairs to steps Total		0	0	0	0	0	0	0
Storage Facilities	Capital Receipt	15,500	50,000	50,000	0	0	0	0
Storage Facilities	Drawdown of cash investments	0	0	0	0	0	0	0
Storage Facilities Total		15,500	50,000	50,000	0	0	0	0
Tablets - Android Devices	Capital Receipt	0	0	7,100	7,100	8,000	8,000	8,000
Tablets - Android Devices	Drawdown of cash investments	7,000	10,000	2,900	-7,100	0	0	0
Tablets - Android Devices Total		7,000	10,000	10,000	0	8,000	8,000	8,000
Telephony system	Drawdown of cash investments	0	10,600	10,600	0	0	0	0
Telephony system Total		0	10,600	10,600	0	0	0	0
Town Centre pay & display machines for on-street charging	Capital Receipt	0	235,000	0	-235,000	235,000	0	0
Town Centre pay & display machines for on-street charging Total		0	235,000	0	-235,000	235,000	0	0
Transport Plans implementation (GAF)	Government Grant	0	250,000	0	-250,000	250,000	0	0
Transport Plans implementation (GAF) Total		0	250,000	0	-250,000	250,000	0	0
Ultra Violet water disinfection system	Capital Receipt	0	50,000	42,900	-7,100	0	0	0
Ultra Violet water disinfection system Total		0	50,000	42,900	-7,100	0	0	0
Walsworth Common Pavilion - contribution to scheme	Capital Receipt	0	0	0	0	0	13,000	0
Walsworth Common Pavilion - contribution to scheme	Other Capital Contributions	0	0	0	0	0	250,000	0
Walsworth Common Pavilion - contribution to scheme	S106 Funding	0	0	0	0	0	37,000	0
Walsworth Common Pavilion - contribution to scheme Total		0	0	0	0	0	300,000	0
Walsworth Common Pitch Improvements	Capital Receipt	0	15,000	0	-15,000	15,000	0	0
Walsworth Common Pitch Improvements	Other Capital Contributions	0	83,000	0	-83,000	83,000	0	0
Walsworth Common Pitch Improvements	S106 Funding	0	5,000	2,700	-2,300	2,300	0	0
Walsworth Common Pitch Improvements Total		0	103,000	2,700	-100,300	100,300	0	0
Walsworth Common Reconstruction of Car Park	Capital Receipt	0	30,000	30,000	0	0	0	0
Walsworth Common Reconstruction of Car Park Total		0	30,000	30,000	0	0	0	0
Waste and Street Cleansing Vehicles	Drawdown of cash investments	0	3,600,000	3,600,000	0	0	0	0
Waste and Street Cleansing Vehicles Total		0	3,600,000	3,600,000	0	0	0	0
Grand Total		9,483,700	15,877,100	7,211,000	-8,666,100	8,364,900	680,000	567,000
	Summary							
	Capital Receipt	1,436,700	3,803,200	571,600	-3,231,600	2,658,200	393,000	567,000
	Government Grant	704,900	1,063,000	300,000	-763,000	763,000	0	0
	Revenue Contribution / Borrowing	0	0	0	0	0	0	0
	Other Capital Contributions	480,900	383,100	273,400	-109,700	143,000	250,000	0
	S106 Funding	471,000	355,600	146,300	-209,300	468,200	37,000	0
	Drawdown of cash investments	6,390,200	10,272,200	5,919,700	-4,352,500	4,332,500	0	0
		9,483,700	15,877,100	7,211,000	-8,666,100	8,364,900	680,000	567,000

**CABINET
18 DECEMBER 2018**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: TREASURY MANAGEMENT SECOND QUARTER 2018/19

REPORT OF: SERVICE DIRECTOR - RESOURCES
EXECUTIVE MEMBER : CLLR JULIAN CUNNINGHAM
COUNCIL PRIORITY : RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 To inform Cabinet of the Treasury Management activities in the second quarter of 2018/19 to the end of September. The current forecast is that the amount of investment interest expected to be generated during the year is £0.320 million. This is an increase of £0.065 million on the working budget.
- 1.2 To inform Cabinet of the performance against the Prudential and Treasury indicators. During the second quarter the Council has operated within the treasury and prudential indicators as set out in the Treasury Management Strategy Statement and in compliance with the Council's approved Treasury Management Practices.

2. RECOMMENDATIONS

- 2.1 Cabinet is asked to note the position of Treasury Management activity as at the end of September 2018.
- 2.2 Cabinet is asked to recommend to Council to note the position of Treasury Management activity as at the end of September 2018.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The primary principle governing the Council's investment criteria is the security of its investments, which includes credit, liquidity and market risk (see section 8 below). After this the return (or yield) is then considered, which provides an income source for the Council. In relation to this the Council could take a different view on its appetite for risk (e.g. unrated Building Societies and non-UK investments), which would be reflected in the Treasury Strategy. In general, greater returns can be achieved by taking on greater risk. Once the Strategy has been set for the year, there is limited scope for alternative options as Officers will seek the best return that is in accordance with the Treasury Strategy. Our current strategy has meant that we have been able to achieve a yield that is above the average achieved by the Link Hertfordshire and Buckinghamshire Investment Benchmarking Group.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 There are quarterly updates with the Authority's Cash Manager, Tradition and regular meetings with Treasury advisors (Link).

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 on the 12 October 2018.

7. BACKGROUND

- 7.1 Members adopted the 2018/19 Treasury Strategy at the meeting of full Council on the 8 February 2018.
- 7.2 Link Asset Services Ltd were first contracted to provide Treasury advice for the financial year 2012/13 and this arrangement has been extended until 2018/19. The service includes:
- Regular updates on economic and political changes which may impact on the Council's borrowing and investment strategies
 - Information on investment counterparty creditworthiness
 - Technical updates
 - Access to the Technical Advisory Group.

8. RELEVANT CONSIDERATIONS

- 8.1 In summary, during the second quarter the Council has operated within the treasury and prudential indicators as set out in the Treasury Management Strategy Statement and in compliance with the Treasury Management Practices.

- 8.2 The Council generated £0.159 million of interest during the first six months of 2018/19. The average interest rate on all outstanding investments at the 30 September was 0.97%.
- 8.3 The Council's activities expose it to a variety of risks (credit, liquidity and market). The Treasury Strategy sets out the Authority's appetite for the level of exposure to these risks.
- 8.4 **Credit Risk** is the possibility that other parties fail to pay back amounts that have been invested by the Council. This risk is mitigated by assessing the counterparties with whom the Council invests. For banks and building societies that are credit rated by Fitch, they must have a rating of BBB or above. Where building societies do not have a credit rating, then the level of investment is assessed against the overall assets of the institution. Due to the different risks that they are exposed to, the Council splits its investments between banks and building societies and can have a maximum of 75% invested in each.
- 8.5 The Council also invests with other Local Authorities and Public Corporations (when appropriate opportunities are available) and in Money Market Funds. Money Market Funds are limited to 25% of total investments. A Money Market Fund is a regulated, stand-alone pooled investment vehicle which actively invests its assets in a diversified portfolio of mainly high grade, short-term money market instruments.
- 8.6 As at 30 September the split of investments was:

Banks	28%
Building Societies	46%
Local Authorities	18%
Money Market Funds	8%

- 8.7 **Liquidity Risk** is the possibility that the Authority may not have funds available to meet its commitments to make payments.
- 8.8 Cash flow forecasts are prepared to determine the level of funds required to meet the day to day commitments. The level of funds available for longer term investments at 30th September was £22.0 million which is primarily determined by the level of expenditure on the Council's Capital programme.
- 8.9 **Market Risk** is the possibility that financial loss might arise as a result of changes in interest rates.
- 8.10 Investing long term (greater than one year) currently achieves higher interest rates than short term deals. The risk of long term deals are two fold:
- (i) The longer the time period the longer the investment is exposed to default.
 - (ii) If the investment has a fixed interest rate, interest rates could rise and the potential to invest at a higher rate will be lost until the investment matures.

- 8.11 Members have indicated that they are prepared to accept the market risk within the limits expressed in the Treasury Strategy, which allows up to 40% of investments to be invested for longer than 364 days at any one time. At the end of the second quarter the Council had no investments for longer than 364 days. During the second quarter, three deals were placed for one year totalling £3.0 million. The largest was for £2.0 million which equated to 5.6% of outstanding investments on the day of the deal.
- 8.12 The **return (or yield)** that the Council achieves is affected by both the level of risk as well as general market conditions. It continues to prove challenging to find acceptable counterparties willing to pay a reasonable return on cash investments, either long or short term. This issue is expected to continue during 2018/19 and beyond.
- 8.13 The Council had a negative **Capital Financing Requirement** (CFR) of £10.3 million (as at 31st March 2018), which means that it has a high level of cash investments. The CFR is expected to reduce to approximately £2.5 million by the end of the year if capital expenditure matches the current profile of spend. The Council currently only has historic borrowing which is not cost effective to repay early.

9. LEGAL IMPLICATIONS

- 9.1 The Cabinet has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council.
- 9.2 Section 151 of the Local Government Act 1972 states that:
“every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.”
- 9.3 The Prudential Indicators comply with the Local Government Act 2003.

10. FINANCIAL IMPLICATIONS

- 10.1 The amount of investment interest expected to be generated during the year is £0.320 million.
- 10.2 Potential options for inclusion in the Treasury Strategy are considered as and when identified. Any proposals to amend the Strategy are reported to Full Council, via Cabinet, for approval.

11. RISK IMPLICATIONS

- 11.1 Risks associated with treasury management and procedures to minimise risk are outlined in the Treasury Management Practices document, TMP1, which was adopted by Cabinet in July 2003 and is revisited annually as part of the Treasury Strategy review. The risk on the General Fund of a fall of investment interest below the budgeted level is dependant on banks and building societies need for borrowing. The introduction of the Funding for Lending Scheme which allows financial institutions access to low cost funding from Government for an extended period has impacted on their need to borrow and the rates at which they are prepared to borrow.

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” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no direct human resource or equality implications.

15. CONTACT OFFICERS

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16. BACKGROUND PAPERS

Treasury Strategy 2018/19

CIPFA Prudential Code for Capital Finance in Local Authorities

**CABINET
18 DECEMBER 2018**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: COUNCIL TAX REDUCTION SCHEME (CTRS) 2019/2020

REPORT OF: SERVICE DIRECTOR - CUSTOMERS

EXECUTIVE MEMBER: COUNCILLOR JULIAN CUNNINGHAM

COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

- 1.1 To provide Cabinet with an update on how the Scheme is operating in its sixth year and to recommend that no changes be made to the Scheme for 2019/2020.

2. RECOMMENDATIONS

- 2.1 That Cabinet notes the CTRS position relating to this and previous financial years.
- 2.2 That there be no changes to the CTRS for 2019/2020 and that this is recommended to Council at its meeting on 17 January 2019.
- 2.3 That Cabinet recommends to the Council that the level of Scheme funding to be allocated to the Parish, Town and Community Councils will be the same as 2018/2019 and will be reviewed for 2020/2021

3. REASONS FOR RECOMMENDATIONS

- 3.1 To keep the Scheme aligned as far as possible with Housing Benefit.
- 3.2 To ensure that the Council complies with the requirement to ensure that a Scheme is in place by 11 March 2019.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 As there have been no changes to the Housing Benefit Regulations in the last year that need to be reflected in the Council's CTRS, Cabinet at its meeting on 25 September 2018 opted to recommend that no changes be proposed to the Scheme for 2019/2020 and that this should be recommended to Council at a future meeting in this financial year.
- 4.2 At the Cabinet meeting on 25 September 2018, Officers were asked to review whether there was scope to amend the standard percentage reduction and if so, to report back to this meeting of the Cabinet.

- 4.3 The outcome of the review has been considered by the Executive Member for Finance & IT and it has been decided not to recommend any change to the standard percentage reduction. (See 8.1 to 8.8 below)

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Finance & IT has been consulted on the outcome of the review on whether there is scope to reduce the standard percentage reduction.
- 5.2 As there are no changes to the CTRS proposed, it has not been necessary to carry out any further consultation.

6. FORWARD PLAN

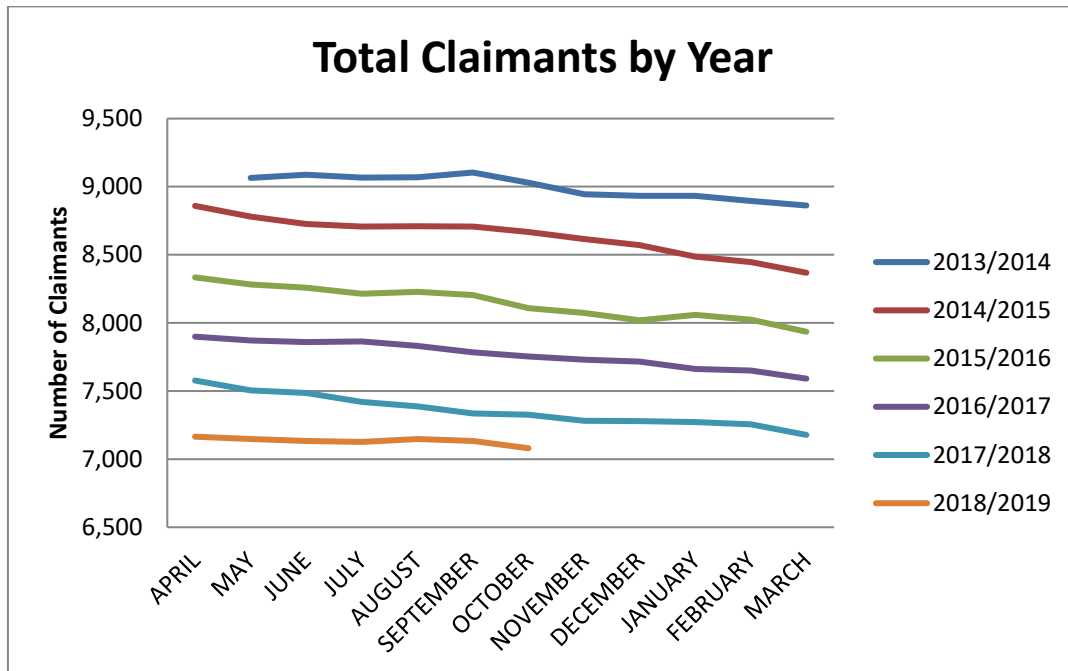
- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 25 July 2018.

7. BACKGROUND

- 7.1 Council Tax Benefit was abolished on 1 April 2013 and was replaced by locally defined Council Tax Reduction Schemes.
- 7.2 2018/2019 is the sixth year of the scheme, which is now fully embedded.
- 7.3 The Council's Scheme is based on the old Council Tax Benefit Scheme and is therefore means-tested with a standard percentage reduction being made to the final award. This reduction was 33.13% for the first two years of the Scheme and has been reduced to 25% for the subsequent three years.
- 7.4 The Scheme has been generally accepted within North Hertfordshire. The Council has received very little feedback on the Scheme and collection rates have been fairly well maintained considering the recent period of austerity.
- 7.5 Prior to this year (2018/2019) the Scheme has shown a steady year-on-year reduction in the amounts awarded. Because the caseload has steadily declined, this has meant that any increases in awards due to increased levels of Council Tax have been offset by a reduction in the number of recipients. It was hoped to make the Scheme more generous in previous years, however it was decided not to do so when it was announced that the County Council would be increasing its Council Tax by 3.99% in 2016/2017. The County Council also opted for the maximum allowable increase in 2017/2018 and 2018/2019 of 4.99%. The District Council and the Police & Crime Commissioner for Hertfordshire have also increased their Council Tax by the maximum allowable; however as the District Council and Police & Crime Commissioner for Hertfordshire precepts amounts to only around 23% of the total Council Tax bill (13% and 10% respectively), their increases do not have the same effect on the amount of CTRS paid as that of the County Council.

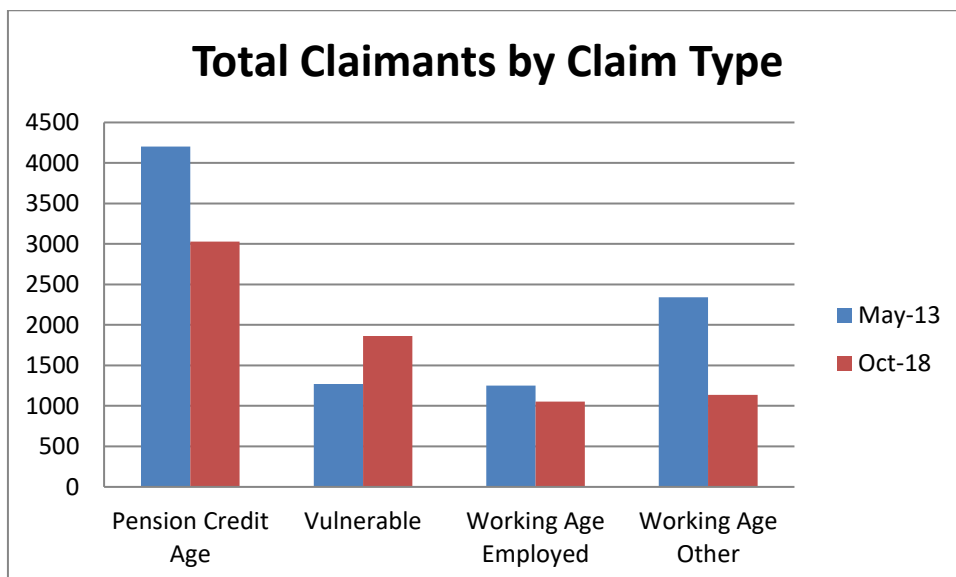
- 7.6 In 2018/2019, the reduction in caseload has flattened out with the result that the Scheme is expected to make awards of around £253,600 more in this year than 2017/2018.
- 7.7 Chart 1 below shows how claimant numbers have steadily reduced since the Scheme was introduced up to this current year, where they have flattened out.

Chart 1



- 7.8 Chart 2 below shows the difference in number of customers by claimant type from May 2013 (the earliest data we have) to October 2018. Members will see there has been a significant reduction in the number of Pension Credit Age customers (1,177 less or 28.00%) and Working Age customers not working (1,205 less or 51.47%). The number of Working Age customers in work has remained fairly constant (197 less or 15.77%), however the number of Vulnerable claimants, i.e. those in receipt of a Disability Premium has increased significantly (594 more or 46.73%).

Chart 2



- 7.9 Significantly, these reductions are less marked for the current year, where the reductions in caseload are significantly reduced. Pension Credit Age customers have reduced by 93 or 2.98%; Working Age claimants not working by 18 or 1.56%; Working Age customers in work have reduced by 36 or 3.31% and the number of Vulnerable customers has increased by 49 or 2.70%.

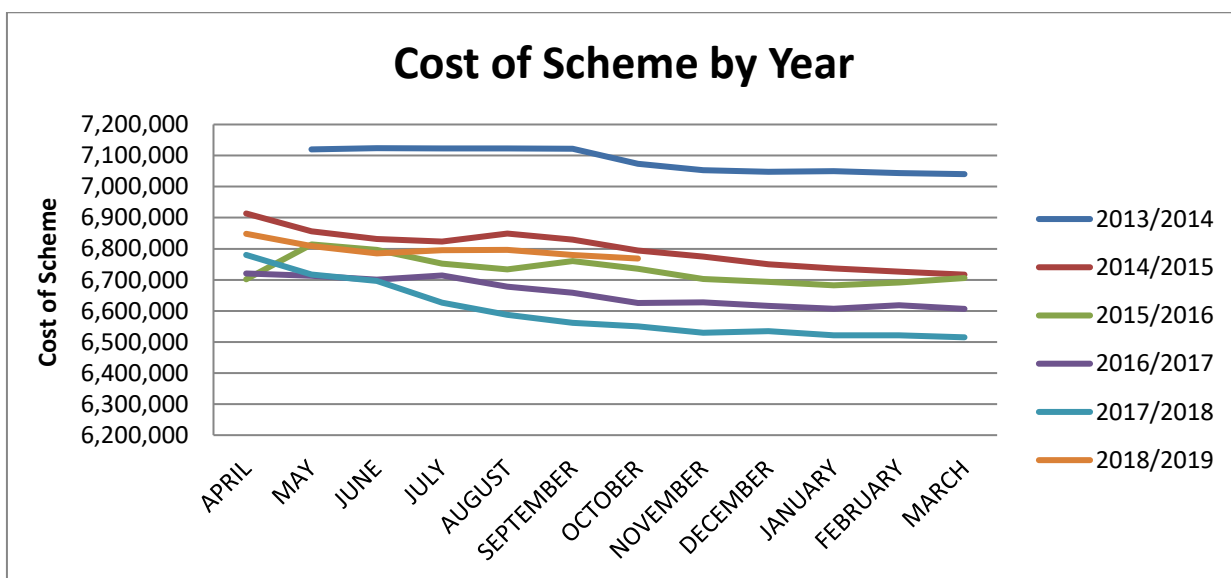
8. RELEVANT CONSIDERATIONS

Standard Percentage Reduction

- 8.1 The Scheme is now administered as a Council Tax Discount, no different to a Single Occupancy Discount or other Discount or Exemption. Consequently, there is no direct monetary value but it does have the affect of reducing the Council Tax Base. Any increase in the amount of Council Tax Reduction awarded, through a reduction in the standard percentage reduction will reduce the Tax Base meaning that the Council Tax levied by each Precepting Authority will yield less income.
- 8.2 A reduction in the standard percentage reduction will not benefit all CTRS customers as those of Pension Age and those in receipt of a Disability Premium are protected and receive the same amount of CTRS had Council Tax Benefit remained.
- 8.3 Financial modelling of the CTRS has shown that without a continued steady decrease in caseload, any reduction in the standard percentage reduction would put considerable pressure on the Tax Base with a potential risk that the Collection Fund could show a deficit at the end of the 2019/2020 financial year.
- 8.4 The financial modelling has also shown that a decrease in the standard percentage reduction to 20% will benefit those not already protected within the Scheme by a very modest amount ranging from an average of £0.79 per week for those in work to an average of £1.05 per week for those not in work.

- 8.5 Whilst the benefit to CTRS customers would be very modest, a change to 20% in the standard percentage reduction would have a significant effect on the Tax Base and could reduce the amount of Council Tax raised by this Council by £44K for the Police & Crime Commissioner for Hertfordshire by £34K and most notably for the County Council by £261K.
- 8.6 Chart 3 below shows that whereas the monetary level of awards has reduced year-on-year, the level is expected to increase in 2018/2019 and would increase again in 2019/2020 given the expected increase in Council Tax levels and without a reduction in the caseload.

Chart 3



- 8.7 If the Council was minded to reduce the standard percentage reduction at this time, it would be difficult to then increase it again later should conditions dictate that this would be necessary to limit Council Tax increases and ensure that the Collection Fund did not go into deficit.
- 8.8 For these reasons, it is not considered prudent to recommend any reduction in the standard percentage reduction at this time.

Amount to be distributed to Parish, Town & Community Councils

- 8.6 When CTRS was introduced in 2013, the Government provided funding to each Billing Authority to compensate for the reduction in their Tax Bases as CTRS was to be treated as a Discount and was no longer reimbursed on a pound for pound basis through subsidy arrangements. Each Billing Authority was also given a sum of money to distribute amongst its Parish, Town & Community Councils to compensate for their reduction in the Tax Base.

- 8.7 There is no longer separately identifiable funding within the Council's financial settlement from the Government as the Scheme is now funded by reductions in the Council Tax Base. To continue to compensate Parish, Town & Community Councils for the reductions in their Council Tax Base the principle has now been established that the amount of money distributed by the Council will reduce in line with its own reduction in Government support.
- 8.8 As a four year settlement was announced in February 2016 for the period 2016/2017 to 2019/2020, the Council has already received indication of the funding that it will receive in 2019/20 from Business Rates Baseline and Revenue Support Grant. The level of Revenue Support Grant received by the Council in 2018/19 was zero, and this is expected to be zero in 2019/20. As a result the amount to be distributed to Parish, Town & Community Councils is proposed to be maintained at £38,885 (i.e. the same amount as in 2018/19). The amount of funding that the Council receives from New Homes Bonus is not incorporated in to the calculation used, but it is expected that it will decrease in 2019/20.
- 8.9 Over the life time of the Scheme, this amount distributed to Parish, Town & Community Councils has diminished in value. Awards for 2019/2020 will vary from £11,405 for Royston Town Council to £40 for Bygrave Parish Council. Of the 35 Local Councils, only 10 will receive more than £1,000.
- 8.10 Members have expressed a view at previous Cabinet meetings that this payment should be reviewed. This has been pre-empted by giving the Parish, Town & Community Councils a full year's notice of the Council's intention to review this.
- 8.11 The proposal therefore is to review this next year having given the Parish, Town & Community Councils due notice. It should be noted that the Government does expect Councils to continue to make these payments available to Local Councils. See 10.2 below.

9. LEGAL IMPLICATIONS

- 9.1 Section 5(2) of Schedule 4 of the Local Government Finance Act 2012, which inserts Schedule 1A to the Local Government Finance Act 1992 requires the Council to set its Council Tax Reduction Scheme by 31 January preceding the start of the financial year in which it is to apply. This has been further amended by Regulation 2 of The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017 to 11 March.
- 9.2 Full Council's terms of reference include at 4.4.1 (z) "approving the Council Tax Reduction Scheme". Cabinet's terms of reference include at 5.6.39 recommending to Full Council "The Council Tax Reduction Scheme".
- 9.3 Section 3(1) of Schedule 4 of the Local Government Finance Act 2012, which inserts Schedule 1A to the Local Government Finance Act 1992 requires the Council to consult on any changes to its scheme as follows:
- Consult any Major Precepting Authority which has power to issue a precept to it
 - Publish a draft scheme in such manner as it thinks fit
 - Consult such other persons as it considers are likely to have an interest in the operation of the scheme

- 9.4 For the original scheme implemented for 2013/2014, it was necessary to carry out comprehensive consultation to ensure that the Council complied with the legal requirement to consult and did not leave itself open to challenge. Very minor changes were made to the Scheme in year two and a restricted consultation exercise was carried inviting members of the public to comment on the Council's web site. There were no changes proposed to the Scheme for year three and the practice at that time was that no further consultation was required.
- 9.5 There are no changes proposed for 2019/2020 and consequently there is no requirement to consult with the public.
- 9.6 Cabinet should note that changes to the Scheme cannot be made later in the financial year due to the need to consult before any changes can be implemented.

10. FINANCIAL IMPLICATIONS

- 10.1 The value of awards is expected to increase by £253,600 based on the position at the end of October 2018. This will be reflected in the Council Tax Base that will be presented to the Council Tax Setting Committee at its meeting on 10 January 2019. As explained in paragraph 7.6 the impact of any change in the Council Tax Base is in proportion to the value of the Council Tax raised, so the greatest impact is on the County Council.
- 10.2 There is no statutory requirement for the Billing Authorities to provide funding to Parish, Town and Community Councils, but it may choose to do so and the Ministry of Housing, Communities and Local Government has made its position clear that it expects Billing Authorities to do so. In 2018/2019 this Council passed on £38,885. The current proposal of funding to Parish, Town and Community Councils in 2019/2020 is £38,885, based on there being no change in Revenue Support Grant.
- 10.3 Cabinet at its meeting on 25 September 2018 expressed the view that this amount should remain the same for 2019/2020 and that it should be reviewed for 2020/2021..

11. RISK IMPLICATIONS

- 11.1 Because the Council is required to implement a demand led Scheme there is a financial risk should the number of claimants increase significantly. Whilst the number of claimants is not increasing, the decrease in numbers has slowed down considerably meaning that there is likely to be a reduction in the Council Tax Base. The amount of Council Tax recovered in the year is monitored by the Overview and Scrutiny Committee on an exception basis. The position on the Collection Fund is also included in the revenue monitoring reports that are presented to the Finance, Audit and Risk Committee and Cabinet.
- 11.2 A further potential risk is the effect that the introduction of Universal Credit Full Service will have on the number of claimants and collection rates. This will be monitored over the next year in preparation for consideration of the CTRS in 2019 for 2020/2021.

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 By conducting extensive consultation when the scheme was first implemented, the Council sought to collect information from those who may be potentially affected by these proposals. The public consultation showed broad support for the scheme. By substantially retaining the same scheme since 2013/2014, the Council continues to meet its obligations under the Equality Act, but current equalities legislation will be checked following decision by Council in January to ensure this remains the case.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no Human Resources implications in this report.

15. APPENDICES

- 15.1 None

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 None

**Cabinet
18 DECEMBER 2018**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: BUSINESS RATES RETAIL DISCOUNT SCHEME

REPORT OF: SERVICE DIRECTOR - CUSTOMERS
EXECUTIVE MEMBER: COUNCILLOR JULIAN CUNNINGHAM
COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

- 1.1 To agree a Business Rates Retail Discount Scheme for North Hertfordshire following the Budget announcement on 29 October 2018

2. RECOMMENDATIONS

- 2.1 That the high level implications of the proposed scheme be noted.
- 2.2 That Cabinet be recommended to delegate the final detail of the scheme to the Service Director - Customers in consultation with the Executive Member for Finance & IT

3. REASONS FOR RECOMMENDATIONS

- 3.1 To comply with the proposals announced by the Chancellor of the Exchequer in the Budget on 29 October 2018.
- 3.2 To provide additional financial assistance to retail businesses in line with the Budget announcement.
- 3.3 To ensure that the scheme will be finalised in time for implementation from 1 April 2019.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Work so far on developing the scheme has been in accordance with the criteria laid down by the Government

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has been held with the Executive Member for Finance & IT and further consultation will take place with local business organisations in the lead up to implementation.

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 on the 3 November 2018.

7. BACKGROUND

- 7.1 In the Budget on 29 October 2018, the Chancellor of the Exchequer announced that he intended to provide additional financial support to retail properties with a rateable value of less than £51,000 in the form of a Retail Rate Discount. This is in addition to the Small Business Rate Relief provisions which already exist and provide the following assistance to small businesses:
- All properties with a rateable value of £12,000 or less have 100% Relief and pay no Business Rates
 - Properties with a rateable value between £12,001 and £15,000 have the Relief gradually withdrawn to zero at £15,000
 - All properties with a rateable value below £51,000 have their rates bill calculated using the small business multiplier, which is less than the standard multiplier
- 7.2 It is intended that the new Retail Rate Discount Scheme will be in place for two years, 2019/2020 and 2020/2021 prior to the next revaluation coming into force on 1 April 2021. As with all other revaluations, it is expected that there will then be a new Transitional Relief Scheme introduced at that time.
- 7.3 Retail Discount will consist of a reduction in the Business Rates payable of one third of the net Business Rates payable after all other Reliefs have been awarded.
- 7.4 Members may recall that following the Spring Budget in 2017, the Chancellor of the Exchequer provided funding over four years 2017/2018 to 2020/2021 to assist retail businesses that had been most adversely affected by the 2017 Revaluation. (The Revaluation Scheme).
- 7.5 The guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG) has stated that the same definitions of retail property used for the Revaluation Scheme should be used for the new Retail Discount Scheme.

- 7.6 According to the guidance, retail properties at the highest level are shops, restaurants, cafes and drinking establishments. More specifically the guidance identifies the following types of retail establishments, although this is not exhaustive:

Properties used for the provision of services to the public:

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/ key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/ TV/ domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

Properties used for the sale of food and/ or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

- 7.7 The following is a list of business types that the Government does not consider should benefit from this scheme:

- Financial services (e.g. banks, building societies, cash points, bureaux de change, payday lenders, betting shops, pawn brokers)
- Other services (e.g. estate agents, letting agents, employment agencies)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
- Post office sorting offices

8. RELEVANT CONSIDERATIONS

- 8.1 To qualify for the discount the property should be wholly or mainly used as a shop, restaurant, cafe or drinking establishment. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, properties which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

- 8.2 Other criteria that must be met are that the rateable value of the property is below £51,000, that the property is occupied, that Retail Discount is applied after all other Reliefs and that State Aid Rules apply with regard to the total amount of State provided support that any business receives.
- 8.3 The State Aid De-Minimis Regulations allow for up to €200,000 of aid to be given to any business in a rolling three year period consisting of the current year and the previous two. These Regulations would exclude most national chains from receiving Retail Discount.
- 8.4 MHCLG has made it clear that it does not expect businesses to have to apply for this Discount and that as far as possible it should be awarded automatically. This means that rather than businesses confirming that they do not exceed the State Aid Rules by way of an application, they will be expected to decline the Discount if they do exceed the De-Minimis amount of State Aid.
- 8.5 Officers have identified 1,765 properties with a Rateable Value between £12,001 and £51,000 out of a total Valuation List of over 4,400 properties.
- 8.6 Of these, Officers have identified 385 which are believed to meet the qualifying criteria for Retail Rate Discount.
- 8.7 The Council's proposed scheme is available at Appendix 1. Whilst this is accurate at the time of preparing this report, guidance is still being issued by MHCLG and therefore it is recommended that any late changes to the scheme be delegated to the Service Director – Customers in consultation with the Executive Member for Finance & IT.

9. LEGAL IMPLICATIONS

- 9.1 Paragraph 5.6.1 of the Council's Constitution authorises Cabinet to exercise the following function: *"To prepare and agree to implement policies and strategies other than those reserved to Council"*.
- 9.2 The Government is not proposing to bring in any new legislation to implement Retail Rate Discount Schemes and instead is depending on the powers already vested in Local Authorities under Section 47 of the Local Government Finance Act 1988, amended by Section 69 of the Localism Act 2011 relating to the provision of Discretionary Rate Relief Schemes.
- 9.3 Although legislation relating to Discretionary Schemes is being used, there is little discretion available in this instance as Local Authorities in using Section 47 powers are required to have regard to any guidance issued by the Secretary of State and therefore to ignore this would leave the Council open to Judicial Review.

10. FINANCIAL IMPLICATIONS

- 10.1 Initial indications would suggest that the cost of the scheme in North Hertfordshire is likely to be in the region of £3,500,000.
- 10.2 This Council's share of that amount would be £1,400,000 (40%) and the County Council's share would be £350,000 (10%). The remaining 50% is retained by the Government anyway.
- 10.3 Both the District Council and County Council will be totally reimbursed for all lost income relating to the scheme by way of a Section 31 Grant.
- 10.4 MHCLG is also evaluating payments to Local Authorities under the New Burdens criteria.

11. RISK IMPLICATIONS

- 11.1 The Council will have to make its best estimate of the likely cost of the scheme in 2019/2020 in January 2019, when the NNDR1 is submitted. Although the Council will receive 100% reimbursement for lost income, the more accurate the NNDR 1 estimate is, the less likely that there will be any significant cash flow implications.
- 11.2 In view of the requirement imposed by MHCLG that this Discount should be automatically awarded, there is a risk that some qualifying businesses may be missed. To mitigate this, the Council will have to make details of the scheme widely available to businesses through business organisations, the Business Rates bills and the Council's web site.

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 The scheme is intended to assist small retail businesses and any equalities implications have been considered in the justifications detailed in Appendix 1.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no Human Resources implications in this report.

15. APPENDICES

- 15.1 Appendix A – Business Rates Retail Discount Scheme

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17. BACKGROUND PAPERS

- 17.1 MHCLG Guidance



NORTH HERTFORDSHIRE DISTRICT COUNCIL

CUSTOMERS DIRECTORATE

BUSINESS RATES RETAIL DISCOUNT SCHEME FROM 1 APRIL 2019 TO 31 MARCH 2021

CONTENTS

Section

1	Introduction
2	Qualifying Criteria
3	Applications
4	Legal Requirements
5	Financial Impact
6	The Decision Making Process
7	Period of Discount
8	Calculation of Discount
9	Notification of Decisions
10	Rights of Appeal
11	Policy Review

Business Rates Retail Discount Scheme

1. Introduction

- 1.1 In the Budget on 29 October 2018, the Chancellor of the Exchequer announced that the Government would make available support for retail premises with a rateable value of under £51,000. This would be in the form of a reduction of one third of the net Business Rates payable after the application of all other Reliefs.
- 1.2 The scheme will operate for the financial years 2019/2020 and 2020/2021 only.
- 1.2 This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988 as amended by section 69 of the Localism Act 2011.
- 1.3 Both the District Council and County Council will be fully reimbursed for the lost Business Rates income through section 31 grant funding.

2. Qualifying Criteria

- 2.1 Business Rates Retail Rate Discount will be awarded if:-
 - i The property has a rateable value below £51,000.
 - ii The property is occupied
 - iii That the property is wholly or mainly used as a shop, restaurant, cafe or drinking establishment. More specifically, the type of business which would qualify includes:

Properties used for the provision of services to the public:

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/ key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/ TV/ domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

Properties used for the sale of food and/ or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops

- Pubs
- Bars

The above list is not exhaustive and there may be other types of business that qualify, which will be considered on a case by case basis.

The types of businesses that definitely will not qualify include:

- Financial services (e.g. banks, building societies, cash points, bureaux de change, payday lenders, betting shops, pawn brokers)
- Other services (e.g. estate agents, letting agents, employment agencies)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
- Post office sorting offices

vi The award of Discount complies with EU law on State Aid:

State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary Reliefs or Discount to ratepayers is likely to amount to State Aid. However the support for ratepayers will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013).

The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three year period (consisting of the current financial year and the two previous financial years). There are certain types of undertaking that are excluded from receiving De Minimis aid. Any aid to be considered De Minimis is required to be converted into Euros.

To administer De Minimis it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation).

3. Applications

- 3.1 There will be no formal application process. The Council will use its best endeavours to identify all qualifying businesses and apply the Discount automatically.
- 3.2 It is possible that some qualifying businesses may not be identified and the Council will consider a request from any business that feels that it qualifies for Retail Rate Discount.
- 3.3 The Council has to apply Retail Rate Discount after all other Reliefs have been applied. There are a small number of businesses that qualify for Revaluation Rate Relief that the Council has to calculate manually after the Rates liability for each year has been calculated. Consequently, these businesses will not receive their annual bills until after 1 April in each year.

4 Legal Requirements

- 4.1 The Scheme will be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988 as amended by section 69 of the Localism Act 2011.

5 Financial Impact

- 5.1 Both the District Council and County Council will be fully reimbursed for the lost Business Rates income through section 31 grant funding.

6 The Decision Making Process

- 6.1 The Council will as far as it is able automatically determine those properties that will qualify for Retail Rate Discount. This is in line with the Government's expectations that businesses will not be required to make a formal application.
- 6.2 Any business that is not automatically awarded Retail Rate Discount that believes it should qualify, should notify the Council's Revenue Services and the matter will be reviewed on a case by case basis.

7 Period of Discount

- 7.1 Where awarded, Discount under this scheme will be granted only to the end of the relevant financial year.
- 7.2 The scheme is scheduled to operate for two financial years, 2019/2020 and 2020/2021.
- 7.3 The Council will instead use its own records to ensure that each business continues to qualify and make the award accordingly for each year. The award for each year is an award for that year only and will end on 31 March of each year.
- 7.4 The only qualifying criterion which the Council cannot check from its own records is that on compliance with the State Aid Rules. When notifying of the award, the Council will provide a form for completion by the business proprietor to refuse the Discount if the business believes that it will exceed the State Aid Rules.
- 7.5 In all cases Discount will end in the following circumstances (NB where eligibility ends during the financial year the Discount will be pro rata to the last day of entitlement):
- a) The end of the statutory period for which Discount may be allowed;
 - b) The end of the financial year;
 - c) The property becoming unoccupied;
 - d) The ratepayer ceasing to be the person or organisation liable to pay non-domestic rates in respect of the property;
 - e) The commencement of a further award in respect of the property;
 - f) The council is unable to verify, following reasonable notice, that the property remains occupied;
 - g) A change in rateable value excludes the ratepayer from entitlement.

- 7.6 It is also important to note that under the Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059)¹ authorities are required to provide ratepayers with at least one year's notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect. Such a revocation or variation of a decision can normally only take effect at the end of a financial year. However within these regulations, local authorities may still make decisions which are conditional upon eligibility criteria or rules for calculating Discount which allow the amount of Discount to be amended within the year to reflect changing circumstances.

8 Calculation of Discount

- 8.1 The Discount awarded will be calculated as one third of the net Business Rates payable after all other Reliefs have been applied.
- 8.2 The Discount will apply to any retail property as detailed in Section 2 above with a Rateable Value of less than £51,000.
- 8.3 Should a Rateable Value reduce from £51,000 or above to below that value, Discount will be awarded from the date of the revaluation or from 1 April 2019, whichever is the latest.

9 Notification of Decision

- 9.1 Businesses that qualify for Retail Rate Discount will be notified by way of a Business Rates Bill detailing the award. With each bill confirming the award will be a form to complete refusing the award if the business is not entitled to the award because it does falls outside the State Aid De-Minimis Regulations. It is the responsibility of the business to ensure that it does comply with the State Aid De-Minimis Regulations.

10 Rights of Appeal

- 10.1 There is no statutory right of appeal against a decision to award Discount under this scheme made by the Council because the award is discretionary. However, the Council recognises that customers should be entitled to have a decision objectively reviewed if they are dissatisfied with the outcome.
- 10.2 Any business proprietor, who has been refused a Discount under this Scheme should, in the first instance detail in writing their reasons for not agreeing with any decision, to the Systems & Technical Manager in the Customers Department, District Council Offices, Gernon Road, Letchworth Garden City, Herts SG6 3JF or by email to revenues@north-herts.gov.uk. A request for a review must be made within four weeks of notification of the decision and must set out the reasons for the request and any supporting information.
- 10.3 Should the applicant still be aggrieved having received a response to the first "review" they should then write to the Service Director - Customers, at the same address as in 10.2 above within a further two weeks of receiving the first review decision.

11 **Policy Review**

- 11.1 This Scheme is implementing Government policy as is intended to last from 1 April 2019 to 31 March 2021 unless the Government changes its view.

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**CABINET
18 DECEMBER 2018**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: CORPORATE STATEMENT OF ENFORCEMENT POLICY REVIEW
REPORT OF: LEGAL REGULATORY TEAM MANAGER
COUNCIL PRIORITY: PROSPER AND PROTECT / RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 This Report reviews the Council's Corporate Statement of Enforcement Policy (the 'Policy') so that enforcement decisions and actions are consistent throughout the Council.

2. RECOMMENDATIONS

- 2.1 That Cabinet approve the amended Policy contained at Appendix A.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To bring the Council's Corporate Enforcement Policy up to date.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The draft Policy (as amended) was discussed at Political Liaison Board prior to presentation at Cabinet. The Policy was also presented to the Senior Management Team for consideration and comment.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision and was first referred to in the Forward Plan on 24 April 2018.

7. BACKGROUND

- 7.1 The Corporate Enforcement Policy ('the Policy') was last updated in July 2013 and it therefore needs to be updated to reflect new legislative and enforcement developments, as well as the Council's recent Senior Management Restructure.
- 7.2 All relevant enforcement departments were requested to update their policies and have fed into the Policy contained at Appendix A.

8. RELEVANT CONSIDERATIONS

- 8.1 The purpose of the Policy is to set out, in a clear and easy to understand way, what the Council's options are with respect to enforcement action.

Cabinet (18.12.18)

8.2 Previously, each section within the Council that engaged in enforcement activity had its own, area specific policies. This Policy brings together all of those separate policies and protocols into one definitive Policy, which are appendices to it as follows:

- Revenues Recovery (pages 9 – 10)
- Environmental Health (pages 11 – 34)
- Licensing (pages 35 – 36)
- Community Safety (37 – 41)
- Planning Enforcement (42 – 52)
- Parking Enforcement (pages 53 – 58), and
- Access to Housing (page 59).

The appendices to the Policy have been prepared by different areas of the Council; therefore there are some stylistic and practical differences in their format and their content (with some being more detailed than others, given some areas have more / less statutory Guidance or case law on the approaches to adopt).

8.3 It should be noted that where a service area is legally bound to produce its own general policy going beyond merely enforcement practices, as is the case with Licensing, for example, which must produce a policy addressing how the Council exercises its licensing functions, then those statements of policy shall remain separate. This Policy is solely concerned with enforcement, and does not purport to cover other aspects affecting a service area.

8.4 Other than the newly included appendices, the most notable amendments to the Policy are:

- the updated reference to the Regulators' Code 2014 ("the Code"), which replaced the previous Concordat on Good Enforcement Practice on 6th April 2014. The Code, brought in under section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"), provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Nearly all regulators, including local authorities and fire and rescue authorities, must have regard to it when developing policies and procedures that guide their regulatory activities (page 2).
- the updated general principles, brought in by section 21 of the Act, namely: that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent (page 2).
- circumstances in which the Council can opt to take no action in relation to some breaches: The decision whether or not to take action will turn on the facts of individual cases, and will be taken in consultation between the investigative officers, their service manager and the Service Director – Legal and Community, or those officers delegated to make that decision under a scheme of delegation (page 4).
- Unauthorised Encampments ("UE"): this is also addressed in the Policy for the first time. The detail contained in this section is provided in broad terms, as it could potentially be counterproductive to set out precise timescales that would allow those engaging in UE to maximise their stay at a given site without fear of enforcement action being commenced (page 7).
- A brief word on Licensing is also introduced into the amended Policy, although as previously mentioned, it is not intended that this Policy substitutes other specific policies in this area (for example the Statement of Licensing Policy, Gambling Act Statement or other Licensing specific areas such as Taxis or Animal licensing Policy).

Cabinet (18.12.18)

The newly introduced section on Licensing broadly sets out the ability to suspend and revoke licences, but also addresses the fact that in certain circumstances, officers are able to adopt a stepped approach to dealing with contraventions in order to avoid having to resort to more stringent action (page 7).

- 8.5 There is now also an extended section dealing with how the Council will consider the views of those affected by offences. Mainly, this updated section addresses the situation where complainants want the Council to act, but may not be willing to have their identities disclosed to the perpetrators. Having this added to the Policy is useful in ensuring that complainants know from the outset what is expected of them, and that without their co-operation the chances of the Council succeeding in carrying out its enforcement action can be hampered.
- 8.6 The Policy sets out a number of key principles that the Council will seek to follow before and during the carrying out of enforcement activity, and lists the types of enforcement options available following a breach of legislation. When bringing and defending enforcement action; the Council needs to be able to demonstrate that it has acted reasonably in deciding upon the most appropriate course of action in response to breaches of legislation or policies.
- 8.7 Parties subject to enforcement action brought by the Council should be able to refer to the Policy in order to determine whether the enforcement action taken against them is consistent with the normal practices of the Council. Likewise, the Council can refer anyone to the Policy wherever an accusation is made that the Council is treating someone unfairly or unduly harshly through the use of enforcement powers. The Policy will therefore be made available on the Council's website so that members of the public, including individuals and businesses being enforced against, can see what the Council's approach to enforcement is.
- 8.8 Finally, it is important to note that, whilst detail is helpful in setting out the approach to be taken by the Council in a given situation, each case will ultimately be decided on its own merits. If the Policy is too detailed and prescriptive it could fail to take into account the inevitable grey areas that will exist from time to time and potentially to a particular course of action that may not be suitable in that situation. The Policy must therefore provide enough detail so as to provide certainty as to what can be expected, whilst also not fetter the Council and an officer's discretion.

9. LEGAL IMPLICATIONS

- 9.1 The Council's Constitution at paragraph 5.6.1 states that the Cabinet may prepare and agree to implement policies and strategies other than those reserved to Council.
- 9.2 Also, paragraph 5.6.4 of the Constitution which states that it is for the Cabinet to exercise the Authority's duty in Section 17 of the Crime and Disorder Act 1998 to reduce crime and disorder.
- 9.3 Section 23 of the Legislative and Regulatory Reform Act 2006 brought in the Regulators' Code 2014 which states that regulators whose functions are specified by order under section 24(2) of the Act must have regard to the Code when developing policies and operational procedures that guide their regulatory activities.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising from this Report.

Cabinet (18.12.18)

11. RISK IMPLICATIONS

- 11.1 Not having an effective and up to date Enforcement Policy leaves the Authority at risk of being unprepared or otherwise ineffective at enforcing matters affecting the district.
- 11.2 If the Council's Policy is not up to date it could face criticism at Court and be left open to challenges from defendants and defence lawyers.

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 The review of the Corporate Statement of Enforcement policy does not have a direct equality impact. The policy now reflects the most recent legislative and enforcement developments. This ensures that enforcement action is carried out in an objective, proportionate and consistent manner. This eliminates discrimination or victimisation when the council carries out enforcement decisions and actions.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 The officer involvement required to comply with these statutory obligations are factored into service plans and work plans.

15. APPENDICES

- 15.1 Appendix A: Corporate Enforcement Policy 'clean' version
- 15.2 Appendix B: Corporate Enforcement Policy *showing tracked changes – this is available on the website page for the report only.*

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17. BACKGROUND PAPERS

17.1 None, other than the documents referred to above.

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CORPORATE STATEMENT OF ENFORCEMENT POLICY

**Version 2
December 2018**

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1. Introduction

The purpose of this policy is to set out North Hertfordshire District Council's enforcement principles, practice and provide guidance to Council officers, businesses and the public.

Enforcement action is a wide term which includes informal and formal steps and covers a range of options detailed below. When undertaking such action the Council will have regard to this policy, and any service specific enforcement policy/procedure. This overarching policy does not seek to duplicate the specific ones detailed in the Appendices, but to provide a framework. In developing and updating these policies, regard has been given to the Regulators' Code 2014¹ issued under section 23 of the Legislative and Regulatory Reform Act 2006 ('the Act'), and good practice. This policy explains the approach that will be adopted by officers when carrying out the Council's duties and how the Council will respond to non-compliance. Each service area has its own procedures and protocols that will have regard to this policy, though there may be local variations within them; these are contained in the Appendices below. The policy covers both criminal and civil enforcement practices and is based on the Council's enforcement mission statement.

2. Enforcement Mission Statement

A consistent and proportionate approach to enforcement that is targeted, and contributes to achieving the Council's priorities, policy aims and meets the needs of the community.

3. General Principles

In line with the requirements of the Act, the Council will have regard to the following principles when considering enforcement action:

- **Transparency:** to ensure enforcement action to be taken by the Council is easily understood. Clear distinctions will be made between legal requirements and recommendations about good practice which are not compulsory. Where possible the Council shall be sharing information about compliance and risk.
- **Accountability:** to ensure that the Council is answerable for its enforcement practices and can be held to account for the actions it takes.
- **Proportionality:** to consider whether proposed action is proportionate considering all relevant factors, including the severity of the offence, likely outcome, risk and costs of proceedings.
- **Consistency:** to ensure that similar issues are dealt with in an equitable way, making full use of guidance produced by Government and other agencies.

Where any rights contained within the Human Rights Act 1998 may be affected, officers should consider whether the action is both necessary and proportionate, and ensure that the provisions of the Act are taken into consideration where applicable.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

4. Shared Enforcement and Corporate Approach

The range of enforcement matters dealt with by the Council may sometimes require officers to work with other departments or agencies to maximise effective enforcement.

Consideration should be given as to whether it is appropriate to share information with external agencies or colleagues in other departments. Where activity impacts across different Council departments, officers should adopt a corporate approach, working together to seek the best results overall. All instances of data sharing must comply with relevant Data Protection Legislation².

5. Aims of Enforcement Action

If enforcement action is necessary, then the Council utilises the sanctions and penalties available to it in order to:

- change the behaviour of the offender;
- change attitudes in society to offences which may not be serious in themselves, but which are widespread;
- eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- address the harm caused by regulatory non-compliance, where appropriate; and
- deter future non-compliance.

6. Levels of Enforcement Action

Prior to taking enforcement action, Council officers must ensure that they are authorised to do so under the Council's Constitution and their delegations. Officers will generally consider the following enforcement options when taking action:

LEVEL 1 - Advice and Guidance: to assist individuals, existing and prospective businesses and other organisations to comply with their legal obligations. This will be achieved by providing written and verbal advice, information leaflets and the opportunity for face-to-face contact to discuss and help resolve potential problems.

LEVEL 2 - Informal Warnings: these will be used to reinforce advice and guidance where minor breaches of the law occur and it is not appropriate to take formal action. Warnings are more likely to be appropriate for minor contraventions where it can be reasonably expected that informal warnings will achieve compliance. Warnings issued in respect of more significant breaches of the law should include timescales within which the breaches should be remedied. Monitoring should be undertaken as appropriate where there are ongoing breaches.

LEVEL 3 - Formal Action: this includes the use of statutory (legal) notices and is generally taken if informal advice or warnings are not considered to be the most appropriate route. Before formal action is taken, other than where immediate action is

² Means: all applicable data protection and privacy legislation in force from time to time in the UK including the General Data Protection Regulation ((EU) 2016/679); the Data Protection Act 2018; the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended, or any successor legislation.

required, officers will provide an opportunity to discuss the circumstances of the case and, where possible, attempt to resolve points of difference.

LEVEL 4 - Legal Proceedings: this includes, amongst other things, the issue of fixed penalty tickets, simple cautions, prosecutions, injunction proceedings, review and revocation of licences and execution of works in default.

Enforcement will normally move from Level 1 through to Level 4, although depending on the facts of a given matter, it may be appropriate to adopt a fluid approach to how a matter proceeds through the above Levels. For example in certain circumstances a matter may begin at Level 1 but then, if required, go straight to Level 3 or 4. Likewise it may be suitable to commence proceedings at Level 3 or 4 if the criteria for formal action or prosecution are met.

Different service areas may have their own service specific sanctions available to them; including such things as civil penalties that can be utilised as an alternative to prosecution. Where these specific sanctions are available to a given service area, these will be set out in the relevant procedure document in the appendices below.

7. No Action

In certain circumstances, contraventions may not warrant any action. This can be where the cost of compliance significantly outweighs the detrimental impact of the contravention, or where the cost of the required enforcement action to the Council significantly outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where action is inappropriate in the circumstances, such as where an organisation has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their well being.

8. Statutory notices

Some legislation provides for the service of statutory notices, which require a person, business or organisation to comply with specific requirements.

Generally, the notice will explain:

- what is wrong
- what is required to put things right
- the timescale in which to put things right
- what will happen if the notice is not complied with.

In some circumstances where a formal notice has been served there might be a right of appeal against the Council's decision. In such cases an explanation of the method of appeal will be provided at the time the notice is issued.

9. Works in Default

In general, it is Council policy to either caution or prosecute individuals, organisations or businesses that do not comply with a statutory notice. In addition, failure to carry out specified work may result in the Council carrying out the works in default and recovering all costs. In such cases the expenses associated with default works will usually be recovered by issuing an invoice to the relevant party. Where appropriate, these costs may be recovered by way of a charge against land/ property, and such a charge may be further enforced through sale of the land/ property.

In calculating the recovery of costs incurred when undertaking works in default the Council will have regard to the following:

- Contractor's costs or expenses;
- Costs associated with officer time (including overhead costs); and
- Legal costs or expenses

10. Fixed Penalty Notice ('FPN')

For certain offences, e.g. dog fouling, depositing of litter, abandoned vehicles, there is provision for fixed penalty notices to be issued. Where there is evidence that an offence has been committed, authorised officers from the Council may issue the appropriate penalty ticket. The issue of an FPN gives an offender the opportunity to discharge their liability to prosecution by the payment of a set fine within a specified period. FPNs will only be issued when there is adequate evidence to support a prosecution. If the fine is not paid in full within the stated period then the Council is likely to mount such a prosecution.

Details of the Council's FPN scheme, including which offences are included, the level of fine and early payment discounts amongst other things, can be viewed on the council's website³

11. Simple Cautions

A simple caution is a non-statutory, non-conviction disposal for adult offenders aged 18 or over. Under certain circumstances, a simple caution may be used as an alternative to prosecution and will usually be considered before making a decision to prosecute. A simple caution is a serious matter. It may be used to influence any decision whether or not to prosecute should the individual, organisation or business reoffend, and it may be referred to in any subsequent court proceedings. Regard will be given to government guidance by the Ministry of Justice – Simple Caution for Adult Offenders⁴.

Simple cautions are intended to:-

- deal quickly and simply with certain offences;
- avoid unnecessary appearance in criminal courts;
- reduce the chance of offenders re-offending.

Before issuing a caution the following will be relevant:

- i. there must be evidence of guilt sufficient to give a realistic prospect of conviction and it must be in the public interest to offer a simple caution;
- ii. that it is a low-level first time offending situation;
- iii. not a repeat offence *and where relevant and appropriate* a victim's views will be taken into account;
- iv. the offender must understand and be capable of understanding the significance of the simple caution and admit the offence by signing a declaration;
- v. the person against whom a caution is issued must have legal responsibility for the offence(s), for example in the case of a company, and be 18 years or over.

Where an individual chooses not to accept a simple caution the Council will normally consider prosecution.

³ <https://www.north-herts.gov.uk/sites/northherts-cms/files/Housing%20%20Public%20Protection%20Fee%20Structure%202018-19%20v1%200.pdf>

⁴ <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-and-prosecutors> or any subsequent guidance

The decision to offer a caution will normally be taken in consultation between the relevant service manager and the Service Director – Legal and Community, or those officers delegated to make that decision under a scheme of delegation.

12. Prosecution

The Council will take individual circumstances into account when deciding whether to initiate a prosecution and will only bring proceedings when it is considered to be in the public interest. Before deciding to prosecute there must be sufficient evidence for a realistic prospect of conviction, taking account of any defence that may be available. In certain circumstances, including cases of dishonesty or fraud, or other serious health and safety cases, prosecution may be taken without prior warning.

In addition the decision to prosecute will always take into account the CPS Code for Crown Prosecutors⁵. This Code includes the requirement that both the evidential test and public interest test referred to above are met before issuing proceedings.

Most prosecution proceedings require the authorisation of the Service Director – Legal and Community under the Council's Constitution, although some require specific officers to do so, such as Health and Safety, in consultation with the Service Director. Officers must ensure that Legal Services are consulted at the appropriate stage to consider the evidential and public interest tests and institute proceedings where appropriate.

13. Unauthorised Encampments

An Unauthorised Encampment "UE" is defined by the Government as:

"Encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass"

For the purpose of this document, UE is defined as the occupation of land for the purpose of habitation, without the expressed permission of the landowner, or without the necessary planning approval and caravan sites licences, where necessary.

Unauthorised encampments may arise where land is (a) privately owned and occupied by an owner(s) or (b) with the landowner's consent but without the benefit of planning permission or caravan site licence.

The law provides for a range of possible responses to trespass. In simple cases, the landowner may apply for an order of repossession. In others, the local authority can use its powers but, where there are aggravating factors of crime and disorder, the police can exercise their powers given under Section 61 of the Criminal Justice and Public Order Act 1994.

Each case must be treated on its merits with the safety of all concerned, including those who are involved in the UE, and the potential for disorder or disruption as major guiding factors.

14. Licences

⁵ http://www.cps.gov.uk/sites/default/files/documents/publications/code_2013_accessible_english.pdf

The Council is responsible for licensing a wide range of activities from taxis and the sale of alcohol to scrap metal dealers and dog breeders. These administrative documents are normally subject to certain conditions that are imposed either by legislation or the Council. When licence conditions are breached the licensing regime, which is contained across many different acts of Parliament, sets out the circumstances in which licences can be suspended or revoked by the Council.

As the process of suspending or revoking a license is statute driven, the Council will be bound to follow the processes set out in the relevant legislation from time to time, however the Council's licensing team will normally be able to advise parties of what action it intends to take.

If revocation action is taken, the relevant parties will be made aware of any rights of appeal open to them at that time.

Where revocation is not being immediately considered, however, the Council is able to issue other types of enforcement sanctions for breach of condition and will follow relevant service specific policies and statutory guidance when reaching a decision on what action is appropriate.

15. Proceeds of Crime Applications

The Council, either through its own officers or in cooperation with the Police, may make an application under the Proceeds of Crime Act 2002 to restrain and/or confiscate the assets of an offender. The purpose of any such proceedings is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof. Officers should consider whether such an application is appropriate when initiating a prosecution.

16. Considering the views of those affected by offences

The Council undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. When considering the public interest test and whether enforcement action is appropriate, any views expressed by those affected by the offence(s) will be taken into account.

Those people affected by an offence will be kept informed of any decision that makes a significant difference to the case in which they are involved.

The Council understands that people making complaints may not wish their identity to be made known to the party about whom the complaint is being made. Accordingly, it will take care to respect the confidentiality of complainants wherever possible. However, most types of formal enforcement action, such as a prosecution, cannot take place unless the complainant is prepared for their identity to be revealed and they may be required to attend court. The Council will endeavour to make it clear whether or not complainant confidentiality can be maintained in these circumstances, although it should be made clear that this is a matter for the Court and will be unlikely in the majority of cases.

Most complaints require an investigation to be mounted and this may, on occasion, require a regular dialogue with the complainant in order to establish evidence. Accordingly, it is not possible for the Council to initiate such an investigation where the complainant does not wish to provide their name and contact details. Therefore,

anonymous complaints will only be investigated wherever it is appropriate, practicable and in the public interest to do so.

17. Publication of Enforcement Action

Where enforcement action is successful, officers may want to publicise the outcome to inform the public and deter potential offenders, this may be done through press releases as well as other means. In doing so, officers should have regard to the relevant Council procedures.

APPENDIX A: REVENUES RECOVERY

The Revenues Recovery team have a statutory duty to collect debts accrued in relation to Council Tax, Non Domestic Rates, Business Improvement District Levy, Housing Benefit Overpayments (from Final Notice Stage), Sundry Debts and Penalty Charges Notices (from Warrant Stage)

The relevant legislation which governs the Revenues Recovery team's work are as follows:

Council Tax

- Primary - The Local Government Finance Act 1992
- Secondary - The Council Tax (Administration & Enforcement) Regulations 1992

NNDR

- Primary - The Local Government Finance Act 1988
- Secondary - The Non Domestic Rates (Collection & Enforcement)(Local Lists) Regulations 1989

BIDS

- Primary – The Local Government and Housing Act 1989 and Local Government Act 2003
- Secondary - The Business Improvement Districts (England) Regulations 2004 & The Non Domestic Rates (Collection & Enforcement)(Local Lists) Regulations 1989

Enforcement for Council Tax, NNDR & BID

- Primary – The Tribunals Courts and Enforcement Act 2007
- Secondary – The Taking Control of Goods Regulations 2013 & The Taking Control of Goods (Fees) Regulations 2014

Enforcement for Parking

- Primary – The Traffic Management Act
- Secondary - The Taking Control of Goods Regulations 2013 & the Taking Control of Goods (Fees) Regulations 2014

With regard to Council Tax, once a Liability Order has been granted, this secures the Council's debt and allows the Council to consider using one of the following methods to recovery the amount:

Attachment of a Welfare Benefit

Attachment of Earnings

Attachment of Members Allowances

Refer the case to an Enforcement Agent; this will incur the fees laid out in the Taking Control of Goods (Fees) Regulations 2014

If the above fails, then consideration can be given to making an application for a Warrant of Commitment to prison

Make an application for a Charging Order to placed over a property, where this is owned by the debtor.

Consideration of personal bankruptcy, if there are believed to be assets that could realise the debt,

With regard to NNDR and BID Levy, once a Liability Order has been granted, this secures the Council's debt and allows the Council to consider using one of the following methods to recovery the amount:

Refer the case to an Enforcement Agent; this will incur the fees laid out in the Taking Control of Goods (Fees) Regulations 2014

If the above fails, then consideration can be given to making an application for a Warrant of Commitment to prison if the business is a sole trader

Make an application for a Charging Order (Security of Rates) to be placed over a property, where this is owned by the debtor.

Consideration of personal bankruptcy if the business is a sole trader

Consideration of a Winding up order if the business is a partnership or Limited Company.

In all cases the Council can only consider Bankruptcy if the debt exceeds £5,000 or in the case of a Charging Order the debt must exceed £1,000.

With regard to Warrants of Execution for Parking Fines, the Council refers these to an External Enforcement Agent to pursue. The Agents work in line with the Taking Control of Goods Regulations 2013, but ultimately can clamp and remove a vehicle once a Taking Control of Goods Agreement has been sought.

APPENDIX B: ENVIRONMENTAL HEALTH

1.0 Introduction

1.1 The Environmental Health Service exercises a wide range of regulatory powers, most of which relate to the protection of public health or the prevention of nuisance. The main activities delivered by the service are:

- Food safety
- Occupational health and safety
- Pollution control
- Private sector housing
- Public health
- Stray dogs

1.2 This Enforcement Policy is part of the Council's Corporate Enforcement Policy. It follows the principles laid down in the core policy and does not seek to duplicate these except where necessary to aid clarity or context.

1.3 In framing this policy, regard has been had to the Regulators' Code, corporate policies and national guidance relating to the functional areas covered by the environmental health remit.

1.4 This policy is not intended to be an operational policy but to provide a basis for framing operational policies and procedures regarding enforcement activities. Any particular operational case needs to be dealt with on its merits and due to the range of activities covered by the Environmental Health Service, this policy can not be considered to be exhaustive.

ENFORCEMENT AND REGULATORY ACTIVITIES

1.5 The enforcement and regulatory activities undertaken by the environmental health service normally are related to either statutory inspection programmes or service requests. Where possible and relevant, risk assessment is undertaken to guide the deployment of resources, in particular with regard to programmed inspection activities. The following table sets out the risk based systems normally used with regard to the Service's inspection programmes.

Area	Activity	Risk methodology
Food safety	Food premises inspection programme	Food Standards Agency Food Law Code of Practice
Health and safety	Health and safety intervention programme	Health and Safety Executive Guidance
Pollution	Environmental Permitting	Defra risk assessment methodology

Private Housing	Sector	Houses in multiple occupation	Local risk assessment system
Private Housing	Sector	Park home and caravan sites	Local risk assessment system
Private supplies	water	Water sampling	Legislation, DWI guidance and local risk assessment

- 1.6 Risk principles are used where appropriate in deciding how to respond to service requests including accident reports and ID notifications, complaints, and notifications from other agencies.

ENFORCEMENT OPTIONS

- 1.7 The core part of the Council's Enforcement Policy sets out the general enforcement options, ranging from no action up to prosecution or a similar level sanction. The Environmental Health Service follows this approach, taking a number of factors into consideration when deciding what enforcement response is appropriate in each case.
- 1.8 The Service also has a number of unique options in service specific areas such as seizing noise making equipment, issuing a hygiene emergency prohibition notice for a serious food safety issue, or making a rent repayment order against a landlord. These are set out in detail in the relevant functional area below.
- 1.9 A principle that the Service follows is that enforcement action should follow a graduated approach, starting with a lower sanction for less serious, one off offences, ranging upwards to higher sanctions for serious and/or repeat offences. However, each case needs to be considered on its merits having regard to all relevant factors. For more serious situations prosecution or another higher level sanction may be the first course of action if the circumstances justify such an approach. In every case, the appropriate enforcement option is carefully considered and approved in line with the Council's scheme of delegation.

2.0 Food Safety

2.1 Scope

- 2.1.1 This is a documented policy on food safety enforcement including prosecution. This Policy will be reviewed periodically and in response to new legislation, the Food Standards Agency (FSA), Department of Health (DoH), Department for Food, Environment and Rural Affairs (Defra) and other guidance etc as necessary. This document encompasses the principles of the Regulators' Code.
- 2.1.2 This Policy directs that enforcement action, be it the issue of written warnings, statutory notices, or prosecution, is based primarily upon an assessment of risk to public health. This risk is the probability of harm to

health occurring due to non-compliance with food safety law. Formal action should not, therefore, be the normal response to minor technical contraventions of legislation.

2.1.3 This Policy encompasses the guidance set out in the Food Standard Agency publication 'Framework Agreement on Local Authority Food Law Enforcement' and the Food Law Code of Practice (England) issued under Section 40 of the Food Safety Act 1990.

2.1.4 Where appropriate this Policy will be read in conjunction with this Authority's Health and Safety Enforcement Policy.

2.2 Other relevant considerations

2.2.1 In this context, formal action includes the following:

- Written warning
- Hygiene Improvement Notice
- Hygiene Emergency Improvement Notice
- Voluntary (closure) procedure
- Emergency prohibition procedures
- Seizure and detention of food
- Voluntary (surrender of food) procedures
- Remedial Actions Notices
- Prosecution procedures (including simple cautions)

2.2.2 The competency of officers specialising in food safety must follow the guidance in the Food Law Code of Practice and other guidance issued from time to time by recognised bodies.

2.2.3 Signing of Improvement Notices under the Food Safety and Hygiene (England) Regulations 2013 Food Safety Act 1990 will only be undertaken by officers who have been authorised to do so by the Council after demonstrating the relevant competencies. These must be qualified officers with experience in food law enforcement, in accordance with the Food Law Safety Act Code of Practice i.e.

- a. Environmental Health Officers enforcing food hygiene
- b. Holders of the Higher Certificate in Food Control Premises Inspection who are authorised to carry out food hygiene inspections
- c. Equivalent qualifications with assessment of equivalency approved by the Food Standards Agency Holders of the Ordinary Certificate in Food Premises Inspection in relation to the premises they are authorised to inspect

2.2.4 The officer who signs the notice must have witnessed the contravention and be satisfied that it constitutes a breach of the Food Safety and Hygiene (England) Regulations 2013.

2.2.5 Emergency Prohibition Notices should be signed only by Environmental Health Officers who have two years post qualification experience in food safety matters, are currently involved in food law enforcement and who are properly trained, competent and duly authorised. The Officer will ensure a second opinion is obtained prior to the notice being issued.

- 2.2.6 The Council will ensure that any authorised officer is competent to take action under The Food Safety and Hygiene (England) Regulations 2013, is fully qualified, and possess experience in a variety of food enforcement situations which would allow him / her to undertake the duties for which he/she has been authorised.
- 2.2.7 The Council recognises and affirms the importance of achieving and maintaining consistency in their approach to making all decisions which concern food safety enforcement action, including prosecution. To achieve and maintain consistency, it is important that the guidance in statutory Codes of Practice, other recognised and relevant guidance and advice offered through any relevant Primary Authority is always considered and followed where appropriate.
- 2.2.8 The Council will seek to ensure that enforcement decisions are always consistent, balanced, fair and relate to common standards that ensure that the public is adequately protected. The Council will base all enforcement decisions on an assessment of risk to the public health and will consider a number of factors set out in the Food Law Code of Practice including seriousness of offence, the enterprise's past history, confidence in management, the consequences of non-compliance and the likely effectiveness of the various enforcement options.
- 2.2.9 Officers should be aware of possible conflicts of interest that may arise in an enforcement situation as a result of Primary Authority responsibilities or through the promotion of North Herts District Council services.
- 2.2.10 In premises where North Herts District Council are the proprietor of a food business any breaches of the law must be brought, without undue delay, to the attention of the relevant Service Director.
- 2.2.11 Where the Council is considering taking enforcement action which is not consistent with current guidance or not subject of guidance, the matter should be brought to the attention of the Hertfordshire and Bedfordshire Food Liaison Group and where consensus cannot be reached to the FSA via the Food Focus Group.
- 2.2.12 Compliance should normally be achieved through letters and advice, and only in the more serious instances should formal enforcement through Improvement or Prohibition Notices be considered. Prosecutions and other higher level sanctions should be reserved for the most serious offences which either result or could have resulted in serious risk to public health or which represent a blatant disregard by employers, employees or others of their responsibilities under food safety legislation.

2.3 The use of formal enforcement tools

FORMAL ACTION

- 2.3.1 Before formal action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health

and safety or environmental protection or to prevent evidence being destroyed).

STATUTORY NOTICES AND RELATED PROCEDURES

2.3.2 In relation to the following formal actions:

- Hygiene Improvement Notice
- Hygiene Emergency Improvement Notice
- Voluntary (closure) procedure
- Emergency prohibition procedures
- Seizure and detention of food
- Voluntary (surrender of food) procedures
- Remedial Actions Notices

consideration will be given to the guidance in the Food Law Code of Practice. Other relevant guidance will also be considered as well as the site specific and case specific factors.

PROSECUTION

2.3.3 The Authority recognises that the following are circumstances which are likely to warrant prosecution:

- i) The alleged offence involves an obvious breach of the law such that the public health, safety or well-being is or has been put at risk.
- ii) The alleged offence involves a failure by the suspected offender to correct an identified serious potential risk to food safety, having been given a reasonable opportunity to comply with the lawful requirements of an authorised officer.
- iii) The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- iv) There is a history of similar offences, related to risk to public health.

2.3.4 The Officer, must be satisfied that there is relevant, admissible substantial and reliable evidence that an offence has been committed by an identifiable person / company.

2.3.5 The following guidance criteria are some of the factors that it may be relevant to have regard to when considering the instigation of legal proceedings.

- i) the seriousness of the alleged offences;
- ii) the previous history of the party concerned;
- iii) the likelihood of the defendant being able to establish a due diligence defence;
- iv) the availability of any important witnesses and their willingness to co-operate;
- v) the willingness of the party to prevent a recurrence of the problem;
- vi) the probable public benefit of a prosecution and the importance of the case;

- vii) whether other action (Simple Cautioning, improvement notices) will be more appropriate or effective.

SIMPLE CAUTIONS

- 2.3.6 In certain circumstances when legal proceedings are being considered, the Council may consider offering to discharge the matter by way of a Simple Caution. The procedure adopted and the form and content of the caution will be in accordance with relevant guidance. Any internal guidance will also be considered.

3.0 Occupational Health and Safety

3.1 Scope

- 3.1.1 This section of the Policy directs that the enforcement of health and safety law should be informed by the principles of proportionality in applying the law and securing compliance; consistency of approach, targeting of enforcement action and transparency about how the regulator operates and what those regulated may expect.
- 3.1.2 This document provides detailed guidance applicable to the various options for enforcement action.

3.2 Other relevant considerations

- 3.2.1 Officers will carry out duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, arrangements will be in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Health and Safety Executive (HSE), Local Authority and Safety Unit (LASU), HELA and the Hertfordshire and Bedfordshire Environmental Health Officers' Health and Safety Group.
- 3.2.2 Where there may be a shared or complimentary enforcement role with other agencies (e.g. The Health and Safety Executive) consideration should be given to liaison in appropriate circumstances (e.g. enforcement in Council owned premises).
- 3.2.3 Where a Primary Authority Partnership arrangement is in place for a particular employer, the Primary Authority will be contacted in appropriate cases and will be kept advised of the progress and outcome of any formal action.
- 3.2.4 Health and safety enforcement action may only be initiated by duly authorised officers. The Council will ensure that officers who are appointed under Section 19 of the Health and Safety at Work etc. Act 1974 are authorised to initiate enforcement action, are competent to do so, are suitably qualified and have relevant and adequate experience in health and safety enforcement, in accordance with HSE guidance, currently set out in LAC 22/8.

3.3 The use of formal enforcement tools

3.3.1 Having considered all relevant information in the light of the HSE Enforcement Management Model and all other evidence, the choices for action are:

- to give verbal advice
- to take no action
- to take informal action
- to use statutory notices
- to use Simple Cautions where local policy dictates
- to prosecute
- to use other relevant provisions of legislation, for example to seize or destroy unsafe items, plant or equipment
- or a combination thereof

3.3.2 Where the Council is considering taking enforcement action which is in an unfamiliar area presently not subject to guidance the matter should be discussed with the relevant body e.g., Enforcement Liaison Officer (ELO), the LASU.

3.3.3 Compliance should normally be achieved through letters and advice, and only in the more serious instances should formal enforcement through improvement or prohibition notices be considered. Prosecutions should be reserved for the most serious offences which either result or could have resulted in serious injury or ill health or which represent a blatant disregard by employers, employees or others of their responsibilities under health, safety, or welfare legislation.

3.3.4 The Council recognises and affirms the importance of achieving and maintaining consistency in their approach to making all decisions that concern health and safety enforcement action, including prosecution. To achieve and maintain consistency, it is important that the guidance in statutory Codes of Practice, HELA circulars and advice offered in relation to the Primary Authority Partnerships is always considered and followed where appropriate.

3.3.5 The Council will ensure that enforcement decisions are always consistent, balanced, fair and relate to common standards that ensure that persons affected by work activities are adequately protected. In coming to any decision the Council will consider many criteria including seriousness of offence, the enterprise's past history, confidence in management, the consequences of non-compliance and the likely effectiveness of the various enforcement options.

FORMAL ACTION

3.3.6 Any enforcement action will be directed against duty holders responsible for the breach. This may be employers in relation to employees or others; the self-employed; owners of premises; suppliers of equipment; designers of equipment or clients of projects; or employees themselves. Where there are several duty holders enforcement authorities may take action against more than one.

STATUTORY NOTICES

- 3.3.7 Before formal enforcement action is taken, officers will provide the duty holder an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection, or to prevent evidence being destroyed).
- 3.3.8 Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.
- 3.3.9 An Improvement Notice will be issued only when the officer is of the opinion that there is or has been a contravention of one or more of the relevant statutory provisions at the time of the visit in circumstances that make it likely that the contravention will continue.
- 3.3.10 Prohibition Notices can be issued to have an immediate or deferred effect. The Notice will only be served if the officer is of the opinion that there is, or will be a risk of serious personal injury.
- 3.3.11 Where there are rights of appeal to an Employment Tribunal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.
- 3.3.12 The officer will provide employees or their representatives with certain information where it is necessary for the purpose of keeping them informed about matters affecting their health, safety and welfare. The type of information that an officer will provide includes matters which an inspector considers to be of serious concern and details of any action taken. Depending upon the circumstances, the officer may provide this information orally, or in writing.
- 3.3.13 When an Improvement or Prohibition Notice is served, a second copy must be enclosed, marked for the attention of employees or their representatives.
- 3.3.14 Officers can consider both prosecution and notice procedures in the following circumstances:-
- (i) occasionally a situation may be so hazardous that even when a prohibition notice has been issued prosecution may also be merited;
and
 - (ii) if a prosecution is taken due to the circumstance of an accident, a notice may also be used to enforce the remedy.

In these situations the information should not be laid until after the appeal period for the notice has passed (21 days) and any appeal has been heard. It is highly undesirable that there should be a hearing in a court where a possibly contrary decision could be reached subsequently in the Employment Tribunal. On occasions, however, this will be unavoidable where a tribunal has agreed to accept a late appeal.

- 3.3.15 Non-compliance with a served Notice will normally result in prosecution.

PROSECUTION

- 3.3.16 The most serious offences where, in the public interest and following an investigation, a prosecution would be the appropriate course of action as in the following circumstances:

- (i) where there is a death as a result of a breach of the legislation;
- (ii) where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it;
- (iii) when there appears to have been reckless disregard for the health and safety of work people or others;
- (iv) where there have been repeated breaches of legal requirements in an establishment, or in various branches of a multiple concern, and it appears that management is neither willing nor structured to deal adequately with these. An examination of the company safety policy, if any, would be particularly useful in such a situation;
- (v) where a particular type of offence is prevalent in an activity or an area;
- (vi) where, as a result of a substantial legal contravention, there has been a serious accident or a case of ill health;
- (vii) where a particular contravention has caused serious public alarm;
- (viii) where there are persistent poor standards for control of health hazards.
- (ix) where there has been failure to comply with an improvement or prohibition notice; repetition of a breach that was subject to a Simple Caution.
- (x) inspectors have been intentionally obstructed in the lawful course of their duties.
- (xi) where inspectors are assaulted, enforcing authorities will seek police assistance with a view to seeking prosecution of offenders.

The decision to prosecute in the above cases does not preclude the issue of notices as well

PROSECUTION WITHOUT PRIOR WARNING

- 3.3.17 As a general rule a person or a company should be given a reasonable opportunity to comply with the law, although in some circumstances it is right to prosecute without giving prior warning. Examples of such circumstances include those where the contravention is a particularly serious one, or where there has been a particularly blatant disregard by employers, employees or others of their responsibilities under health and safety legislation. For example, the commission of an offence, similar to one for which a Notice has previously been issued to that person or organisation, should normally result in prosecution. Failure to comply with an Improvement Notice or a Prohibition Notice should normally result in prosecution and unless this happens the value of notices will be seriously undermined.

PROSECUTION FOLLOWING AN ACCIDENT

- 3.3.18 Seriousness of the contravention (not the severity of the accident) is the prime consideration in deciding whether to take a prosecution following an accident. The extent to which management was responsible for the circumstances which led to the accident, and whether the employer had been previously warned of a similar infringement, are also relevant. An important question for inspectors to ask themselves is what they would have done if they had discovered the contravention in the absence of an accident. However, an accident may contribute to the strength of the evidence and therefore to the chances of achieving a successful prosecution, it may therefore provide a useful occasion for a salutary prosecution of a generally unco-operative employer. In cases where there is any possibility of a charge of manslaughter being made the matter must be referred to the Crown Prosecution Service, having regard to the 'Work Related Death Protocol'.

SIMPLE CAUTIONS

- 3.3.19 In certain circumstances when legal proceedings are being considered, the Council may consider offering to discharge the matter by way of a Simple Caution. The procedure adopted and the form and content of the caution will be in accordance with relevant guidance. Any internal guidance will also be considered.

ENFORCEMENT ACTION AGAINST EMPLOYEES

- 3.3.20 Enforcement action may be taken against employees and others, including managers, company officers etc., under HSW Act s.7, 8, 36(1) and 37(1).
- 3.3.21 When inspectors discover a contravention of HSW Act s7, it will be their duty to consider what action (if any) they should take in regard to the employee, by way of warning or prosecution. A letter warning any employee about subsequent contraventions may be desirable in some cases.
- 3.3.22 The issue of a notice against the employee may also be appropriate on occasions although the value of the notice is limited since in general a continuing obligation should not be imposed. For example, notices should not be served on employees requiring them to wear goggles. Not only can employees be required by HSW Act s.7 (1) to use appliances provided for their health and safety, but they can be required to co-operate in a more general way, e.g., by adjusting a guard properly or by reporting promptly a defect in the arrangements for health and safety which comes to their notice.
- 3.3.23 In certain circumstances proceedings against an employee may be appropriate if there is evidence of negligence on their behalf. In such cases consultation with workers' representatives will be undertaken prior to any decision to prosecute. Prosecution will be considered only if the employee had been warned before (either by an inspector or by the business) or if the employer can demonstrate that he/she has taken all reasonably practicable steps to see that relevant health and safety controls were brought to the attention of the employee safety devices were used and the offence by the employee was flagrant.

4.0 Pollution Control

4.1 Scope

4.1.1 The Environmental Health Service undertakes regulatory duties relating to the following pollution control areas:

- Noise pollution arising from both domestic and commercial premises (including noise/vibration from construction sites) and, in certain circumstances, equipment or vehicles in the street.
- Out of hours service for statutory noise nuisances.
- Air pollution control, including smoke, odour and dust statutory nuisances.
- Other statutory nuisances e.g. excess artificial light, insects.
- Permitting of industrial processes having the potential to release harmful pollutants to the air.
- Enforcement of controls over contaminated land, to ensure that contaminants do not interfere with human health, animal/plant health or the built environment. Also to assess whether contaminants are likely to affect rivers, aquifers or other controlled water courses.
- Local Air Quality Management (LAQM) duties as regards the Environment Act 1995

4.1.2 This section of the Environmental Health Enforcement Policy provides specific guidance on regulatory activities associated with pollution control. However, the Council has separate policies relating to contaminated land enforcement: (a) financial support for householders affected by contamination, and (b) the scope and extent of formal enquiries.

4.2 Other relevant considerations

4.2.1 Regard will be had to statutory guidance, and any other relevant guidance or good practice documentation considered to be relevant to a particular enforcement situation.

4.2.2 Signing of formal notices will be undertaken in line with the Council's scheme of delegation.

4.2.3 Officers will have regard to any issues that may arise as a result of a Primary Authority interest.

4.3 The use of formal enforcement tools

4.3.1 The general principals relating to enforcement decision making in relation to pollution control activities are as outlined in the core section of the Council's enforcement policy and in the introduction to the Environmental Health Enforcement Policy.

ENFORCEMENT ACTIVITY RELATING TO STATUTORY NUISANCES

4.3.2 Abatement notices can be an effective and quick method of securing compliance with the requirements of the Environmental Protection Act 1990 in that they require problems to be rectified without the potential

delays and uncertainty of going to Court. The Council has a separate Statutory Nuisance Policy that sets out its approach to fulfilling its duties and responsibilities under Part III Environmental Protection Act 1990.

- 4.3.3 On the rare occasions when abatement notices are breached the above legislation provides for a number of enforcement sanctions. Paragraphs 4.3.4 – 4.3.7 indicate the likely response of the Council when a notice is breached in a residential situation. However, the Council reserves the right to consider the use of all enforcement mechanisms in accordance with the principles outlined in this Policy.

SEIZURE OF NOISE MAKING EQUIPMENT FROM DOMESTIC PREMISES

- 4.3.4 Where the requirements of the notice are not carried out, in many instances the Council is empowered to do whatever is necessary to abate the nuisance. This can include the seizure of noise making equipment.
- 4.3.5 In domestic settings the Council is likely to favour the seizure of noise-making equipment for the first evidenced breach of an abatement notice as this is likely to offer rapid relief to those adversely affected by the noise in question. Furthermore, this intervention is likely to be a more cost effective approach than formal prosecution.
- 4.3.6 If appropriate, the Council will seek a warrant from a Magistrate authorising entry to premises, if necessary by force, to facilitate seizure of noise making equipment. The Council will seek to recover the full costs associated with the seizure of noise making equipment.

FORFEITURE OF NOISE MAKING EQUIPMENT

- 4.3.7 If, after noise making equipment has been returned to the recipient of the abatement notice or a successful prosecution has taken place, further breaches are witnessed the Council is likely to repeat the seizure of equipment and seek permission from a Magistrates' Court for its permanent forfeiture.

ENFORCEMENT ACTIVITY RELATING TO CONSTRUCTION SITE NOISE

- 4.3.8 A certain amount of noise is inherent in most types of construction and building operations, which can rarely be completely prevented. However, noise from construction and demolition sites can be very disturbing.
- 4.3.9 The Council can control excessive noise from construction and demolition sites by using powers available to it under the Control of Pollution Act 1974 (COPA) and the Environmental Protection Act 1990 (EPA). Contractors can apply for a 'prior consent' under COPA which sets out allowable working hours and noise limits – the Council encourages the use of prior consents since they represent a proactive method of pollution control.
- 4.3.10 The Council can serve a notice imposing requirements as to how construction works should be carried out so as to minimise noise and disturbance. The notice can cover controls such as working hours and

noise limits; failure to comply with s notice may result in a prosecution being taken.

- 4.3.11 Whilst each construction site is different (and will be assessed as such) the generally acceptable hours for noisy work within populated areas of the District are:

Monday to Friday	08:00-18:00
Saturdays	08:00-13:00
Sundays and Bank Holidays	At no time

- 4.3.12 For particularly noisy work, e.g. piling and de-watering, it may be necessary for authorised officers of the Council to further restrict these times.

- 4.3.13 However, the Council recognises that some operations, for safety or practical reasons, cannot always be undertaken within the above time restrictions. Operations outside of the above hours may, however, be agreed by the Council if it can be demonstrated that the works cannot be carried out at any other time and that items of plant and equipment are operated and maintained so that their use causes the minimum amount of noise.

- 4.3.14 Sometimes, emergency works have to be undertaken, for example a burst water main. In such circumstances the normal daytime hours of operation would not apply. The work would be undertaken as soon as possible, which if undertaken at night, may cause some disturbance.

- 4.3.15 Also, works on main roads would normally be undertaken outside peak times in order to minimise traffic congestion. Therefore evening and night-time working may be permitted. Noise would however be kept to as low a level as reasonably practicable.

ENFORCEMENT ACTIVITY RELATING TO PERMITTED PROCESSES

- 4.3.16 Regulation 23 of the Pollution Prevention and Control (PPC) Regulations 2000 places a duty on local authorities to take the necessary action to ensure that permit conditions are complied with. North Hertfordshire District Council recognises that appropriate regulation of organisations covered by the PPC pollution control regime is necessary in order to protect local communities and the wider environment; the following type of offences will be considered for enforcement action:

- Operating without a permit
- Failure to comply with a condition
- Failure to notify a relevant change in operation
- Failure to supply without reasonable excuse information requested under the regulations
- Making false or misleading statements
- Making false entries in any record

- Forgery and deception in relation to documents
- Failure to comply with a court order
- Obstruction of Council officers in carrying out their duties

- 4.3.17 If, in the opinion of authorised officers of the Council, the operation of the installation (or part of an installation) poses an imminent risk of serious pollution, the Authority will serve a suspension notice unless it intends to carry out the works in default under regulation 26 (this will involve the recovery of costs).

PROSECUTION

- 4.3.18 The Authority recognises that the following are circumstances which are likely to warrant prosecution. The following are examples of such circumstances but this is not an exhaustive list.

- i) The alleged offence involves an obvious breach of the law such that the public health has been put at risk, there has been a serious adverse environment impact or serious nuisance caused
- ii) The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- iii) There is a history of similar offences

- 4.3.19 The Officer, must be satisfied that there is relevant, admissible substantial and reliable evidence that an offence has been committed by an identifiable person / company.

- 4.3.20 Legal proceedings may be taken in conjunction with other sanctions such as works in default accompanied by enforcement action for the recovery of costs.

5.0 Private Sector Housing

5.1 Scope

- 5.1.1 This Environmental Health Service has regulatory responsibilities with regard to private sector housing including the following:

- Regulating standards of repair, amenity and safety in the private rented sector and dealing with housing hazards.
- Restoring vacant properties and bringing them back into occupation.
- Regulating standards of management, repair, amenity and safety in houses in multiple occupation.
- Administration of the mandatory Houses in Multiple Occupation Licensing Scheme.
- Inspection of bed and breakfast establishments and any private accommodation used for the temporary housing homeless and asylum seekers as appropriate.
- Investigation and abatement of public health nuisances relating to housing.

- Investigation and elimination of pests and vermin infesting land, premises and persons as may be appropriate.
- Regulation of standards in relation to mobile home sites

5.2 Other relevant considerations

- 5.2.1 Regard will be had to statutory guidance, and any other relevant guidance or good practice documentation considered to be relevant to a particular enforcement situation.
- 5.2.2 Signing of formal notices will be undertaken in line with the Council's scheme of delegation.
- 5.2.3 Officers will have regard to any issues that may arise as a result of a Primary Authority interest.

5.3 The use of formal enforcement tools

- 5.3.1 The general principals relating to enforcement decision making in relation to private sector housing activities are as outlined in the core section of the Council's enforcement policy and in the introduction to the Environmental Health Enforcement Policy.
- 5.3.2 The Council may undertake works in default as well as or in place of taking other enforcement action. Where works in default are undertaken, the Council will seek to recover the cost of undertaking such works, as outlined in the core section of the Council's enforcement policy.

STATUTORY NOTICES

- 5.3.3 The Council has a range of options for service of statutory notices under different pieces of legislation. In some cases, the Council is under a duty to serve a particular notice and in other cases, there is a power to serve a notice with the aim of resolving a particular situation. This power will be exercised in accordance with the general principles set out in the Council's core policy and the Environmental Health Enforcement policy.
- 5.3.4 Section 49 of the Housing Act 2004 gives local authorities the power to make a reasonable charge as a means of recovering certain expenses incurred in:
- serving an improvement notice;
 - making a prohibition order;
 - serving a hazard awareness notice;
 - taking emergency remedial action;
 - making an emergency prohibition order;
 - making a demolition order
- 5.3.5 It is the Council's policy to levy an appropriate charge in all situations where the above notices are served, with the exception of Hazard Awareness Notices served on owner-occupiers, unless there are extenuating circumstances. The charge will reflect the costs incurred by the Authority in undertaking the inspection and preparing and serving the relevant notice.

HOUSING ACT 2004 CATEGORY 1 AND CATEGORY 2 HAZARDS

- 5.3.6 The Housing Act 2004 puts authorities under a duty to take appropriate action in relation to a Category 1 hazard found under the Housing Health and Safety Rating System (HHSRS). A 'Category 1' hazard arises when a hazard reaches a score of 1000, or more, under the HHSRS. In such cases the Authority must take the most appropriate of the following courses of action:
- to serve an Improvement Notice;
 - to make a Prohibition Order;
 - to serve a Hazard Awareness Notice;
 - to make a Demolition Order in accordance with s265 of the Housing Act 1985;
 - to declare a clearance area in accordance with s289 of the 1985 Act;
 - to serve an Emergency Remedial Action notice;
 - to make an Emergency Prohibition Order.
- 5.3.7 Only one of these courses of action can be taken at any one time (except for emergency measures). It is for the local authority to decide which course of action is the best in all the circumstances. The basis of this decision will be provided with each notice served in the format of a "Statement of Reasons". The views of the manager and occupier of the property should, if possible, be considered in the decision making process.
- 5.3.8 Where there are concerns about a vulnerable person the appropriate agencies should be consulted to help make a decision regarding the appropriate enforcement action.
- 5.3.9 The Fire Authority must be consulted where a fire hazard exists in an HMO or in any common parts of a building containing one or more flats.
- 5.3.10 Authorities have similar powers to deal with Category 2 hazards as those listed in above, except that they cannot use the emergency measures and can make a Demolition Order, and declare a clearance area, only in circumstances prescribed in Regulations. In deciding whether to take action to address Category 2 hazards (where action is discretionary) the following factors should be considered:
- Where the owner is being asked to deal with 'Category 1' hazards the 'Category 2' hazards should be dealt with at the same time where they materially affect the comfort of the occupying tenant or they cause the property to be in serious disrepair
 - Multiple hazards may be found which on their own are not too serious but in combination present a more serious situation than one single 'Category 1' hazard
 - If the hazard relates to fire safety the Fire Authority should be consulted and the appropriate action taken based on their recommendations
 - If the hazard or combination of hazards materially affects the comfort of the occupying tenant or causes property to be in serious disrepair the appropriate enforcement action should be taken.

PROSECUTION

5.3.11 The Authority recognises that the following are circumstances which are likely to warrant prosecution. The following are examples of such circumstances but this is not an exhaustive list.

- i) The alleged offence involves an obvious breach of the law such that the public health, safety or well-being is or has been put at risk.
- ii) The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- iii) There is a history of similar offences relating to housing conditions

5.3.12 The Officer, must be satisfied that there is relevant, admissible substantial and reliable evidence that an offence has been committed by an identifiable person / company.

CIVIL PENALTIES

5.3.13 The Housing and Planning Act 2016 enables Local authorities to impose civil penalties as an alternative to prosecution for certain offences under the Housing Act 2004.

5.3.14 In particular the relevant offences are:

- Section 30 – Failing to comply with an Improvement Notice
- Section 72 – Offences in relation to the licensing of Houses in Multiple Occupation
- Section 95 – Offences in relation to the licensing of houses under Part 3 of the Housing Act 2004 (Selective Licensing of Residential Accommodation)
- Section 139 – Offences in relation to the contravention of an overcrowding notice
- Section 234 – Failure to comply with Management Regulations in respect of Houses in Multiple Occupation.

5.3.15 In deciding how to proceed, the Council has to be satisfied that they have sufficient evidence to prove that an offence has been committed and this needs to be to the criminal burden i.e. beyond reasonable doubt. In determining that the issuing of a civil penalty as opposed to prosecution is the appropriate course of action the Council will consider each case individually and will take into consideration factors including the seriousness of the offence; the culpability of the offender; the harm, or potential harm to tenants; and the impact on the wider community.

5.3.16 In making a decision as to what, if any, enforcement action is appropriate the Council will refer to its own Enforcement Policy, and must also have regard to the Code for Crown Prosecutors. Due regard must also be given to any potential defences and it may be appropriate to undertake an interview under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) to explore this.

- 5.3.17 When the Council is satisfied that a relevant offence has been committed and that it is in the public interest to proceed formally it must decide whether to prosecute or issue a civil penalty.
- 5.3.18 The following, whilst not exhaustive, are situations where prosecution may be appropriate:
- The offence was serious , for example breach of a prohibition order or where there was imminent risk of injury or loss of life;
 - The offender has been prosecuted for similar Housing Act offences
- 5.3.19 The following factors, whilst not exhaustive, are situations where the issuing of a civil penalty may be appropriate:
- No history of previous non-compliance with relevant legislation
 - No previous convictions of relevant offences
 - The offence was committed as a result of a genuine mistake or misunderstanding, but this must be balanced against the seriousness of the offence.
 - Prosecution is likely to have a serious adverse effect upon the offender's physical or mental wellbeing, but this must be balanced against the seriousness of the offence.
- 5.3.20 The Housing and Planning Act 2016 also specifies that the amount of penalty that can be imposed is to be determined by the Council but must not be more than £30,000. The Government's desire is that the penalty should be a punishment which has a real economic impact to the offender.
- 5.3.21 In determining the amount of penalty the Council will use a Penalty Matrix (see table below) which takes into account relevant matters including, but not limited to:
- The penalty should act as a deterrent to repeating the offence ,and to others from committing similar offences;
 - The penalty should remove any financial benefit obtained as a result of the commission of the offence;
 - The severity and seriousness of the offence;
 - The culpability and past history of the offender;
 - The harm, or potential harm, caused to the tenant;
- 5.3.22 The use of the matrix generates a score which corresponds to a representative penalty as follows.

Score	Penalty
1-5	£250
6-10	£500
11-20	£750
21-30	£1,000
31-40	£2,500
41-55	£5,000
56-65	£10,000
66-75	£15,000

76-85	£20,000
86-95	£25,000
96-100	£30,000

Factors when considering the harm , or potential harm, caused

- 5.3.23 In determining the level of harm the Council will have regard to:
- The persons affected in terms of physical injury , negative impacts on their health, and any psychological distress;
 - Any Vulnerability of the persons affected
 - The number of persons affected
 - The community in terms of economic loss and the effects on public health, public complaints and the effects of poor housing condition on the neighbourhood.
- 5.3.24 The degree of harm will depend on the personal characteristics and circumstances of the person affected, normally the tenant. Where no actual harm has resulted from the commission of the offence the Council will consider the relative danger and the potential of harm that could have resulted as a result of the offences.

Factors when considering culpability

- 5.3.25 In determining the level of culpability the Council will have regard to the following:
- Whether there was the intention to commit the offence
 - Whether the offence has resulted from reckless behaviour for example where the offender had some appreciation of the effects their actions would have but proceeded regardless.
 - Whether the offender had knowledge of the risks of harm that their actions could cause
 - Whether the offender's actions are considered to be negligent.

Aggravating Factors

- 5.3.26 The amount of penalty can be increased if there are any relevant aggravating factors. Furthermore the amount of penalty can be reduced if any relevant mitigating factors are disclosed by the offender.

Multiple Offences

- 5.3.27 Where the Council are satisfied that more than one offence has been committed a multiple Civil Penalty Notice can be issued, for example multiple breaches of the Management regulations in a House in Multiple Occupation. However the Council will consider whether the issuing of multiple penalties would result in an excessive cumulative amount and this policy gives discretion in this situation. For instance the Council could decide that it is appropriate to issue a civil penalty for the most significant offences and warn the offender that continuation or repeating of the other offences may result in further formal enforcement action being taken.

The Process for Imposing Penalty Charges

5.3.28 Where it has been determined that a Civil penalty Charge as opposed to prosecution is the appropriate course of action the Council will follow the following process:

1) A 'Notice of Intent' will be served on the person(s) responsible for the commission of the offence(s) .The Notice will specify:

- The amount of the proposed penalty
- The reasons for the proposed penalty
- Information relating to the right of the recipient to make representation to the Council.

2) The recipient of the Notice is given 28 days to make representation to the Council regarding the proposal to impose a Civil Penalty.

3) Following the 28 day period the Council will decide; Whether to impose the proposed financial penalty and the appropriate value. This could be varied taking into account any comments received from the recipients.

4) If the Council decides that a Civil Penalty is still appropriate, it will issue a Final Notice which will specify:

- The amount of the financial penalty
- The reasons for imposing the penalty
- Information on how and when to pay the penalty
- Information regarding the right of appeal against the imposition of a Civil penalty to the First Tier Property Tribunal
- The consequences of failure to comply with the Notice

Consequences of non-payment and miscellaneous provisions

5.3.29 If the penalty charge is not fully paid within the prescribed time, including after an appeal has been finally determined and the charge upheld , the Council will seek to recover the penalty by order from a County Court including the costs incurred in taking such action where deemed appropriate.

5.3.30 The Council may at any time withdraw any Notices it has served or amend the amount of penalty specified.

Links with the National Database of 'Rogue Landlords and Letting agents'

5.3.31 Upon the commencement of the statutory provisions contained on the Housing and Planning Act 2016 relating to the national Landlord and Letting Agent Database, where two Final Civil Penalty Notices have been issued to the same recipient within a 12 month period, the Council may make an entry on the database. When considering if this is an appropriate course of action the Council will have regard to any guidance issued by the Government.

Penalty Matrix						
	Factors	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20

1	Culpability	Low; Offence committed with little or no fault on the part of the responsible person	Low/Medium; An awareness of the legal framework and systems in place to ensure compliance but these were not implemented	Medium/High; An awareness of the legal responsibilities the responsible person failed to put in place suitable systems in place to ensure compliance	High; There was some awareness of the law but the responsible person still allowed/committed the offence.	Very High; intentional breach by responsible person. For example non compliance with a Formal Notice
2	Removal of Financial Incentive	No Significant assets. No or very low financial profit made by offender.	Little asset value. Little profit made by offender.	Small portfolio landlord (between 2-3 properties). Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.
3	Offence & History	No previous enforcement history. Single low level offence.	Minor previous enforcement. Single offence.	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offences of moderate to large severity or a single instance of a very severe offence or multiple breaches.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.
4	Harm, or potential harm, to tenant(s) [Score is doubled for this section]	Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.	Likely some low level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact.	Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary.	High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants more than likely exposed; (High HHSRS score) Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.	Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants exposed ; (high HHSRS Score) Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).

RENT REPAYMENT ORDERS

- 5.3.32 Rent Repayment Orders were introduced by the Housing Act 2004. Local authorities were given the power to apply for a rent repayment order in circumstances where a landlord has failed to licence a house in multiple occupation.
- 5.3.33 The Housing and Planning Act 2016 extended their use. Local authorities are now under a duty to consider applying for a rent repayment order may in respect of the following:

- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004;
 - Failure to comply with a Prohibition Order under section 32 of the Housing Act 2004;
 - Breach of a banning order made under section 21 of the Housing and Planning Act 2016;
 - Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977;
 - Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.
- 5.3.33 The Council's policy is that it will normally apply for a rent repayment order in all circumstances where there is sufficient evidence to do so, unless there are extenuating circumstances.
- 5.3.34 Application for a rent repayment order may be made in addition to any other sanction route that it chooses to pursue such as prosecution or levying a civil penalty.

6.0 Drinking Water Quality

6.1 Scope

- 6.1.1 Local authorities have a general duty under the Water Industry Act 1991 to keep themselves informed about the wholesomeness and sufficiency of water supplies provided to premises in their area, including every private supply to any such premises. Local authorities have specific remedial powers in relation to private water supplies. The Environmental Health Service is responsible for fulfilling the Council's duties and powers in respect of drinking water quality matters.

6.2 Other relevant considerations

- 6.2.1 Regard will be had to guidance from the Drinking Water Inspectorate and Public Health England in fulfilling the Council's roles.
- 6.2.2 Signing of formal notices will be undertaken in line with the Council's scheme of delegation.

6.3 The use of formal enforcement tools

- 6.3.1 The general principals relating to enforcement decision making in relation to water quality activities are as outlined in the core section of the Council's enforcement policy and in the introduction to the Environmental Health Enforcement Policy. However, the criticality of safe drinking water is paramount to public health and this will be the significant factor in deciding the appropriate course of action in any particular situation
- 6.3.2 The majority of private water supplies in North Hertfordshire are domestic supplies, often serving single properties. In such instances, the Council's preferred approach is to address issues informally except where there is a specific requirement to take a formal approach.

- 6.3.3 In relation to large domestic private water supply systems and commercial supplies, the Council is more likely to take a formal approach but every case will be judged on its merits, having regard to the public health circumstances.
- 6.3.4 If any private water supply is not deemed to be wholesome or any domestic supply is not deemed to be have a supply that is wholesome and sufficient, the Council may serve a notice stating its reasons and the remedial steps that it believes are required, giving a suitable time period for compliance. If the notice is confirmed, the Council may undertake works in default. Whether the Council chooses to do so will depend on the circumstances of the case. Where the Council decides to undertake works in default, it will seek to recover its full costs, unless there are exceptional reasons not to do so.
- 6.3.5 If any private supply of water intended for human consumption constitutes a potential danger to human health, the Council must serve a notice stating the grounds for serving the notice and the remedial action required. Failure to comply with the notice is an offence and the Council may consider prosecution proceedings in accordance its normal procedure for such matters.
- 6.3.6 The Council will normally seek to recover its full costs in fulfilling its duties under this section where it is empowered to do so, unless there are exceptional circumstances.

7.0 Stray Dogs

7.1 Scope

- 7.1.1 The Council has a duty under the Environmental Protection Act 1990 to deal with stray dogs in the district. Any stray dogs on public land must, if practicable, be seized and detained. Attempts must be made to advise the owner of the dog that the dog has been seized. Where any dog has been detained for seven clear days without the dog being claimed and the Council's expenses having been paid in full, the Council may dispose of the dog.
- 7.1.2 Regulations made in 2014 under the Animal Welfare Act 2006 made it mandatory from 6th April 2016 for dog owners to microchip any dog over 8 weeks old.

7.2 The use of formal enforcement tools

7.2.1 The Council may:

- serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;
- where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so;
- take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with the above.

- 7.2.2 The Council's policy in relation to microchipping is to encourage voluntary compliance. Formal action will normally only be considered in the case of repeat offences. The Council will incentivise dog owners to have their dogs microchipped in setting fees for handling stray dogs.
- 7.2.3 The Council will normally seek to recover its full costs in fulfilling its duties under this section where it is empowered to do so, unless there are exceptional circumstances.

APPENDIX C: LICENSING

1. SCOPE

The purpose of licensing is, in the majority of cases, the protection of the general public. In order to achieve this, legislation requires licences, permits or registrations to be obtained for a wide range of activities. These administrative documents are normally subject to certain conditions, imposed either by legislation or the Council. The Licensing Service undertakes the Council's licensing functions, as outlined in 1.1. to 1.6., below.

1.1 ANIMAL LICENSING

- Animal boarding establishments
- Home boarding of dogs
- Dog day crèche
- Dog breeding
- Pet shops
- Riding establishments
- Keeping or training animals for exhibition
- Dangerous wild animals
- Zoos

1.2. CHARITABLE COLLECTIONS

- Street collections
- House to house collections

1.3. PREMISES AND EVENT LICENSING (LICENSING ACT 2003)

- Sale or supply of alcohol
- Provision of regulated entertainment
(plays, films, boxing/wrestling, indoor sporting events, live/recorded music, dancing)
- Late night refreshment

1.4. GAMBLING (GAMBLING ACT 2005)

- Premises licences
(bingo, betting, amusement arcades, casinos, track betting)
- Gaming machine permits
- Small society lottery registration

1.5. HACKNEY CARRIAGE AND PRIVATE HIRE

- Hackney carriage drivers
- Hackney carriage vehicles
- Private hire drivers
- Private hire vehicles
- Private hire operators

1.6. MISCELLANEOUS LICENSING

- Street trading
- Sex shops/cinemas
- Sexual entertainment venues
- Scrap metal dealers (sites and collectors)

2. OTHER RELEVANT CONSIDERATIONS

In addition to the Regulators' Code this Policy is designed to reflect the following sources of primary legislation and any secondary legislation and guidance issued thereunder:

- Licensing Act 2003
- Gambling Act 2005
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Town Police Clauses Act 1847
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Scrap Metal Dealers Act 2013
- House to House Collections Act 1939
- Police, Factories & c (Miscellaneous Provisions) Act 1916

3. THE USE OF FORMAL ENFORCEMENT TOOLS

The general principles relating to enforcement decision making are explained within the main body of this Policy.

3.1 GENERAL ENFORCEMENT PRINCIPLES FOR LICENSING

The main purpose of licensing enforcement activity is to secure compliance with legislative requirements ensuring the safety of the public. Ordinarily, a staged approach to enforcement will be undertaken to achieve this objective although this will not preclude formal enforcement action being the first intervention when appropriate e.g. serious risk to the public or deliberate/repeated non-compliance.

3.2. SPECIFIC ENFORCEMENT ACTIVITY RELATING TO EACH ACTIVITY

Each licensing activity has its own specific policy which includes activity-specific enforcement options e.g. licence reviews under the Licensing Act 2003 or penalty points for licensed hackney carriage/private hire drivers. These policies are to be read in conjunction with the corporate enforcement policy.

APPENDIX D: COMMUNITY SAFETY

1. SCOPE

'Community Safety' is a term that is used to define keeping communities a safe place free from the fear of crime (perceived or actual) encompassing education, awareness (crime prevention) and reassurance as well as enforcement (anti-social behaviour and crime reduction). It is a multi-faceted concept used to encompass a diverse and broad range of topics that relate to anti-social behaviour, crime and disorder issues.

The Council undertakes a range of duties in connection with community safety. It has a statutory duty to work with other Responsible Authorities; including the police, fire and rescue service, county council, NHS and the probation services to address wider community safety and crime and disorder issues. The Council is a committed member of the North Herts Community Safety Partnership (NHCSP), and interventions aimed at improving community safety and reducing crime and disorder (and equally its perception) in North Herts is coordinated via the Partnership's Responsible Authorities Group (RAG – a strategic partnership group) and operationally by the Joint Action Group (JAG).

The Council deals with community safety matters in two principle ways: firstly, by means of the provision of advice, diversionary activities, community reassurance events, and the encouragement of responsible behaviour; secondly, it may make use of its enforcement powers, in a proportionate and appropriate way, to manage anti-social behaviour, crime and disorder.

Aside from the strategic planning and coordination of services to tackle local crime and disorder, the Council also undertakes a range of duties in connection with anti-social behaviour. This includes, but is not limited to the following;

- Abandoned shopping and luggage trolleys
- Abandoning a vehicle
- Accumulation of waste
- Advertising of vehicle for sale on the public highway
- Bonfires
- Commercial and domestic bin waste bin offences
- Dangerous building and walls
- Dog fouling
- Drug paraphernalia (e.g. discarded needles)
- Fallen trees
- Fly-tipping
- Graffiti
- High hedges
- Misuse of street litter bin offences
- Noise Nuisance
- Nuisance Vehicles
- Repairing of vehicles on the public highway
- Waste duty of Care (domestic and commercial)
- Waste Carriers Licence
- Unauthorised Encampments
- Littering
- Stray dogs

In addition to undertaking its statutory duties in this regard, the law provides for a wide range of powers that can be considered in relation to different types of anti-social behaviour. The Council will also work with, and support, a wide range of organisations to deal with anti-social behaviour including the police, fire service and housing providers.

The Council's Community Safety team is responsible for the operational management of the community crime and environmental crime function. These terms are used to classify anti-social actions and behaviour that degrade local amenities and the environment and impact on the enjoyment and safety of the wider community.

2. OVERVIEW OF CORE COMMUNITY SAFETY TEAM FUNCTIONS

The Community Safety team are involved in dealing with a wide range of community crime and enviro-crime issues, including but not limited to, the following core functions;

Abandoned Vehicles: Section 2 of the Refuse Disposal (Amenity) Act 1978, makes it an offence to abandon a motor vehicle, or any part of a motor vehicle, on a highway or any land in the open air. This includes any trailer intended or adapted for use as an attachment to a motor vehicle. Enviro-Crime Officers will assess the vehicle to decide whether it is abandoned. There is no statutory definition of an abandoned vehicle and factors to take into consideration include but are not limited to; length of time at location, condition and damage to vehicle (e.g. unroadworthy, burnt out, contains waste), lacking one or more of its number plates, no registered keeper and is untaxed. The Council is under a duty to remove what is determined to be an abandoned vehicle. Section 3(2) and 3(2)(A) of the Refuse Disposal (Amenity) Act 1978 provides the notice periods before removal. A fixed penalty notice can be issued to anyone who abandons a vehicle and offenders can also be prosecuted.

Bonfires: There is no specific law that makes it illegal to have a bonfire or prohibits the times they can be lit. However, the Council will take action if a smoke nuisance from a bonfire is caused. A bonfire that leads to complaints about smoke may be classified as a statutory nuisance under the Environmental Protection Act 1990. The person responsible may be served with a warning notice for persistent problems or if their actions are likely to interfere with other residents' comfort and enjoyment of their properties. The burning of industrial or commercial waste that cause black smoke is an automatic offence and can lead to prosecution. These offences are dealt with by the Environmental Health department; however Enviro-Crime Officers will investigate initial complaints and aim to resolve issues informally in the first instance.

Dog Fouling: If a dog fouls on public land, it is an offence if the person in charge of the dog fails to pick up the mess. Any person found guilty of this offence could face a fine of up to £1,000. Authorised Council officers can offer the opportunity of discharging any liability to conviction for the offence, by payment of a Fixed Penalty Notice of £50. A Fixed Penalty Notice may be issued by any authorised Council Officer if it is witnessed by the officer or there is sufficient evidence by a third party (e.g. a witness statement). Subject to sufficient evidence the Community Safety team will investigate complaints about dog fouling and carry out patrols in problem areas.

Fly tipping and other waste related offences: Section 33 of the Environmental Protection Act 1990 states that a person shall not deposit controlled waste or knowingly cause or permit controlled waste to be deposited in or on any land, without an environmental permit authorising the deposit. Section 34 of the Environmental

Protection Act 1990 covers domestic and business duty of care offences relating to individuals and businesses ensuring that their waste is not illegally deposited. Enviro-Crime Officers will investigate all reports of significant illegal deposits of waste (fly tipping) where it is believed that there is evidence that can lead to enforcement action being taken against offenders. The Community Safety team will also consider taking enforcement action against other waste related offences, such as littering and misuse of a street litter bin, subject to sufficient evidence being obtained. However the Team recognises that other departments of the Council that act in the capacity of Waste Collection Authority or Principle Litter Authority will take primacy in these types of offences and may take their own enforcement action directly.

Nuisance Vehicles: Section 3 Clean Neighbourhoods and Environment Act 2005 makes it an offence to expose vehicles for sale on a road and a person is guilty of an offence if at any time he leaves two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale. Section 4 Clean Neighbourhoods and Environment Act 2005 makes it an offence for a person to carry out repairs to vehicles on a road unless they have been in an accident within the last 72 hours or have broken down and repairs are necessary. Enviro-Crime Officers will investigate nuisance vehicle reports and assess in accordance with the Act. A fixed penalty notice can be issued to anyone who is found guilty of these offences and offenders can also be prosecuted.

Community Crime (e.g. anti-social behaviour in parks and open spaces and car parks): The Community Safety team will work with all relevant partners to take appropriate action against 'community crime' issues which can significantly impact on resident's enjoyment and use of their local amenities. This can include but is not limited to anti-social behaviour and crime in parks and open spaces, car parks and town centres. The Community Safety team will consider all options available and will either take appropriate enforcement action directly or assist other partners in undertaking appropriate enforcement action. Due to community crime encapsulating a multitude of anti social or criminal behaviours and circumstances enforcement action will be considered on a case by case basis.

3. THE LEGAL FRAMEWORK AND USE OF ENFORCEMENT TOOLS

In considering community crime and environmental crime enforcement action the Council will take into account all legislation and statutory guidance including:-

- Anti-social Behaviour Act, 2003
- Anti-social Behaviour, Crime and Policing Act, 2014
- Clean Neighbourhoods and Environment Act 2005
- Control of Pollution (Amendment) Act 1989/Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015
- Counter Terrorism and Security Act 2015
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Dog (fouling of land) Order 1998
- Domestic Violence, Crime and Victim Act 2004
- Drugs Act 2005
- Environment Act, 1995
- Environmental Protection Act 1990
- Highway Act 1980 (subject to agreement with the Highways Authority)
- Modern Slavery Act 2015
- Police and Criminal Evidence Act 1984
- Police and Justice Act 2006

Police Reform Act 2002
Police Reform and Social Responsibility Act 2011
Policing and Crime Act 2009
Refuse Disposal Act 1978
Scrap Metal Dealers Act 2013

In relation to community and environmental crime the Council has a number of enforcement 'tools' and powers available, in addition to informal enforcement action⁶, examples include:

- Caution
- Civil Injunction
- Closure Order
- Community Protection Notice
- Criminal Behaviour Order
- Fixed Penalty Notice
- Notice to require the provision of information
- Powers to take remedial action/works in default
- Powers of forfeiture and seizure
- Prosecution
- Public Space Protection Order

The general principles relating to enforcement decision making are explained within the main body of this Policy. However, it is important to note that whilst community and enviro-crime rarely constitutes a significant threat to public safety or health it can, nevertheless, cause a significant blight to local communities and can lead to neighbourhood decline. In recognition of the above, this Council takes these issues very seriously and will use its formal enforcement powers to deal with offenders. Certain community and enviro-crime offences, such as fly tipping, will be dealt with more rigorously as they are a) unlikely to be inadvertent breaches of the law, and b) are often associated with the pursuit of unfair competitive trading advantage by for example, the illegal and inappropriate disposal of waste.

Where there is sufficient evidence the Authority will commence proceedings at level 4 if the criteria for formal action (such as issuing of fixed penalty notices or a simple caution) or prosecution are met. For certain enviro-crime offences, e.g. dog fouling, depositing of litter and fly tipping offences, there is provision for fixed penalty tickets to be issued. These notices can, in appropriate cases, provide a quick, visible and effective way of dealing with these types of environmental problems and offer a more cost effective alternative to a prosecution. FPN's will generally be served for first time offenders of lower level offences. For more serious offences and/or repeat offenders the Council will normally seek to prosecute. The Council, however, reserves the right to consider alternative enforcement mechanisms on a case by case basis.

FPNs will only be issued when there is adequate evidence to support a prosecution. If the fine is not paid within the stated period then the Council is likely to mount such a prosecution.

The income to the Council arising from the payment of FPNs will be used to fund environmental related expenditure in accordance with the relevant provisions of the primary legislation and any relevant regulations.

⁶ Advice, no action, verbal warning, written warning

4. LEVEL OF DELEGATION

All decisions relating to formal enforcement matters are delegated by the Council to the Service Director – Legal and Community, who sub delegates as appropriate.

Any decision to take formal enforcement action is taken by the following officers;

Issue of Notices (e.g. Community Protection Notices) – Enviro-crime Officer in consultation with the Community Protection Manager

Issue of Fixed Penalty Notices - Community Protection Manager

Issue of Simple Cautions – Community Protection Manager in consultation with the Legal Regulatory Team Manager and Deputy Monitoring Officer

Commencement of legal proceedings such as Criminal Prosecutions - Service Director – Legal and Community

APPENDIX E: PLANNING ENFORCEMENT

1.0 What is Planning Compliance (Enforcement)

- 1.1 Planning Compliance is concerned with works which have taken place in breach of planning control as set out in the Town and Country Planning Act 1990. This Plan sets out what you can expect the Council as Local Planning Authority to do when a breach of planning control takes place in North Hertfordshire.
- 1.2 A breach of planning control is defined in the Town and Country Planning legislation as “the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”.
- 1.3 Breaches of planning control occur in many ways, for example where:
 - Building work, engineering operations, and material changes of use are carried out without planning permission having been granted.
 - Development has planning permission but is not carried out in accordance with the approved plans.
 - Failure to comply with conditions or the terms of a legal agreement (Section 106 obligations) attached to a permission or consent.
 - Demolition takes place in conservation areas, without conservation consent, when it is required.
 - Works carried out to a “listed” building which affect the historic character or setting, without listed building consent being granted.
 - Removal of, or works carried out, to protected trees and hedgerows without consent being granted or proper notification given.
 - Advertisements, which require consent under the Advertisement Regulations, which are displayed without express consent.
 - Failure to comply with the requirements of a planning legal notice, e.g. enforcement, discontinuance, stop notice, breach of condition notice, etc.
- 1.4 It should be noted that it is not an offence to carry out development without planning permission. However, where this takes place it cannot be assumed that planning permission will always be granted for the development retrospectively. An offence only occurs if the development involves unauthorised advertisements, works to protected trees or listed buildings, or if a formal notice is not complied with.
- 1.5 The legal basis for planning enforcement is set out in the Town and Country Planning Act 1990 (as amended). Further guidance and advice is set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). These set out the discretionary basis of the provision of the service and provide further background and guidance in relation to the delivery of the service. The guidance in the NPPG sets out that a Planning Enforcement Plan should be produced by the Council.

- 1.6 Government Guidance makes it clear that enforcement action should not be taken simply to remedy the absence of a planning permission where development is otherwise considered acceptable on its planning merits.
- 1.7 Parliament has given the Council in its role as Local Planning Authority the primary responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative area. Affected or interested parties cannot initiate planning enforcement action nor require the Council to take action when it considers there is no case to do so.
- 2.0 How the Planning Compliance service is delivered by the Council**
- 2.1 **The service is discretionary** – the provision of the Planning Compliance service is discretionary and the Council can decide, following consideration if it wants to undertake planning enforcement action or not for every reported breach of planning control it receives.
- 2.2 The Council considers that planning compliance is an important aspect of the services that it provides as it maintains control of development that is undertaken within the district ensuring that harmful development is controlled and not allowed to affect the amenity and character of the district. Each potential planning enforcement case that is reported to it will be subject to initial inspection and consideration. Information can be shared between Planning Enforcement and other partners of the Council to assist this initial consideration. A decision will then be made as to whether further action should be taken. Officers are delegated to make these decisions on behalf of Councillors.
- 2.3 **Action to be taken is proportionate** - the action that can be taken must be proportionate to the harm that is being caused by the breach of planning control. In some cases, whilst uses or works may be in breach of planning control, the impact of them may be very minor, or de minimis. In such cases, after investigation, the Council may decide to take no further action.
- 2.4 In all other cases, where some further action is warranted, this will be implemented taking into account the degree of harm caused by the unauthorised works or uses.
- 2.5 **How new compliance cases are logged with the Council** - potential cases where planning enforcement action may be required can be reported to the Council in person, by phone, in writing, by e-mail or by using our on line reporting form.
- 2.6 Contact details to report a breach of planning control are set out at the end of this document
- 2.7 **Anonymity in reporting of breaches of planning control to the Council** - the Council does not release the identity of those who have requested it to investigate a matter to those who are under investigation. Only in very advanced stages of an investigation, for example where court action is being pursued, would it potentially be of assistance if the person who had raised the matter with the Council be identified, for example to submit evidence on behalf of the Council. However, the Council will not make any persons identity known without their prior agreement.

- 2.8 As a result, any party who wishes to submit a request to investigate is encouraged to provide their name and contact details so that feedback can be provided, or further information sought.
- 2.9 If the party still wishes to remain anonymous, they are requested to approach their local Ward Councillor or Parish/Town Council, to submit the matter on their behalf. Details of Ward Councillors can be found on the Council website www.north-herts.gov.uk/home/council-and-democracy/councillors/your-councillors
- 2.10 In the absence of that support the matter may receive no further attention at the discretion of the Council.
- 2.11 **Investigation Process.** All requests will be registered on the Council's recording system and the party who has raised it with us will receive an acknowledgement setting out the name of the Officer who is dealing with the matter and a reference to quote in future communication. That Officer may seek further information from the party in relation to the matter. A search of the planning history of the site will be undertaken. If it is determined that planning permission is in place, further checks will be undertaken to establish whether there is any reason to believe that work is not being undertaken in accordance with the permission.
- 2.12 Officers will visit the location of the potential breach within the timescales set out below in relation to the priority of the case.
- 2.13 Where no planning permission is in place, checks will be undertaken to establish whether permitted development (PD) rights are being exercised.
- 2.14 The site visit will seek to establish the nature and extent of the works or the use which may be taking place. Often, it may be that works are still in progress, so information will be sought as to the anticipated scale of the works when complete.
- 2.15 **Next Steps.** It is necessary for the Council to determine what action should be taken next – and whether formal action is expedient. The possible courses of action are as follows:
- 2.16 **Take no action.** If the works or uses being undertaken are within the scope of a planning permission that has been granted, or fall within the scope of permitted development, then no further action will be taken.
- 2.17 No further action could also be considered as an outcome where the works or intended use fall outside the scope of a planning permission or permitted development rights, but the impact of them is very modest with no discernible impact.

Typical Examples of this could be:

- Minor breaches of planning conditions.
- Fences, gates, boundary walls, or outbuildings being erected which exceed the heights allowed under a planning permission of PD rights by a modest amount.
- Very minor changes to the works that have been granted planning permission – which are likely to have very little impact beyond the application site.

- Minor works that require planning permission but have no discernible impact on it's surroundings or people.
- Development has not occurred as a matter of fact.

This list is not extensive and should not be considered as binding. The Council looks at each case on an individual basis and treats each case on its merits.

- 2.18 **Seek regularisation through a planning application.** Where works have taken place or a use has been commenced which does have an impact, but are considered to be acceptable within the planning policies that are applicable, then a retrospective planning application to regularise these would be invited.
- 2.19 This should not be taken as indicating that the Council will simply approve any application without due scrutiny. The application process allows the works and/or use to be considered fully against relevant planning policies by the Council or its Planning Committee. The owner of the site will be permitted a limited amount of time at the discretion of the Council to make such a submission and any person who has contacted the Council in relation to the matter and has left appropriate contact details, will be contacted by the enforcement team and informed of any such retrospective planning application when it is submitted, in order that they can make representations on that application if they wish.
- 2.20 If planning permission is granted officers will continue to monitor the site to ensure that the development and/or use implemented are in accordance with the permission granted. If permission is refused, the land owner has a right of appeal against this decision. If, after the expiry of the timescale within which an appeal should be made has expired and none has been submitted, the Council will then make a decision about enforcement action which would be appropriate.
- 2.21 The Council will continue to monitor the site during this time period. It may be that, if work continues to be undertaken, the appropriate course of action may change from seeking regularisation to taking no further action if the development is acceptable when considered against planning policies, to taking formal enforcement action if the development appears to be harmful.
- 2.22 **Undertake formal action.** Where it appears to the Council that the impact of unauthorised works and/or use of a site is unacceptably harmful and it is not appropriate to seek a planning application, formal action will be taken. Formal enforcement action will also be considered following the refusal of any retrospective planning application or appeal which is dismissed for any such planning refusal. The range of formal steps available to the Council, the processes relevant to each, outcomes and timescales are set out in the Appendix A to this document.
- 2.23 **Outcomes you can expect if you are the owner of a site under investigation.** The Council will seek to ensure that all matters in relation to the enquiry are dealt with professionally, politely and efficiently. It will be necessary for Council Officers to attend the site. At all times the Officer approach should be polite and respectful. It is often the case that Council Officers will visit without a pre-arrangement, however, they will make themselves known on arrival at a site if it possible to do so. If the time of the

visit is not convenient to you, they will seek to arrange a mutually acceptable time to visit.

- 2.24 Officers will be able to advise on the purpose of the visit and what action the Council can take and what options are available to you as Owner. They can provide advice about the planning and enforcement process, but if you require specific planning advice, this should be sought independently.
- 2.26 The Council will endeavour to deal with your case quickly, ensuring that uncertainty is removed. However, we will need your co-operation and ask that, in all circumstances, you provide any information Officers request and answer any questions they put to you.

3.0 Priorities and timescales

- 3.1 The Council adopts a prioritised approach to the consideration of potential enforcement matters. The identified priorities are:

Urgent Cases (Priority A)

- Unauthorised alterations to listed buildings.
- Unauthorised alteration to or demolition of buildings in Conservation Areas.
- Unauthorised developments having a severe and possibly irreversible impact on surroundings e.g. major unauthorised engineering works; felling of protected trees.
- Development causing danger to highway users.

All Other Cases (Priority B)

- 3.2 All other unauthorised developments or changes in use of land and buildings.

Timescales

- 3.3 The following table sets out the timescale within which the Council endeavours to undertake the actions set out in this Plan. These are related to the date that the Council has received a request to investigate. This date is identified as the 'start date' and is the first working day on which a request is received. In relation to the start date the timescales (**all of which refer to working days**) are set out as follows subject to resources being available:

3.4 Urgent Cases

Within the same or next working day:

Undertake site visit in all cases. Acknowledge receipt of request to investigate.

Within 2 working days of start date:

Reach a decision in relation to whether it is expedient to take action and, where necessary, commence formal action

3.5 All Other Cases

Within 7 working days of start date:

Acknowledge receipt of the request to investigate

Within 20 working days of start date:

Undertake site visit in at least 90% of cases

Within 20 further working days:

Reach a decision on the expediency of further action, or, if a decision cannot be reached, confirm the reason for not being able to.

Then, if an application is to be invited:

Within 5 working days request that the Owner submit such an application setting out the timescale within which it should be received and accepted by the Council

Or, if the impact is harmful:

If it is expedient, serve an Enforcement (or other relevant) Notice this should be carried out within a 15 further working days.

4.0 Maintaining contact with the Council

- 4.1 The Council seeks to advise those who have requested an investigation at each stage in the timescales above where decisions are to be made. The Council's preference is to be able to contact parties by email.
- 4.2 Resources are not available to maintain contact and provide updates in other circumstances. However, calls can be made to Officers at any time during normal office hours to enquire about progress in any particular case.

5.0 Section 106 and Condition Monitoring

- 5.1 The Council recognises the importance of condition monitoring for its planning approvals, however due to the staff resources that are available for this work to be undertaken, the Council, has to prioritise what developments are monitored on a regular basis to ensure development is undertaken in accordance with the approved plans and associated conditions.
- 5.2 The Council will proactively monitor strategic and other major development sites once planning permission has been granted and work has commenced, this is to ensure that the development is being undertaken in accordance with planning approvals and conditions that have been imposed on them.
- 5.3 The Council will also monitor other developments at its own discretion where it is considered necessary in the public interest, this is to ensure such developments are undertaken in accordance with planning approvals and conditions that have been imposed on them.
- 5.4 Requests that development sites are regularly monitored will be considered by the Council; however the Council will only act on these request if it is considered that such a monitoring activity is in the wider public interest.
- 5.5 The Council is responsible for the administration of Section 106 agreements that form part of planning permissions. These Section 106 agreements are legal agreements (planning obligations) between the Council and Developers, and are a mechanism which make a development proposals acceptable in planning terms, that would not otherwise be acceptable.
- 5.6 The common uses of planning obligations such as Section 106 agreements are to secure affordable housing, to specify the type and timing of this housing, to secure financial contributions to provide local infrastructure on or off site, or other affordable housing elsewhere.

- 5.7 The Council will monitor all of its Section 106 agreements to ensure that the terms of those agreements are met, and that any breaches of these agreements are identified and subsequently enforced.

6.0 Listed Buildings

- 6.1 The Council attaches particular importance to ensuring that any alterations to listed buildings are properly authorised. The statutory provisions for the preservation of buildings of special architectural or historic interest are contained in the Listed Buildings and Conservation Areas legislation. It is an outright offence under the legislation to carry out unauthorised works to a listed building which could affect its character. The owner of a listed building or those who have an interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether consent is later obtained retrospectively or the unauthorised works later made satisfactory. A person found guilty of an offence may be liable to a substantial fine, and/or a term of imprisonment. There is no time limit upon the Council to pursue Listed Building Enforcement Action.
- 6.2 A Listed Building Enforcement Notice may also be served requiring remedial works to the building within a certain time scale. There is a right of appeal to The Planning Inspectorate but failure to comply with the Notice is an offence, which is liable to a substantial fine on summary conviction.

7.0 Complaints

- 7.1 If any party is dissatisfied with the service that has been received there is an expectation that they will contact the Council and discuss it with officers first to attempt a resolution to the matter. The contact details are set out below. In that way we can seek to resolve the matter of concern.
- 7.2 If the concern cannot be resolved in this informal way and dissatisfaction remains, or if the party wishes not to discuss the matter informally the Council has a formal complaints procedure. The details of this are set out on the Council's website: www.north-herts.gov.uk/home/customer-services/complaints

Contact Details

If you want to inform us about a potential breach of planning control that you want us to investigate, please contact us by:

Via the reporting page on our website:

<https://www.north-herts.gov.uk/home/planning/planning-enforcement>

e-mail: planning.enforcement@north-herts.gov.uk

Phone: 01462 474000 (ask for the duty planning officer)

Post: Planning Enforcement
North Hertfordshire District Council
Council Offices
Gernon Road

Appendix A

This appendix sets out further background to the planning enforcement service, the actions that can be undertaken and the procedures that the Council will follow, where appropriate.

Legal Framework

Paragraph 58 of the National Planning Policy Framework states that:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

The ability of the Council to undertake planning enforcement action is set out in primary legislation. The government has also produced a wide range of secondary legislation, policy, guidance and good practice notes that support that primary legislation and the Council are also guided by case law.

In considering planning enforcement action the Council will take into account all primary and secondary legislation as well as national planning policy and guidance including:-

Town and Country Planning Act 1990 (as amended);
Planning (Listed Buildings & Conservation Areas) Act 1991;
Planning & Compensation Act 1991;
Planning & Compulsory Purchase Act 2004;
Police and Criminal Evidence Act 1984 ('P.A.C.E.');

Criminal Procedure and Investigations Act 1996 ('C.P.I.A.');

Protection of Freedoms Act 2012

Human Rights Act 1998;

Localism Act 2011;

Caravan Sites and Control of Development Act, 1960;

Town and Country Planning (General Permitted Development) Orders;

Town and Country Planning (Control of Advertisements) Regulations;

The Town and Country Planning (Use Classes) Orders;

The National Planning Policy Framework;

Department of the Environment, Transport and the Regions Circular 10/97 (Enforcing Planning Control);

Department of the Environment, Transport and the Regions Enforcement Good Practice Guide

Enforcement Tools Available

In relation to planning, the Council has a number of planning enforcement “tools” available; examples include:

- notices to require the provision of information;
- planning enforcement notices;
- listed building notices;
- repairs notices;
- urgent works notices;
- stop and temporary stop notices;
- discontinuance notices;
- S106 planning obligations;
- injunctions;
- prosecution;
- direct action;
- planning enforcement orders.

RIPA/PACE

All work of the Council including investigations will be subject to prioritisation. Once started, investigations will be conducted in a timely manner, in accordance with the requirements of relevant legislation, including the Police and Criminal Evidence Act 1984 (PACE), Regulation of Investigatory Powers Act 2000 (RIPA), Criminal Procedure and Investigation Act 1996, Human Rights Act 1998 and Protection of Freedoms Act 2012. Regard will also be had to the requirements of associated Codes of Practice and Guidance. Investigations will be brought to a timely conclusion where possible.

It may be necessary to undertake surveillance to assist with an investigation. Any surveillance covered by the definitions contained in RIPA will be conducted in accordance with that Act as amended by the Protection of Freedoms Act 2012, appropriate guidance, corporate policy and Codes of Practice. Covert Surveillance will only be undertaken:

- if it is in the interests of preventing crime
- if the use of covert surveillance is necessary and proportionate to the potential offence being investigated
- if it has been authorised by a Council authorising officer and the authorisation has been brought into effect by a magistrate.

It is sometimes necessary to conduct an interview with a person (or duly authorised representative of a corporate body) suspected of committing an offence. These interviews will be conducted in accordance with the PACE Codes of Practice. Wherever possible, recorded interviews with persons will generally take place at the Council Offices.

Officer Identification

All officers wear a picture identification card at all times, and authorised officers have been provided with a Council Employee Identification Card, a warrant style card summarising the powers they are able to exercise with regards to the entry to land and buildings granted through the Planning Acts. These contain a picture of the officer. Upon request, or where statute demands, officers will produce appropriate and necessary identification.

Photography

As part of any investigation it may be necessary to take digital photographs to assist with the case, procedures are in place to ensure the evidential continuity of any images made.

Immunity

Breaches of planning control become immune from enforcement action, and lawful, if they have been in existence for a given length of time. The relevant time limits are:

- 4 years for operational development (physical development of the land such as buildings, extensions and fences);
- 4 years for changes of use of an existing building to a single dwellinghouse; and
- 10 years for any other breaches of planning control.

These are mainly material changes of use of land and breaches of planning conditions.

However, Section 124 of the Localism Act 2011 has introduced a new power for local planning authorities which override the above time limits in certain circumstances. If the apparent breach of planning control, has (to any extent) been deliberately concealed by any person or persons the Council may apply to the local Magistrates for a planning enforcement order. Such an order gives the Council a further year (known as a 'the enforcement year') to issue and serve a planning enforcement notice irrespective of the time limits referred to above.

Freedom of Information

The personal details of any party who has requested an investigation and the files relating to each case are confidential. This situation has not been altered by publication of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. However, depending upon individual circumstances, the Council or the Information Commissioner may decide access to a file is appropriate.

Retrospective Applications

When it is considered that a breach of planning control may be acceptable or lawful, a planning application or an application for a certificate of lawful use or development may be invited to allow the local planning authority to fully consider the full detail of the case leading to a formal decision. However, this does not imply that planning permission will be granted as with any other application.

Permitted Development

The government has granted 'deemed' planning permission for many developments, generally referred to as 'permitted development rights'. These range from building a small scale shed to the rear of the property to extending the main house.

Advice on what may be permitted development is available on the government planning portal website located at <http://www.planningportal.gov.uk/permission/> The council will not be able to take any action against such authorised developments.

Prosecution/Direct Action

Following the service of certain types of formal notices requiring work to be carried out to cease or remedy a breach of planning control and those works/actions have not been undertaken within the timeframe given via the notice, it is open to the

authority to pursue a prosecution in the courts for the non-compliance of the notice. If it is considered that prosecution would not satisfactorily resolve the breach of planning control, it is open to the authority to take direct action by way of employing contractors to carry out the works required by the notice and seek payment for those works from the owner of the land/property or by placing a legal charge on the land/property.

Level of Delegation

All decisions relating to enforcement matters are delegated by the Council to the Director of Regulatory Services, who sub-delegates as appropriate:

Decisions to close enforcement cases (i.e. take no action as there is no breach, a breach has been resolved or it is in the opinion of the Council, not expedient to take formal enforcement action based on assessment of the development under the development plan and other material considerations) are delegated to the Senior Compliance Officer, Area Planning Officer and the Development and Conservation Manager.

A review of decisions to close files can be undertaken by the Development and Conservation Manager following any complaint regarding a decision to close a case.

Any decision to take formal enforcement action is taken by the following officers:

- **Planning Contravention Notices**, a legal requirement to provide information to the Council – Senior Planning Compliance Officer in consultation with the Development and Conservation Manager;
- **Enforcement notices**, Notices relating to the enforcement of all legislation within direct control or remit of the Development and Conservation service – Development and Conservation Manager, in consultation with the Director of Regulatory Services and the Director of Legal and Community Services
- **Criminal Prosecution and Direct Action** – Director of Regulatory Services and Director of Legal and Community Services

APPENDIX F: PARKING ENFORCEMENT

1 Background

North Hertfordshire District Council adopted Decriminalised Parking Enforcement (DPE) powers in January 2005. This followed an application submitted by Hertfordshire County Council in September 2004 for the designation of the District Council of North Hertfordshire as a Special Parking Area (SPA) and a Permitted Parking Area (PPA) under Section 43 of the Road Traffic Act (RTA) 1991. The SPA and the PPA share the same boundary and covers the whole of District Council area, including the off street car parks where Parking Places Orders apply. This excludes enforcement on the A1(M) and its on and off slip roads for its entire length within the District.

In respect of on-street parking (public roads and streets) enforcement, the Council acts on behalf of Hertfordshire County Council (the highway authority) under the terms of an agency agreement between the two authorities⁷. As the parking authority North Herts Council is responsible for the management and enforcement of its own off-street car parks.

Local authorities have had powers to manage and enforce their own off-street car parks for many years; however until recently most on-street parking enforcement was undertaken by police officers or police-employed traffic wardens.

In the mid-1990s central government gave local authorities the right to apply for powers to enforce on-street parking restrictions. The adoption of what was then called Decriminalised Parking Enforcement (DPE) but is now termed Civil Parking Enforcement, or CPE under the Traffic Management Act 2004.

2. Parking Legislation

NHDC parking enforcement operates under The Traffic Management Act 2004 (TMA 2004). This act supersedes the RTA 1991 and allows Civil Parking Enforcement to be carried out by local authorities who have permission from the Secretary of State for Transport to introduce a Civil Enforcement Area (CEA), (previously referred to as an SPA). This is a geographical area in which NHDC may carry out Civil Parking Enforcement.

North Hertfordshire is also a SEA (Special Enforcement Area) that allows for the enforcement of Double Parking, Dropped Footways and Raised Footways.

3. The Purpose of Civil Parking Enforcement (CPE)

The primary purpose of CPE, as identified in statutory guidance, is to support local authorities in their delivery of their overall transport objectives in areas such as those detailed below:

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty;
- Improving road safety;

⁷ Highway Agency Agreement dated 24 January 2002 and Parking and Traffic Order Agency Agreement dated 17 January 2005.

- Improving the local environment;
- Improving the accessibility of public transport;
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car;
- Managing and reconciling the competing demands for kerb space.

To achieve these aims we enforce:

On-street

- Permitted parking places on-street where waiting restrictions apply;
- Restricted parking where parking is allowed at particular times (single Yellow Lines);
- Restricted parking where parking is not allowed at any time (double yellow lines);
- Controlled Parking Zones (CPZ);
- Restricted Parking Zones (RPZ);
- Dropped Kerb parking.

Off-street

- Parking without payment or valid permit;
- Parking for longer than permitted or after expiry of paid for time;
- Parked in a restricted area;
- Not parking correctly within the marking of a bay.

Central government is also clear in explaining what CPE is not about. In particular, government emphasises that CPE is not to be regarded as a revenue raising exercise. Whilst Government accepts that local authorities will seek to make their CPE operations as close as possible to self-financing as soon as possible, it advises that any shortfall must be met from within existing budgets rather than falling on the local or national taxpayer.

The traffic management objectives of CPE are achieved primarily through encouraging compliance with parking restrictions – and it is with this objective in mind that the Council enforces parking both on and off-street throughout the District.

4. Enforcement

Civil Parking Enforcement in North Hertfordshire is undertaken by a team of Civil Enforcement Officers (CEOs) and a Parking Team Leader. The team is managed by a Parking Enforcement Manager, whose duties are carried out in accordance with North Hertfordshire District Council's Parking Strategy⁸.

NHDC does not clamp or remove vehicles. Clamping is no longer favoured as an enforcement tool, as it often results in a "problem" vehicle being made to remain at an inappropriate location for longer than is necessary. The cost of setting up and running a removal operation, including a vehicle pound for the purpose of storing vehicles would be disproportionate to the benefit it might create for a smaller, rural district council such as North Herts.

⁸ The current Parking Strategy is the NHDC Parking Strategy 2009-2019 (revised Aug 2012) available on the Council's website <https://www.north-herts.gov.uk/home/parking/parking-strategy>

When exercising prescribed functions a CEO must wear a uniform that is readily distinguishable from the Police and clearly show:

- That the wearer is engaged in Parking Enforcement
- The name of the local authority on whose behalf her or she is acting
- A personal identity number

5. Penalty Charge Notices (PCN) and Legal Requirements

A regulation 9 PCN - is the name given to a PCN that is issued by a CEO either on-street or off-street, under the TMA 2004. The way in which a Regulation 9 PCN can be served is by two methods:

- Affixed to vehicle in a special envelope; or
- Handed to the person appearing to be in charge of the vehicle.

In terms of legal requirements, under the TMA 2004, a Regulation 9 PCN must contain the following:

- Date of service;
- Issuing Authority;
- Vehicle Registration Mark;
- Date and time of alleged contravention;
- Location of contravention;
- Grounds of issue (Legislation);
- PCN amount and payable period;
- Discount amount and discount period;
- How and where to pay;
- What will happen if payment not made;
- How to make representations.

Under section 80 of the TMA 2004, a person may who is liable to pay a penalty charge may make representations to the enforcement authority to challenge the charge (i.e. NHDC) and then appeal to an adjudicator if their representations are not accepted.

The processing of PCNs and consideration of representations made are carried out by a separate team within the Council under the Management Support Unit. A Flowchart outlining the Regulation 9 PCN Process is attached at Appendix 1.

Regulation 10 PCNs are not used by NHDC as they are served on the owner of the vehicle by first class post.

6. Contravention Codes

Below is a list of the most common contravention codes used to issue PCNs

Code	DESCRIPTION ON-STREET	Differenti al Charging level	Observatio n Period
01	Parked in a restricted street during prescribed hours	HIGHER	5 MINUTES

02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	HIGHER	INSTANT
12	Parked in a residents' or shared use parking place/zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	HIGHER	5 MINUTES
19	Parked in a residents' or shared use parking place/zone displaying an invalid permit or voucher or pay and display ticket	LOWER	5 MINUTES
21	Parked in a suspended bay or space or part of bay or space	HIGHER	INSTANT
22	Re-parked in the same parking place or zone within one hour* of leaving	LOWER	INSTANT
23	Parked in a parking place or area not designated for that class of vehicle	HIGHER	5 MINUTES
24	Not parked correctly within the markings of the bay or space	LOWER	INSTANT
25	Parked in a loading place during restricted hours without loading	HIGHER	5 MINUTES
26	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place	HIGHER	5 MINUTES
27	Parked in a special enforcement area adjacent to a dropped footway	HIGHER	5 MINUTES
30	Parked for longer than permitted	LOWER	10 MINUTES
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	HIGHER	INSTANT
45	Parked on a taxi rank	HIGHER	INSTANT
47	Stopped on a restricted bus stop or stand	HIGHER	INSTANT
48	Stopped in a restricted area outside a school when prohibited	HIGHER	INSTANT
49	Parked wholly or partly on a cycle track or lane	HIGHER	5 MINUTES
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	HIGHER	5 MINUTES
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	HIGHER	5 MINUTES
62	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	HIGHER	INSTANT
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	HIGHER	INSTANT

Code	DESCRIPTION OFF-STREET	Differenti al Charging level	Observation Period

74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	HIGHER	5 MINUTES
80	Parked for longer than the maximum period permitted	LOWER	10 MINUTES
81	Parked in a restricted area in a car park	HIGHER	INSTANT
82	Parked after the expiry of paid for time	LOWER	10 MINUTES
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	LOWER	5 MINUTES
84	Parked with additional payment made to extend the stay beyond time first purchased	LOWER	INSTANT
86	Parked beyond the bay markings	LOWER	INSTANT
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	HIGHER	INSTANT
91	Parked in a car park or area not designated for that class of vehicle	HIGHER	INSTANT
92	Parked causing an obstruction	HIGHER	INSTANT
93	Parked in car park when closed	LOWER	INSTANT

Differential Charging Level

Differential parking charging was introduced in 2008 under the TMA 2004 to address the perception of fairness to the motorist.

There is now a two-tier approach to the cost of a PCN to recognise that there are contraventions which are more serious and should receive a higher charge, and that there are less serious contraventions which should receive a lower charge.

Differential parking charging is prescribed by the type of contravention and not at the discretion of the CEO. The type of contravention is set nationally and not locally.

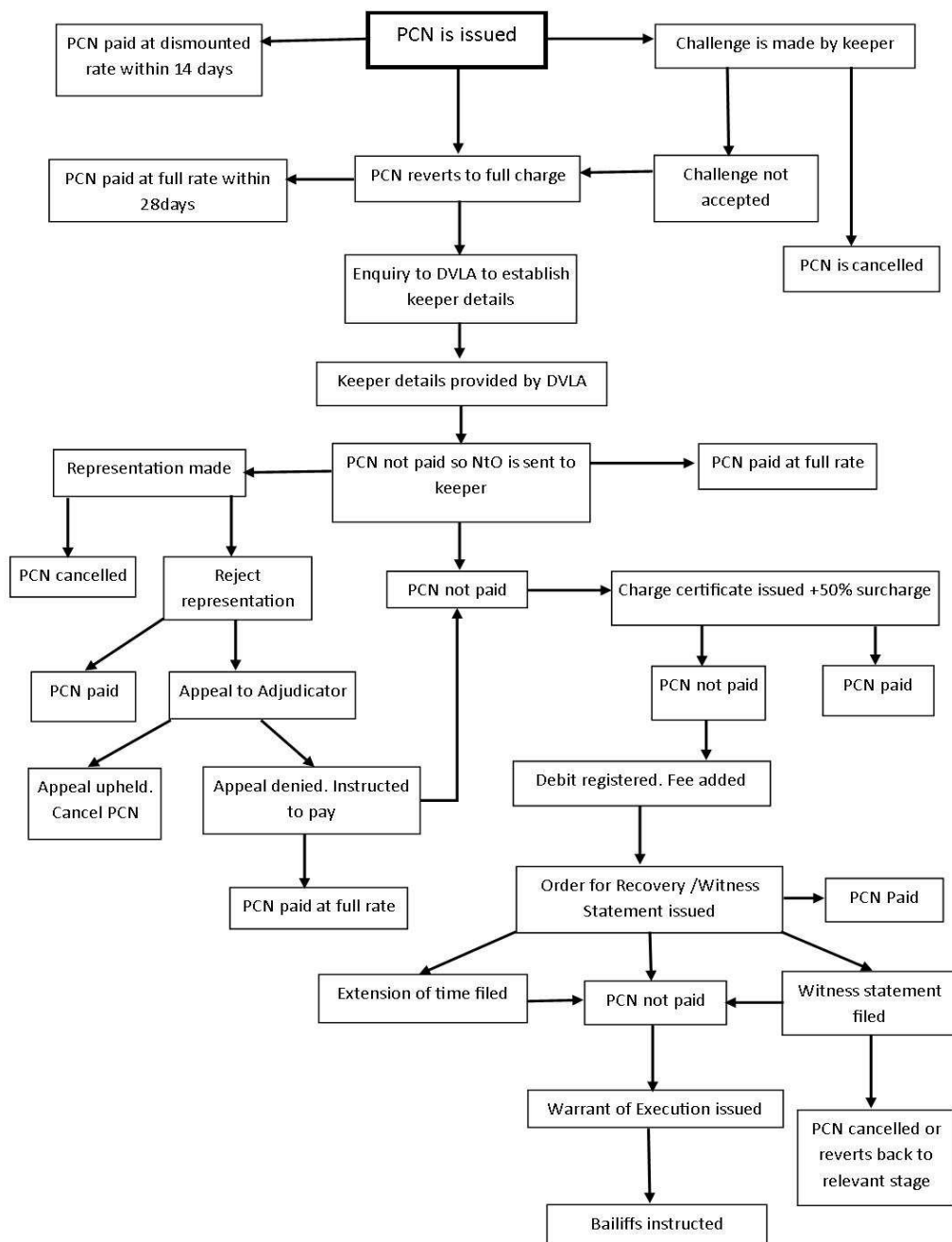
Observation Period

The observation times listed are those most commonly used for Parking Enforcement.

The CEOs will under normal circumstances seek to give a 10 minute grace period to vehicles parked in designated parking places, when the period of permitted parking ends. If a vehicle is parked legally in a designated parking place when it is initially parked and stays beyond the permitted parking period, then the 10 minute grace period will in normal circumstances be given before a Penalty Charge Notice is issued.

Appendix 1

Regulation 9 PCN process flowchart



APPENDIX G: ACCESS TO HOUSING

1. SCOPE

The Council undertakes a range of duties in connection with helping the public to access housing.

The Council is an enforcing authority for the Protection from Eviction Act 1977 and will exercise the discretion under this legislation to protect residential tenants from illegal eviction or harassment.

It is an offence under Sections 171 and 214 of the Housing Act 1996 for a person to make a statement which is false, or to knowingly withhold information from the Council which would be relevant to their application for housing assistance. Where fraud or deception is suspected, the Council will consider all enforcement options, including prosecution.

The Council's Housing Team is responsible for the operational management of these functions (for illegal eviction/harassment cases, any action would be carried out in conjunction with the Environmental Health team).

2. THE USE OF ENFORCEMENT TOOLS

The general principles relating to enforcement decision making are explained within the main body of this Policy.



CORPORATE
STATEMENT OF
ENFORCEMENT
POLICY

Version **24**
August-December 2018

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1. Introduction

The purpose of this policy is to ~~set out~~ commit the North Hertfordshire District Council's to good enforcement principles, practice and provide guidance to Council officers, businesses and the public.

Enforcement action is a wide term which includes informal and formal steps and covers a range of options detailed below. When undertaking such action the North Hertfordshire District Council will have regard to this policy, and any service specific enforcement policy/ procedure. This overarching policy does not seek to duplicate the specific ones detailed in the Appendices, but to provide a framework. In developing and updating these policies, has adopted the central and local government Concordat on Good Enforcement Practice, regard has been given to the Regulators' Code 2014¹ issued made in accordance with under section 23 of the Legislative and Regulatory Reform Act 2006 ('the Act'), and this policy is in line with paragraph 6.2(d) of that Code, and good practice. and t This policy explains the approach that will be adopted by officers when carrying out the Council's duties and how the Council will respond to non-compliance. Each service area has its own procedures and protocols that will have regard to this policy, though there may be local variations within them; these are contained in the Appendices below. The policy covers both criminal and civil enforcement practices and is based on the Council's enforcement mission statement.

2. Enforcement Mission Statement

A consistent and proportionate approach to enforcement that is targeted, and contributes to achieving the Council's priorities, policy aims and meets the needs of the community.

3. General Principles

In line with the requirements of the Act, the Council will have regard to the The following 5-principles should be taken into account when considering enforcement action:

- Transparency: to ensure enforcement action to be taken by the Council is easily understood. Clear distinctions will be made between legal requirements and recommendations about good practice which are not compulsory. Where possible the Council shall be sharing information about compliance and risk.
- Accountability: to ensure that the Council is answerable for its enforcement practices and can be held to account for the actions it takes.
- Proportionality: to consider whether proposed action is proportionate considering all relevant factors, including the severity of the offence, likely outcome, risk and costs of proceedings.
- **Consistency:** to ensure that similar issues are dealt with in an equitable way, making full use of guidance produced by Government and other agencies.
- ~~Fairness: to ensure a fair and even handed approach with action only targeted at cases where action is needed.~~

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

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- ~~Proportionality: to consider whether proposed action is proportionate considering all relevant factors, including the severity of the offence, likely outcome, risk and costs of proceedings.~~

- ~~Transparency: to ensure enforcement action to be taken by the Council is easily understood. Clear distinctions will be made between legal requirements and recommendations about good practice which are not compulsory. Where possible the Council shall be sharing information about compliance and risk.~~

- ~~Objectivity: to ensure that decisions are not influenced by the ethnic origin, gender, religious or political beliefs, or sexual preferences or mental or physical ability of the offender, complainant or witness.~~

Where any rights contained within the Human Rights Act 1998 may be ~~ea~~affected, officers should consider whether the action is both necessary and proportionate, and ensure that the provisions of the Act are taken into consideration where applicable.

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4. Shared Enforcement and Corporate Approach

The range of enforcement matters dealt with by the Council may sometimes require officers to work with other departments or agencies to maximise effective enforcement.

Consideration should be given as to whether it is appropriate to share information with external agencies or colleagues in other departments. Where activity impacts across different Council departments, officers should adopt a corporate approach, working together to seek the best results overall. All instances of data sharing must comply with relevant Data Protection Legislation².

5. Aims of Enforcement Action

If enforcement action is necessary, then in accordance with the Regulators' Compliance Code, the Council utilises the sanctions and penalties available to it in order to:

- change the behaviour of the offender;
- change attitudes in society to offences which may not be serious in themselves, but which are widespread;
- eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- address the harm caused by regulatory non-compliance, where appropriate; and

² Means: all applicable data protection and privacy legislation in force from time to time in the UK including the General Data Protection Regulation ((EU) 2016/679); the Data Protection Act 2018; the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended, or any successor legislation.

- deter future non-compliance.

6. Levels of Enforcement Action

Prior to taking enforcement action, Council officers must ensure that they are authorised to do so under the Council's Constitution ~~and Scheme of their Delegations~~. Officers will generally consider the following enforcement options when taking action:

LEVEL 1 - Advice and Guidance: to assist individuals, existing and prospective businesses and other organisations to comply with their legal obligations. This will be achieved by providing written and verbal advice, information leaflets and the opportunity for face-to-face contact to discuss and help resolve potential problems.

LEVEL 2 - Informal Warnings: these will be used to reinforce advice and guidance where minor breaches of the law occur and it is not appropriate to take formal action. Warnings are more likely to be appropriate for minor contraventions where it can be reasonably expected that informal warnings will achieve compliance. Warnings issued in respect of more significant breaches of the law should include timescales within which the breaches should be remedied. Monitoring should be undertaken as appropriate where there are ongoing breaches.

LEVEL 3 - Formal Action: this includes the use of statutory (legal) notices and is generally taken if informal advice or warnings are ~~ignored~~ not considered to be the most appropriate effective route. Before formal action is taken, other than where immediate action is required, officers will provide an opportunity to discuss the circumstances of the case and, where if possible, attempt to resolve points of difference, ~~unless immediate action is required~~.

LEVEL 4 - Legal Proceedings: this includes, amongst other things, the issue of fixed penalty tickets, simple cautions, prosecutions, injunction proceedings, review and revocation of licences and execution of works in default.

-Enforcement will normally move from ~~Level 1~~ through to ~~Level 4~~, although depending on the facts of a given matter, it may be appropriate to adopt a fluid approach to how a matter proceeds through the above Levels. For example in certain circumstances a matter may begin at Level 1 but then, if required, go straight to Level 3 or 4. Likewise it may be suitable to commence proceedings at ~~Level 3~~ or 4 if the criteria for formal action or prosecution are met.

Different service areas may have their own service specific sanctions available to them; including such things as civil penalties that can be utilised as an alternative to prosecution. Where these specific sanctions are available to a given service area, these will be set out in the relevant procedure document in the appendices below.

7. No Action

In very exceptional certain circumstances, contraventions may not warrant any action. This can be where the cost of compliance significantly outweighs the detrimental impact of the contravention, or where the cost of the required enforcement action to the Council significantly outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where ~~formal enforcement action~~ is inappropriate in the circumstances, such as

where an organisation has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their well being.

8. Statutory notices

Some legislation provides for the service of statutory notices, which require a person, business or organisation to comply with specific requirements.

Generally, the notice will explain:

- what is wrong
- what is required to put things right
- the timescale in which to put things right
- what will happen if the notice is not complied with.

In some circumstances where a formal notice has been served there might be a right of appeal against the Council's decision. In such cases an explanation of the method of appeal will be provided at the time the notice is issued.

89. Works in Default

In general, it is Council policy to either ~~formally~~ caution or prosecute individuals, organisations or businesses that do not comply with a statutory notice. In addition, failure to carry out specified work may result in the Council carrying out the works in default and recovering all costs. In such cases the expenses associated with default works will usually be recovered by via the issuing of an invoice to the relevant party. Where appropriate, these costs may be recovered by way of a charge against land/property, and such a charge may be further enforced through sale of the land/property.

In calculating the recovery of costs incurred when undertaking works in default the Council will have regard to the following:

- Contractor's costs or expenses;
- Costs associated with officer time (including overhead costs); and
- Additional Legal costs or expenses

910. Fixed Penalty Tickets Notice ('FPN')

For certain offences, e.g. dog fouling, ~~and~~ depositing of litter, abandoned vehicles et al, there is provision for fixed penalty ~~tickets~~ notices to be issued. Where there is evidence that an offence has been committed, authorised officers from the Council ~~will~~ may issue the appropriate penalty ticket. The issue of an FPN gives an offender the opportunity to discharge their liability to prosecution by the payment of a set fine within a specified period. ; therefore, FPNs will only be issued when there is adequate evidence to support a prosecution. If the fine is not paid in full within the stated period then the Council is likely to mount such a prosecution.

Details of the Council's FPN scheme, including which offences are included, the level of fine and early payment discounts amongst other things, can be viewed on the council's website³

110. Simple Cautions

³ <https://www.north-herts.gov.uk/sites/northherts-cms/files/Housing%20Public%20Protection%20Fee%20Structure%202018-19%20v1%200.pdf>

A simple caution is a non-statutory, non-conviction disposal for adult offenders aged 18 or over. Under certain circumstances, a simple caution (~~previously known as a formal caution~~) may be used as an alternative to prosecution and will usually be considered before making a decision to prosecute. A simple caution is a serious matter. It may be used to influence any decision whether or not to prosecute should the individual, organisation or business ~~reoffend, again~~ and it may be referred to in any subsequent court proceedings. Regard ~~will should be given~~ to government guidance by the Ministry of Justice – Simple Caution for Adult Offenders⁴. ~~(13th April 20153) or any subsequent guidance.~~

Simple cautions are intended to:-

- ~~a)~~ deal quickly and simply with certain offences;
- ~~b)~~ avoid unnecessary appearance in criminal courts;
- ~~c)~~ reduce the chance of offenders re-offending.

Before issuing a caution the following will be relevant conditions must be satisfied:

- i. there must be evidence of guilt sufficient to give a realistic prospect of conviction and it must be in the public interest to offer a simple caution;
- ii. that it is a low-level first time offending situation;
- iii. not a repeat offence and where relevant and appropriate a victim's views will be taken into account;
- iv. the offender must understand and be capable of understanding the significance of the simple caution and admit the offence by signing a declaration;
- v. the person against whom a caution is issued must have legal responsibility for the offence(s), for example in the case of a company, and be 18 years or over.

Where an individual chooses not to accept a simple caution the Council will normally consider prosecution.

The decision to offer a caution will normally be taken in consultation between the relevant service manager and the Service Director – Legal and Community, or those officers delegated to make that decision under a scheme of delegation.

121. Prosecution

The Council will take individual circumstances into account when deciding whether to initiate a prosecution and will only bring proceedings when it is considered to be in the public interest. Before deciding to prosecute there must be sufficient evidence for a realistic prospect of conviction, taking account of any defence that may be available. In certain circumstances, ~~including for example in the cases~~ of dishonesty or fraud, or other serious health and safety cases, prosecution may be taken without prior warning.

In addition the decision to prosecute will always take into account the ~~Home Office~~ CPS Code for Crown Prosecutors⁵. ~~This~~ Code includes the requirement that both the evidential test and public interest test referred to above are met before issuing proceedings. ~~Typical factors that should be considered when taking the decision to offer a formal caution or prosecute, and whether the public interest test is met, are included in Appendix B: Public Interest Matrix.~~

⁴ <https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-and-prosecutors> ~~or any subsequent guidance~~

⁵ http://www.cps.gov.uk/sites/default/files/documents/publications/code_2013_accessible_english.pdf

Most Prosecution proceedings require the authorisation of the ~~Corporate Legal Manager~~ ~~Service Director – Legal and Community~~ under the Council's Constitution, although some require specific officers to do so, such as Health and Safety, in consultation with the Service Director. Officers must ensure that Legal Services are consulted at the appropriate stage to consider the evidential and public interest tests and institute proceedings where appropriate.

13. Unauthorised Encampments

An Unauthorised Encampment "UE" is defined by the Government as:

"Encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass"

For the purpose of this document, a UE is defined as the occupation of land for the purpose of habitation, without the expressed permission of the landowner, or without the necessary planning approval and caravan sites licences, where necessary.

Unauthorised encampments may arise where land is (a) privately owned and occupied by an owner(s) or (b) with the landowner's consent but without the benefit of planning permission or caravan site licence.

The law provides for a range of possible responses to trespass. In simple cases, the landowner may apply for an order of repossession. In others, the local authority can use its powers but, where there are aggravating factors of crime and disorder, the police can exercise their powers given under Section 61 of the Criminal Justice and Public Order Act 1994.

Each case must be treated on its merits with the safety of all concerned, including those who are involved in the UE, ~~e-gypsies and travellers~~, and the potential for disorder or disruption as major guiding factors, ~~not just the needs of the occupier of the land.~~

14. Revocation of Licences

The Council is responsible for licensing a wide range of activities from taxis and the sale of alcohol to scrap metal dealers and dog breeders. These administrative documents are normally subject to certain conditions that are imposed either by legislation or the Council. When licence conditions are breached the licensing regime, which is contained across many different acts of Parliament, sets out the circumstances in which licences can be ~~suspended or~~ revoked by the Council.

As the process of ~~suspending or~~ revoking a license is statute driven, the Council will be bound to follow the processes set out in the relevant legislation from time to time, however the Council's licensing team will normally be able to advise parties of what action it intends to take.

If revocation action is taken, the relevant parties will be made aware of any rights of appeal open to them at that time.

~~Where revocation is not being immediately considered, however, the Council is, however,~~ able to issue other types of enforcement sanctions for breach of condition and will follow relevant service specific policies and statutory guidance when reaching a decision on what action is appropriate.

152. Proceeds of Crime Applications

The Council, either through its own officers or in cooperation with the Police, may make an application under the Proceeds of Crime Act 2002 to restrain and/or confiscate the assets of an offender. The purpose of any such proceedings is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof. Officers should consider whether such an application is appropriate when initiating a prosecution.

163. Considering the views of those affected by offences

▲The Council undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. When considering the public interest test and whether enforcement action is appropriate, any views expressed by those affected by the offence(s) will be taken into account.

▲Those people affected by an offence will be kept informed of any decision that makes a significant difference to the case in which they are involved.

The Council understands that people making complaints may not wish their identity to be made known to the party about whom the complaint is being made. Accordingly, it will take care to respect the confidentiality of complainants wherever possible. However, most ~~some~~ types of formal enforcement action, such as a prosecution, cannot take place unless the complainant is prepared for their identity to be revealed and they may be required to attend in court. The Council will endeavour to make it clear whether or not complainant confidentiality can be maintained in these circumstances, although it should be made clear that this is a matter for the Court and will be unlikely in the majority of cases.

Most complaints require an investigation to be mounted and this may, on occasion, require a regular dialogue with the complainant in order to establish evidence. Accordingly, it is not possible for the Council to initiate such an investigation where the complainant does not wish to provide their name and contact details. Therefore, anonymous complaints will only be investigated wherever it is appropriate, practicable and in the public interest to do so.

174. Publication of Enforcement Action

Where enforcement action is successful, officers may want to publicise the outcome to inform the public and deter potential offenders. this may be done through press releases as well as other means. In doing so, officers should have regard to the relevant Council procedures.

APPENDIX A: REVENUES RECOVERY

The Revenues Recovery team have a statutory duty to collect debts accrued in relation to Council Tax, Non Domestic Rates, Business Improvement District Levy, Housing Benefit Overpayments (from Final Notice Stage), Sundry Debts and Penalty Charges Notices (from Warrant Stage)

The relevant legislation which governs the Revenues Recovery team's work are as follows:

Council Tax

- Primary - The Local Government Finance Act 1992
- Secondary - The Council Tax (Administration & Enforcement) Regulations 1992

NNDR

- Primary - The Local Government Finance Act 1988
- Secondary - The Non Domestic Rates (Collection & Enforcement)(Local Lists) Regulations 1989

BIDS

- Primary – The Local Government and Housing Act 1989 and Local Government Act 2003
- Secondary - The Business Improvement Districts (England) Regulations 2004 & The Non Domestic Rates (Collection & Enforcement)(Local Lists) Regulations 1989

Enforcement for Council Tax, NNDR & BID

- Primary – The Tribunals Courts and Enforcement Act 2007
- Secondary – The Taking Control of Goods Regulations 2013 & The Taking Control of Goods (Fees) Regulations 2014

Enforcement for Parking

- Primary – The Traffic Management Act
- Secondary - The Taking Control of Goods Regulations 2013 & the Taking Control of Goods (Fees) Regulations 2014

With regard to Council Tax, once a Liability Order has been granted, this secures the Council's debt and allows the Council to consider using one of the following methods to recovery the amount:

Attachment of a Welfare Benefit

Attachment of Earnings

Attachment of Members Allowances

Refer the case to an Enforcement Agent; this will incur the fees laid out in the Taking Control of Goods (Fees) Regulations 2014

If the above fails, then consideration can be given to making an application for a Warrant of Commitment to prison

Make an application for a Charging Order to placed over a property, where this is owned by the debtor.

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Consideration of personal bankruptcy, if there are believed to be assets that could realise the debt.

With regard to NNDR and BID Levy, once a Liability Order has been granted, this secures the Council's debt and allows the Council to consider using one of the following methods to recovery the amount:

Refer the case to an Enforcement Agent; this will incur the fees laid out in the Taking Control of Goods (Fees) Regulations 2014

If the above fails, then consideration can be given to making an application for a Warrant of Commitment to prison if the business is a sole trader

Make an application for a Charging Order (Security of Rates) to be placed over a property, where this is owned by the debtor.

Consideration of personal bankruptcy if the business is a sole trader

Consideration of a Winding up order if the business is a partnership or Limited Company.

In all cases the Council can only consider Bankruptcy if the debt exceeds £5,000 or in the case of a Charging Order the debt must exceed £1,000.

With regard to Warrants of Execution for Parking Fines, the Council refers these to an External Enforcement Agent to pursue. The Agents work in line with the Taking Control of Goods Regulations 2013, but ultimately can clamp and remove a vehicle once a Taking Control of Goods Agreement has been sought.

APPENDIX B: ENVIRONMENTAL HEALTH

1.0 Introduction

1.1 The Environmental Health Service exercises a wide range of regulatory powers, most of which relate to the protection of public health or the prevention of nuisance. The main activities delivered by the service are:

- Food safety
- Occupational health and safety
- Pollution control
- Private sector housing
- Public health
- Stray dogs

1.2 This Enforcement Policy is part of the Council's Corporate Enforcement Policy. It follows the principles laid down in the core policy and does not seek to duplicate these except where necessary to aid clarity or context.

1.3 In framing this policy, regard has been had to the Regulators' Code, corporate policies and national guidance relating to the functional areas covered by the environmental health remit.

1.4 This policy is not intended to be an operational policy but to provide a basis for framing operational policies and procedures regarding enforcement activities. Any particular operational case needs to be dealt with on its merits and due to the range of activities covered by the Environmental Health Service, this policy can not be considered to be exhaustive.

ENFORCEMENT AND REGULATORY ACTIVITIES

1.5 The enforcement and regulatory activities undertaken by the environmental health service normally are related to either statutory inspection programmes or service requests. Where possible and relevant, risk assessment is undertaken to guide the deployment of resources, in particular with regard to programmed inspection activities. The following table sets out the risk based systems normally used with regard to the Service's inspection programmes.

<u>Area</u>	<u>Activity</u>	<u>Risk methodology</u>
<u>Food safety</u>	<u>Food premises inspection programme</u>	<u>Food Standards Agency Food Law Code of Practice</u>
<u>Health and safety</u>	<u>Health and safety intervention programme</u>	<u>Health and Safety Executive Guidance</u>
<u>Pollution</u>	<u>Environmental Permitting</u>	<u>Defra risk assessment methodology</u>

<u>Private Sector Housing</u>	<u>Houses in multiple occupation</u>	<u>Local risk assessment system</u>
<u>Private Sector Housing</u>	<u>Park home and caravan sites</u>	<u>Local risk assessment system</u>
<u>Private water supplies</u>	<u>Water sampling</u>	<u>Legislation, DWI guidance and local risk assessment</u>

- 1.6 Risk principles are used where appropriate in deciding how to respond to service requests including accident reports and ID notifications, complaints, and notifications from other agencies.

ENFORCEMENT OPTIONS

- 1.7 The core part of the Council's Enforcement Policy sets out the general enforcement options, ranging from no action up to prosecution or a similar level sanction. The Environmental Health Service follows this approach, taking a number of factors into consideration when deciding what enforcement response is appropriate in each case.
- 1.8 The Service also has a number of unique options in service specific areas such as seizing noise making equipment, issuing a hygiene emergency prohibition notice for a serious food safety issue, or making a rent repayment order against a landlord. These are set out in detail in the relevant functional area below.
- 1.9 A principle that the Service follows is that enforcement action should follow a graduated approach, starting with a lower sanction for less serious, one off offences, ranging upwards to higher sanctions for serious and/or repeat offences. However, each case needs to be considered on its merits having regard to all relevant factors. For more serious situations prosecution or another higher level sanction may be the first course of action if the circumstances justify such an approach. In every case, the appropriate enforcement option is carefully considered and approved in line with the Council's scheme of delegation.

2.0 Food Safety

2.1 Scope

- 2.1.1 This is a documented policy on food safety enforcement including prosecution. This Policy will be reviewed periodically and in response to new legislation, the Food Standards Agency (FSA), Department of Health (DoH), Depart for Food, Environment and Rural Affairs (Defra) and other guidance etc as necessary. This document encompasses the principles of the Regulators' Code.
- 2.1.2 This Policy directs that enforcement action, be it the issue of written warnings, statutory notices, or prosecution, is based primarily upon an assessment of risk to public health. This risk is the probability of harm to

health occurring due to non-compliance with food safety law. Formal action should not, therefore, be the normal response to minor technical contraventions of legislation.

2.1.3 This Policy encompasses the guidance set out in the Food Standard Agency publication 'Framework Agreement on Local Authority Food Law Enforcement' and the Food Law Code of Practice (England) issued under Section 40 of the Food Safety Act 1990.

2.1.4 Where appropriate this Policy will be read in conjunction with this Authority's Health and Safety Enforcement Policy.

2.2 Other relevant considerations

2.2.1 In this context, formal action includes the following:

- Written warning
- Hygiene Improvement Notice
- Hygiene Emergency Improvement Notice
- Voluntary (closure) procedure
- Emergency prohibition procedures
- Seizure and detention of food
- Voluntary (surrender of food) procedures
- Remedial Actions Notices
- Prosecution procedures (including simple cautions)

2.2.2 The competency of officers specialising in food safety must follow the guidance in the Food Law Code of Practice and other guidance issued from time to time by recognised bodies.

2.2.3 Signing of Improvement Notices under the Food Safety and Hygiene (England) Regulations 2013 Food Safety Act 1990 will only be undertaken by officers who have been authorised to do so by the Council after demonstrating the relevant competencies. These must be qualified officers with experience in food law enforcement, in accordance with the Food Law Safety Act Code of Practice i.e.

- a. Environmental Health Officers enforcing food hygiene
- b. Holders of the Higher Certificate in Food Control Premises Inspection who are authorised to carry out food hygiene inspections
- c. Equivalent qualifications with assessment of equivalency approved by the Food Standards Agency Holders of the Ordinary Certificate in Food Premises Inspection in relation to the premises they are authorised to inspect

2.2.4 The officer who signs the notice must have witnessed the contravention and be satisfied that it constitutes a breach of the Food Safety and Hygiene (England) Regulations 2013.

2.2.5 Emergency Prohibition Notices should be signed only by Environmental Health Officers who have two years post qualification experience in food safety matters, are currently involved in food law enforcement and who are properly trained, competent and duly authorised. The Officer will ensure a second opinion is obtained prior to the notice being issued.

- 2.2.6 The Council will ensure that any authorised officer is competent to take action under The Food Safety and Hygiene (England) Regulations 2013, is fully qualified, and possess experience in a variety of food enforcement situations which would allow him / her to undertake the duties for which he/she has been authorised.
- 2.2.7 The Council recognises and affirms the importance of achieving and maintaining consistency in their approach to making all decisions which concern food safety enforcement action, including prosecution. To achieve and maintain consistency, it is important that the guidance in statutory Codes of Practice, other recognised and relevant guidance and advice offered through any relevant Primary Authority is always considered and followed where appropriate.
- 2.2.8 The Council will seek to ensure that enforcement decisions are always consistent, balanced, fair and relate to common standards that ensure that the public is adequately protected. The Council will base all enforcement decisions on an assessment of risk to the public health and will consider a number of factors set out in the Food Law Code of Practice including seriousness of offence, the enterprise's past history, confidence in management, the consequences of non-compliance and the likely effectiveness of the various enforcement options.
- 2.2.9 Officers should be aware of possible conflicts of interest that may arise in an enforcement situation as a result of Primary Authority responsibilities or through the promotion of North Herts District Council services.
- 2.2.10 In premises where North Herts District Council are the proprietor of a food business any breaches of the law must be brought, without undue delay, to the attention of the relevant Service Director.
- 2.2.11 Where the Council is considering taking enforcement action which is not consistent with current guidance or not subject of guidance, the matter should be brought to the attention of the Hertfordshire and Bedfordshire Food Liaison Group and where consensus cannot be reached to the FSA via the Food Focus Group.
- 2.2.12 Compliance should normally be achieved through letters and advice, and only in the more serious instances should formal enforcement through Improvement or Prohibition Notices be considered. Prosecutions and other higher level sanctions should be reserved for the most serious offences which either result or could have resulted in serious risk to public health or which represent a blatant disregard by employers, employees or others of their responsibilities under food safety legislation.
- 2.3 The use of formal enforcement tools

FORMAL ACTION

- 2.3.1 Before formal action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health

and safety or environmental protection or to prevent evidence being destroyed).

STATUTORY NOTICES AND RELATED PROCEDURES

2.3.2 In relation to the following formal actions:

- Hygiene Improvement Notice
- Hygiene Emergency Improvement Notice
- Voluntary (closure) procedure
- Emergency prohibition procedures
- Seizure and detention of food
- Voluntary (surrender of food) procedures
- Remedial Actions Notices

consideration will be given to the guidance in the Food Law Code of Practice. Other relevant guidance will also be considered as well as the site specific and case specific factors.

PROSECUTION

2.3.3 The Authority recognises that the following are circumstances which are likely to warrant prosecution:

- i) The alleged offence involves an obvious breach of the law such that the public health, safety or well-being is or has been put at risk.
- ii) The alleged offence involves a failure by the suspected offender to correct an identified serious potential risk to food safety, having been given a reasonable opportunity to comply with the lawful requirements of an authorised officer.
- iii) The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- iv) There is a history of similar offences, related to risk to public health.

2.3.4 The Officer, must be satisfied that there is relevant, admissible substantial and reliable evidence that an offence has been committed by an identifiable person / company.

2.3.5 The following guidance criteria are some of the factors that it may be relevant to have regard to when considering the instigation of legal proceedings.

- i) the seriousness of the alleged offences;
- ii) the previous history of the party concerned;
- iii) the likelihood of the defendant being able to establish a due diligence defence;
- iv) the availability of any important witnesses and their willingness to co-operate;
- v) the willingness of the party to prevent a recurrence of the problem;
- vi) the probable public benefit of a prosecution and the importance of the case;

- vii) whether other action (Simple Cautioning, improvement notices) will be more appropriate or effective.

SIMPLE CAUTIONS

- 2.3.6 In certain circumstances when legal proceedings are being considered, the Council may consider offering to discharge the matter by way of a Simple Caution. The procedure adopted and the form and content of the caution will be in accordance with relevant guidance. Any internal guidance will also be considered.

3.0 Occupational Health and Safety

3.1 Scope

- 3.1.1 This section of the Policy directs that the enforcement of health and safety law should be informed by the principles of proportionality in applying the law and securing compliance; consistency of approach, targeting of enforcement action and transparency about how the regulator operates and what those regulated may expect.
- 3.1.2 This document provides detailed guidance applicable to the various options for enforcement action.

3.2 Other relevant considerations

- 3.2.1 Officers will carry out duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, arrangements will be in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Health and Safety Executive (HSE), Local Authority and Safety Unit (LASU), HELA and the Hertfordshire and Bedfordshire Environmental Health Officers' Health and Safety Group.
- 3.2.2 Where there may be a shared or complimentary enforcement role with other agencies (e.g. The Health and Safety Executive) consideration should be given to liaison in appropriate circumstances (e.g. enforcement in Council owned premises).
- 3.2.3 Where a Primary Authority Partnership arrangement is in place for a particular employer, the Primary Authority will be contacted in appropriate cases and will be kept advised of the progress and outcome of any formal action.
- 3.2.4 Health and safety enforcement action may only be initiated by duly authorised officers. The Council will ensure that officers who are appointed under Section 19 of the Health and Safety at Work etc. Act 1974 are authorised to initiate enforcement action, are competent to do so, are suitably qualified and have relevant and adequate experience in health and safety enforcement, in accordance with HSE guidance, currently set out in LAC 22/8.

3.3 The use of formal enforcement tools

3.3.1 Having considered all relevant information in the light of the HSE Enforcement Management Model and all other evidence, the choices for action are:

- to give verbal advice
- to take no action
- to take informal action
- to use statutory notices
- to use Simple Cautions where local policy dictates
- to prosecute
- to use other relevant provisions of legislation, for example to seize or destroy unsafe items, plant or equipment
- or a combination thereof

3.3.2 Where the Council is considering taking enforcement action which is in an unfamiliar area presently not subject to guidance the matter should be discussed with the relevant body e.g., Enforcement Liaison Officer (ELO), the LASU.

3.3.3 Compliance should normally be achieved through letters and advice, and only in the more serious instances should formal enforcement through improvement or prohibition notices be considered. Prosecutions should be reserved for the most serious offences which either result or could have resulted in serious injury or ill health or which represent a blatant disregard by employers, employees or others of their responsibilities under health, safety, or welfare legislation.

3.3.4 The Council recognises and affirms the importance of achieving and maintaining consistency in their approach to making all decisions that concern health and safety enforcement action, including prosecution. To achieve and maintain consistency, it is important that the guidance in statutory Codes of Practice, HELA circulars and advice offered in relation to the Primary Authority Partnerships is always considered and followed where appropriate.

3.3.5 The Council will ensure that enforcement decisions are always consistent, balanced, fair and relate to common standards that ensure that persons affected by work activities are adequately protected. In coming to any decision the Council will consider many criteria including seriousness of offence, the enterprise's past history, confidence in management, the consequences of non-compliance and the likely effectiveness of the various enforcement options.

FORMAL ACTION

3.3.6 Any enforcement action will be directed against duty holders responsible for the breach. This may be employers in relation to employees or others; the self-employed; owners of premises; suppliers of equipment; designers of equipment or clients of projects; or employees themselves. Where there are several duty holders enforcement authorities may take action against more than one.

STATUTORY NOTICES

- 3.3.7 Before formal enforcement action is taken, officers will provide the duty holder an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection, or to prevent evidence being destroyed).
- 3.3.8 Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.
- 3.3.9 An Improvement Notice will be issued only when the officer is of the opinion that there is or has been a contravention of one or more of the relevant statutory provisions at the time of the visit in circumstances that make it likely that the contravention will continue.
- 3.3.10 Prohibition Notices can be issued to have an immediate or deferred effect. The Notice will only be served if the officer is of the opinion that there is, or will be a risk of serious personal injury.
- 3.3.11 Where there are rights of appeal to an Employment Tribunal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.
- 3.3.12 The officer will provide employees or their representatives with certain information where it is necessary for the purpose of keeping them informed about matters affecting their health, safety and welfare. The type of information that an officer will provide includes matters which an inspector considers to be of serious concern and details of any action taken. Depending upon the circumstances, the officer may provide this information orally, or in writing.
- 3.3.13 When an Improvement or Prohibition Notice is served, a second copy must be enclosed, marked for the attention of employees or their representatives.
- 3.3.14 Officers can consider both prosecution and notice procedures in the following circumstances:-
- (i) occasionally a situation may be so hazardous that even when a prohibition notice has been issued prosecution may also be merited;
 - and
 - (ii) if a prosecution is taken due to the circumstance of an accident, a notice may also be used to enforce the remedy.

In these situations the information should not be laid until after the appeal period for the notice has passed (21 days) and any appeal has been heard. It is highly undesirable that there should be a hearing in a court where a possibly contrary decision could be reached subsequently in the Employment Tribunal. On occasions, however, this will be unavoidable where a tribunal has agreed to accept a late appeal.

3.3.15 Non-compliance with a served Notice will normally result in prosecution.

PROSECUTION

3.3.16 The most serious offences where, in the public interest and following an investigation, a prosecution would be the appropriate course of action as in the following circumstances:

- (i) where there is a death as a result of a breach of the legislation;
- (ii) where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law abiding are placed at a disadvantage to those who disregard it;
- (iii) when there appears to have been reckless disregard for the health and safety of work people or others;
- (iv) where there have been repeated breaches of legal requirements in an establishment, or in various branches of a multiple concern, and it appears that management is neither willing nor structured to deal adequately with these. An examination of the company safety policy, if any, would be particularly useful in such a situation;
- (v) where a particular type of offence is prevalent in an activity or an area;
- (vi) where, as a result of a substantial legal contravention, there has been a serious accident or a case of ill health;
- (vii) where a particular contravention has caused serious public alarm;
- (viii) where there are persistent poor standards for control of health hazards.
- (ix) where there has been failure to comply with an improvement or prohibition notice; repetition of a breach that was subject to a Simple Caution.
- (x) inspectors have been intentionally obstructed in the lawful course of their duties.
- (xi) where inspectors are assaulted, enforcing authorities will seek police assistance with a view to seeking prosecution of offenders.

The decision to prosecute in the above cases does not preclude the issue of notices as well

PROSECUTION WITHOUT PRIOR WARNING

3.3.17 As a general rule a person or a company should be given a reasonable opportunity to comply with the law, although in some circumstances it is right to prosecute without giving prior warning. Examples of such circumstances include those where the contravention is a particularly serious one, or where there has been a particularly blatant disregard by employers, employees or others of their responsibilities under health and safety legislation. For example, the commission of an offence, similar to one for which a Notice has previously been issued to that person or organisation, should normally result in prosecution. Failure to comply with an Improvement Notice or a Prohibition Notice should normally result in prosecution and unless this happens the value of notices will be seriously undermined.

PROSECUTION FOLLOWING AN ACCIDENT

3.3.18 Seriousness of the contravention (not the severity of the accident) is the prime consideration in deciding whether to take a prosecution following an accident. The extent to which management was responsible for the circumstances which led to the accident, and whether the employer had been previously warned of a similar infringement, are also relevant. An important question for inspectors to ask themselves is what they would have done if they had discovered the contravention in the absence of an accident. However, an accident may contribute to the strength of the evidence and therefore to the chances of achieving a successful prosecution, it may therefore provide a useful occasion for a salutary prosecution of a generally unco-operative employer. In cases where there is any possibility of a charge of manslaughter being made the matter must be referred to the Crown Prosecution Service, having regard to the 'Work Related Death Protocol'.

SIMPLE CAUTIONS

3.3.19 In certain circumstances when legal proceedings are being considered, the Council may consider offering to discharge the matter by way of a Simple Caution. The procedure adopted and the form and content of the caution will be in accordance with relevant guidance. Any internal guidance will also be considered.

ENFORCEMENT ACTION AGAINST EMPLOYEES

3.3.20 Enforcement action may be taken against employees and others, including managers, company officers etc., under HSW Act s.7, 8, 36(1) and 37(1).

3.3.21 When inspectors discover a contravention of HSW Act s7, it will be their duty to consider what action (if any) they should take in regard to the employee, by way of warning or prosecution. A letter warning any employee about subsequent contraventions may be desirable in some cases.

3.3.22 The issue of a notice against the employee may also be appropriate on occasions although the value of the notice is limited since in general a continuing obligation should not be imposed. For example, notices should not be served on employees requiring them to wear goggles. Not only can employees be required by HSW Act s.7 (1) to use appliances provided for their health and safety, but they can be required to co-operate in a more general way, e.g., by adjusting a guard properly or by reporting promptly a defect in the arrangements for health and safety which comes to their notice.

3.3.23 In certain circumstances proceedings against an employee may be appropriate if there is evidence of negligence on their behalf. In such cases consultation with workers' representatives will be undertaken prior to any decision to prosecute. Prosecution will be considered only if the employee had been warned before (either by an inspector or by the business) or if the employer can demonstrate that he/she has taken all reasonably practicable steps to see that relevant health and safety controls were brought to the attention of the employee safety devices were used and the offence by the employee was flagrant.

4.0 Pollution Control

4.1 Scope

4.1.1 The Environmental Health Service undertakes regulatory duties relating to the following pollution control areas:

- Noise pollution arising from both domestic and commercial premises (including noise/vibration from construction sites) and, in certain circumstances, equipment or vehicles in the street.
- Out of hours service for statutory noise nuisances.
- Air pollution control, including smoke, odour and dust statutory nuisances.
- Other statutory nuisances e.g. excess artificial light, insects.
- Permitting of industrial processes having the potential to release harmful pollutants to the air.
- Enforcement of controls over contaminated land, to ensure that contaminants do not interfere with human health, animal/plant health or the built environment. Also to assess whether contaminants are likely to affect rivers, aquifers or other controlled water courses.
- Local Air Quality Management (LAQM) duties as regards the Environment Act 1995

4.1.2 This section of the Environmental Health Enforcement Policy provides specific guidance on regulatory activities associated with pollution control. However, the Council has separate policies relating to contaminated land enforcement: (a) financial support for householders affected by contamination, and (b) the scope and extent of formal enquiries.

4.2 Other relevant considerations

4.2.1 Regard will be had to statutory guidance, and any other relevant guidance or good practice documentation considered to be relevant to a particular enforcement situation.

4.2.2 Signing of formal notices will be undertaken in line with the Council's scheme of delegation.

4.2.3 Officers will have regard to any issues that may arise as a result of a Primary Authority interest.

4.3 The use of formal enforcement tools

4.3.1 The general principals relating to enforcement decision making in relation to pollution control activities are as outlined in the core section of the Council's enforcement policy and in the introduction to the Environmental Health Enforcement Policy.

ENFORCEMENT ACTIVITY RELATING TO STATUTORY NUISANCES

4.3.2 Abatement notices can be an effective and quick method of securing compliance with the requirements of the Environmental Protection Act 1990 in that they require problems to be rectified without the potential

delays and uncertainty of going to Court. The Council has a separate Statutory Nuisance Policy that sets out its approach to fulfilling its duties and responsibilities under Part III Environmental Protection Act 1990.

- 4.3.3 On the rare occasions when abatement notices are breached the above legislation provides for a number of enforcement sanctions. Paragraphs 4.3.4 – 4.3.7 indicate the likely response of the Council when a notice is breached in a residential situation. However, the Council reserves the right to consider the use of all enforcement mechanisms in accordance with the principles outlined in this Policy.

SEIZURE OF NOISE MAKING EQUIPMENT FROM DOMESTIC PREMISES

- 4.3.4 Where the requirements of the notice are not carried out, in many instances the Council is empowered to do whatever is necessary to abate the nuisance. This can include the seizure of noise making equipment.

- 4.3.5 In domestic settings the Council is likely to favour the seizure of noise-making equipment for the first evidenced breach of an abatement notice as this is likely to offer rapid relief to those adversely affected by the noise in question. Furthermore, this intervention is likely to be a more cost effective approach than formal prosecution.

- 4.3.6 If appropriate, the Council will seek a warrant from a Magistrate authorising entry to premises, if necessary by force, to facilitate seizure of noise making equipment. The Council will seek to recover the full costs associated with the seizure of noise making equipment.

FORFEITURE OF NOISE MAKING EQUIPMENT

- 4.3.7 If, after noise making equipment has been returned to the recipient of the abatement notice or a successful prosecution has taken place, further breaches are witnessed the Council is likely to repeat the seizure of equipment and seek permission from a Magistrates' Court for its permanent forfeiture.

ENFORCEMENT ACTIVITY RELATING TO CONSTRUCTION SITE NOISE

- 4.3.8 A certain amount of noise is inherent in most types of construction and building operations, which can rarely be completely prevented. However, noise from construction and demolition sites can be very disturbing.

- 4.3.9 The Council can control excessive noise from construction and demolition sites by using powers available to it under the Control of Pollution Act 1974 (COPA) and the Environmental Protection Act 1990 (EPA). Contractors can apply for a 'prior consent' under COPA which sets out allowable working hours and noise limits – the Council encourages the use of prior consents since they represent a proactive method of pollution control.

- 4.3.10 The Council can serve a notice imposing requirements as to how construction works should be carried out so as to minimise noise and disturbance. The notice can cover controls such as working hours and

noise limits; failure to comply with s notice may result in a prosecution being taken.

4.3.11 Whilst each construction site is different (and will be assessed as such) the generally acceptable hours for noisy work within populated areas of the District are:

<u>Monday to Friday</u>	<u>08:00-18:00</u>
<u>Saturdays</u>	<u>08:00-13:00</u>
<u>Sundays and Bank Holidays</u>	<u>At no time</u>

4.3.12 For particularly noisy work, e.g. piling and de-watering, it may be necessary for authorised officers of the Council to further restrict these times.

4.3.13 However, the Council recognises that some operations, for safety or practical reasons, cannot always be undertaken within the above time restrictions. Operations outside of the above hours may, however, be agreed by the Council if it can be demonstrated that the works cannot be carried out at any other time and that items of plant and equipment are operated and maintained so that their use causes the minimum amount of noise.

4.3.14 Sometimes, emergency works have to be undertaken, for example a burst water main. In such circumstances the normal daytime hours of operation would not apply. The work would be undertaken as soon as possible, which if undertaken at night, may cause some disturbance.

4.3.15 Also, works on main roads would normally be undertaken outside peak times in order to minimise traffic congestion. Therefore evening and night-time working may be permitted. Noise would however be kept to as low a level as reasonably practicable.

ENFORCEMENT ACTIVITY RELATING TO PERMITTED PROCESSES

4.3.16 Regulation 23 of the Pollution Prevention and Control (PPC) Regulations 2000 places a duty on local authorities to take the necessary action to ensure that permit conditions are complied with. North Hertfordshire District Council recognises that appropriate regulation of organisations covered by the PPC pollution control regime is necessary in order to protect local communities and the wider environment; the following type of offences will be considered for enforcement action:

- Operating without a permit
- Failure to comply with a condition
- Failure to notify a relevant change in operation
- Failure to supply without reasonable excuse information requested under the regulations
- Making false or misleading statements
- Making false entries in any record

- Forgery and deception in relation to documents
- Failure to comply with a court order
- Obstruction of Council officers in carrying out their duties

4.3.17 If, in the opinion of authorised officers of the Council, the operation of the installation (or part of an installation) poses an imminent risk of serious pollution, the Authority will serve a suspension notice unless it intends to carry out the works in default under regulation 26 (this will involve the recovery of costs).

PROSECUTION

4.3.18 The Authority recognises that the following are circumstances which are likely to warrant prosecution. The following are examples of such circumstances but this is not an exhaustive list.

- i) The alleged offence involves an obvious breach of the law such that the public health has been put at risk, there has been a serious adverse environment impact or serious nuisance caused
- ii) The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- iii) There is a history of similar offences

4.3.19 The Officer, must be satisfied that there is relevant, admissible substantial and reliable evidence that an offence has been committed by an identifiable person / company.

4.3.20 Legal proceedings may be taken in conjunction with other sanctions such as works in default accompanied by enforcement action for the recovery of costs.

5.0 Private Sector Housing

5.1 Scope

5.1.1 This Environmental Health Service has regulatory responsibilities with regard to private sector housing including the following:

- Regulating standards of repair, amenity and safety in the private rented sector and dealing with housing hazards.
- Restoring vacant properties and bringing them back into occupation.
- Regulating standards of management, repair, amenity and safety in houses in multiple occupation.
- Administration of the mandatory Houses in Multiple Occupation Licensing Scheme.
- Inspection of bed and breakfast establishments and any private accommodation used for the temporary housing homeless and asylum seekers as appropriate.
- Investigation and abatement of public health nuisances relating to housing.

- Investigation and elimination of pests and vermin infesting land, premises and persons as may be appropriate.
- Regulation of standards in relation to mobile home sites

5.2 Other relevant considerations

5.2.1 Regard will be had to statutory guidance, and any other relevant guidance or good practice documentation considered to be relevant to a particular enforcement situation.

5.2.2 Signing of formal notices will be undertaken in line with the Council's scheme of delegation.

5.2.3 Officers will have regard to any issues that may arise as a result of a Primary Authority interest.

5.3 The use of formal enforcement tools

5.3.1 The general principles relating to enforcement decision making in relation to private sector housing activities are as outlined in the core section of the Council's enforcement policy and in the introduction to the Environmental Health Enforcement Policy.

5.3.2 The Council may undertake works in default as well as or in place of taking other enforcement action. Where works in default are undertaken, the Council will seek to recover the cost of undertaking such works, as outlined in the core section of the Council's enforcement policy.

STATUTORY NOTICES

5.3.3 The Council has a range of options for service of statutory notices under different pieces of legislation. In some cases, the Council is under a duty to serve a particular notice and in other cases, there is a power to serve a notice with the aim of resolving a particular situation. This power will be exercised in accordance with the general principles set out in the Council's core policy and the Environmental Health Enforcement policy.

5.3.4 Section 49 of the Housing Act 2004 gives local authorities the power to make a reasonable charge as a means of recovering certain expenses incurred in:

- serving an improvement notice;
- making a prohibition order;
- serving a hazard awareness notice;
- taking emergency remedial action;
- making an emergency prohibition order;
- making a demolition order

5.3.5 It is the Council's policy to levy an appropriate charge in all situations where the above notices are served, with the exception of Hazard Awareness Notices served on owner-occupiers, unless there are extenuating circumstances. The charge will reflect the costs incurred by the Authority in undertaking the inspection and preparing and serving the relevant notice.

HOUSING ACT 2004 CATEGORY 1 AND CATEGORY 2 HAZARDS

5.3.6 The Housing Act 2004 puts authorities under a duty to take appropriate action in relation to a Category 1 hazard found under the Housing Health and Safety Rating System (HHSRS). A 'Category 1' hazard arises when a hazard reaches a score of 1000, or more, under the HHSRS. In such cases the Authority must take the most appropriate of the following courses of action:

- to serve an Improvement Notice;
- to make a Prohibition Order;
- to serve a Hazard Awareness Notice;
- to make a Demolition Order in accordance with s265 of the Housing Act 1985;
- to declare a clearance area in accordance with s289 of the 1985 Act;
- to serve an Emergency Remedial Action notice;
- to make an Emergency Prohibition Order.

5.3.7 Only one of these courses of action can be taken at any one time (except for emergency measures). It is for the local authority to decide which course of action is the best in all the circumstances. The basis of this decision will be provided with each notice served in the format of a "Statement of Reasons". The views of the manager and occupier of the property should, if possible, be considered in the decision making process.

5.3.8 Where there are concerns about a vulnerable person the appropriate agencies should be consulted to help make a decision regarding the appropriate enforcement action.

5.3.9 The Fire Authority must be consulted where a fire hazard exists in an HMO or in any common parts of a building containing one or more flats.

5.3.10 Authorities have similar powers to deal with Category 2 hazards as those listed in above, except that they cannot use the emergency measures and can make a Demolition Order, and declare a clearance area, only in circumstances prescribed in Regulations. In deciding whether to take action to address Category 2 hazards (where action is discretionary) the following factors should be considered:

- Where the owner is being asked to deal with 'Category 1' hazards the 'Category 2' hazards should be dealt with at the same time where they materially affect the comfort of the occupying tenant or they cause the property to be in serious disrepair
- Multiple hazards may be found which on their own are not too serious but in combination present a more serious situation than one single 'Category 1' hazard
- If the hazard relates to fire safety the Fire Authority should be consulted and the appropriate action taken based on their recommendations
- If the hazard or combination of hazards materially affects the comfort of the occupying tenant or causes property to be in serious disrepair the appropriate enforcement action should be taken.

PROSECUTION

5.3.11 The Authority recognises that the following are circumstances which are likely to warrant prosecution. The following are examples of such circumstances but this is not an exhaustive list.

- i) The alleged offence involves an obvious breach of the law such that the public health, safety or well-being is or has been put at risk.
- ii) The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- iii) There is a history of similar offences relating to housing conditions

5.3.12 The Officer, must be satisfied that there is relevant, admissible substantial and reliable evidence that an offence has been committed by an identifiable person / company.

CIVIL PENALTIES

5.3.13 The Housing and Planning Act 2016 enables Local authorities to impose civil penalties as an alternative to prosecution for certain offences under the Housing Act 2004.

5.3.14 In particular the relevant offences are:

- Section 30 – Failing to comply with an Improvement Notice
- Section 72 – Offences in relation to the licensing of Houses in Multiple Occupation
- Section 95 – Offences in relation to the licensing of houses under Part 3 of the Housing Act 2004 (Selective Licensing of Residential Accommodation)
- Section 139 – Offences in relation to the contravention of an overcrowding notice
- Section 234 – Failure to comply with Management Regulations in respect of Houses in Multiple Occupation.

5.3.15 In deciding how to proceed, the Council has to be satisfied that they have sufficient evidence to prove that an offence has been committed and this needs to be to the criminal burden i.e. beyond reasonable doubt. In determining that the issuing of a civil penalty as opposed to prosecution is the appropriate course of action the Council will consider each case individually and will take into consideration factors including the seriousness of the offence; the culpability of the offender; the harm, or potential harm to tenants; and the impact on the wider community.

5.3.16 In making a decision as to what, if any, enforcement action is appropriate the Council will refer to its own Enforcement Policy, and must also have regard to the Code for Crown Prosecutors. Due regard must also be given to any potential defences and it may be appropriate to undertake an interview under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) to explore this.

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5.3.17 When the Council is satisfied that a relevant offence has been committed and that it is in the public interest to proceed formally it must decide whether to prosecute or issue a civil penalty.

5.3.18 The following, whilst not exhaustive, are situations where prosecution may be appropriate:

- The offence was serious, for example breach of a prohibition order or where there was imminent risk of injury or loss of life;
- The offender has been prosecuted for similar Housing Act offences

5.3.19 The following factors, whilst not exhaustive, are situations where the issuing of a civil penalty may be appropriate:

- No history of previous non-compliance with relevant legislation
- No previous convictions of relevant offences
- The offence was committed as a result of a genuine mistake or misunderstanding, but this must be balanced against the seriousness of the offence.
- Prosecution is likely to have a serious adverse effect upon the offender's physical or mental wellbeing, but this must be balanced against the seriousness of the offence.

5.3.20 The Housing and Planning Act 2016 also specifies that the amount of penalty that can be imposed is to be determined by the Council but must not be more than £30,000. The Government's desire is that the penalty should be a punishment which has a real economic impact to the offender.

5.3.21 In determining the amount of penalty the Council will use a Penalty Matrix (see table below) which takes into account relevant matters including, but not limited to:

- The penalty should act as a deterrent to repeating the offence, and to others from committing similar offences;
- The penalty should remove any financial benefit obtained as a result of the commission of the offence;
- The severity and seriousness of the offence;
- The culpability and past history of the offender;
- The harm, or potential harm, caused to the tenant;

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5.3.22 The use of the matrix generates a score which corresponds to a representative penalty as follows.

Score	Penalty
1-5	£250
6-10	£500
11-20	£750
21-30	£1,000
31-40	£2,500
41-55	£5,000
56-65	£10,000
66-75	£15,000

<u>76-85</u>	<u>£20,000</u>
<u>86-95</u>	<u>£25,000</u>
<u>96-100</u>	<u>£30,000</u>

Factors when considering the harm , or potential harm, caused

5.3.23 In determining the level of harm the Council will have regard to:

- The persons affected in terms of physical injury , negative impacts on their health, and any psychological distress;
- Any Vulnerability of the persons affected
- The number of persons affected
- The community in terms of economic loss and the effects on public health, public complaints and the effects of poor housing condition on the neighbourhood.

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5.3.24 The degree of harm will depend on the personal characteristics and circumstances of the person affected, normally the tenant. Where no actual harm has resulted from the commission of the offence the Council will consider the relative danger and the potential of harm that could have resulted as a result of the offences.

Factors when considering culpability

5.3.25 In determining the level of culpability the Council will have regard to the following:

- Whether there was the intention to commit the offence
- Whether the offence has resulted from reckless behaviour for example where the offender had some appreciation of the effects their actions would have but proceeded regardless.
- Whether the offender had knowledge of the risks of harm that their actions could cause
- Whether the offender's actions are considered to be negligent.

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Aggravating Factors

5.3.26 The amount of penalty can be increased if there are any relevant aggravating factors. Furthermore the amount of penalty can be reduced if any relevant mitigating factors are disclosed by the offender.

Multiple Offences

5.3.27 Where the Council are satisfied that more than one offence has been committed a multiple Civil Penalty Notice can be issued, for example multiple breaches of the Management regulations in a House in Multiple Occupation. However the Council will consider whether the issuing of multiple penalties would result in an excessive cumulative amount and this policy gives discretion in this situation. For instance the Council could decide that it is appropriate to issue a civil penalty for the most significant offences and warn the offender that continuation or repeating of the other offences may result in further formal enforcement action being taken.

The Process for Imposing Penalty Charges

5.3.28 Where it has been determined that a Civil penalty Charge as opposed to prosecution is the appropriate course of action the Council will follow the following process:

1) A 'Notice of Intent' will be served on the person(s) responsible for the commission of the offence(s) .The Notice will specify:

- The amount of the proposed penalty
- The reasons for the proposed penalty
- Information relating to the right of the recipient to make representation to the Council.

2) The recipient of the Notice is given 28 days to make representation to the Council regarding the proposal to impose a Civil Penalty.

3) Following the 28 day period the Council will decide: Whether to impose the proposed financial penalty and the appropriate value. This could be varied taking into account any comments received from the recipients.

4) If the Council decides that a Civil Penalty is still appropriate, it will issue a Final Notice which will specify:

- The amount of the financial penalty
- The reasons for imposing the penalty
- Information on how and when to pay the penalty
- Information regarding the right of appeal against the imposition of a Civil penalty to the First Tier Property Tribunal
- The consequences of failure to comply with the Notice

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Consequences of non-payment and miscellaneous provisions

5.3.29 If the penalty charge is not fully paid within the prescribed time, including after an appeal has been finally determined and the charge upheld , the Council will seek to recover the penalty by order from a County Court including the costs incurred in taking such action where deemed appropriate.

5.3.30 The Council may at any time withdraw any Notices it has served or amend the amount of penalty specified.

Links with the National Database of 'Rogue Landlords and Letting agents'

5.3.31 Upon the commencement of the statutory provisions contained on the Housing and Planning Act 2016 relating to the national Landlord and Letting Agent Database, where two Final Civil Penalty Notices have been issued to the same recipient within a 12 month period, the Council may make an entry on the database. When considering if this is an appropriate course of action the Council will have regard to any guidance issued by the Government.

Penalty Matrix

<u>Factors</u>	<u>Score = 1</u>	<u>Score = 5</u>	<u>Score = 10</u>	<u>Score = 15</u>	<u>Score = 20</u>

1	Culpability	Low: Offence committed with little or no fault on the part of the responsible person	Low/Medium: An awareness of the legal framework and systems in place to ensure compliance but these were not implemented	Medium/High: Despite an awareness of the legal responsibilities the responsible person failed to put in place suitable systems in place to ensure compliance	High: There was some awareness of the law but the responsible person still allowed/committed the offence.	Very High: intentional breach by responsible person. For example non compliance with a Formal Notice
2	Removal of Financial Incentive	No Significant assets. No or very low financial profit made by offender.	Little asset value. Little profit made by offender.	Small portfolio landlord (between 2-3 properties). Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.
3	Offence & History	No previous enforcement history. Single low level offence.	Minor previous enforcement. Single offence.	Recent second time offender. Offence has moderate severity or a small but frequent impact(s).	Multiple offender. Ongoing offences of moderate to large severity or a single instance of a very severe offence or multiple breaches.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.
4	Harm, or potential harm, to tenant(s) [Score is doubled for this section]	Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.	Likely some low level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on impact.	Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no primary or secondary.	High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants more than likely exposed: (High HHSRS score) Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.	Obvious high level of health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants exposed: (high HHSRS Score) Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).

RENT REPAYMENT ORDERS

5.3.32 Rent Repayment Orders were introduced by the Housing Act 2004. Local authorities were given to the power to apply for a rent repayment order in circumstances where a landlord has failed to licence a house in multiple occupation.

5.3.33 The Housing and Planning Act 2016 extended their use. Local authorities are now under a duty to consider applying for a rent repayment order may in respect of the following:

- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004;
- Failure to comply with a Prohibition Order under section 32 of the Housing Act 2004;
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016;
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977;
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.

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5.3.33 The Council's policy is that it will normally apply for a rent repayment order in all circumstances where there is sufficient evidence to do so, unless there are extenuating circumstances.

5.3.34 Application for a rent repayment order may be made in addition to any other sanction route that it chooses to pursue such as prosecution or levying a civil penalty.

6.0 Drinking Water Quality

6.1 Scope

6.1.1 Local authorities have a general duty under the Water Industry Act 1991 to keep themselves informed about the wholesomeness and sufficiency of water supplies provided to premises in their area, including every private supply to any such premises. Local authorities have specific remedial powers in relation to private water supplies. The Environmental Health Service is responsible for fulfilling the Council's duties and powers in respect of drinking water quality matters.

6.2 Other relevant considerations

6.2.1 Regard will be had to guidance from the Drinking Water Inspectorate and Public Health England in fulfilling the Council's roles.

6.2.2 Signing of formal notices will be undertaken in line with the Council's scheme of delegation.

6.3 The use of formal enforcement tools

6.3.1 The general principles relating to enforcement decision making in relation to water quality activities are as outlined in the core section of the Council's enforcement policy and in the introduction to the Environmental Health Enforcement Policy. However, the criticality of safe drinking water is paramount to public health and this will be the significant factor in deciding the appropriate course of action in any particular situation

6.3.2 The majority of private water supplies in North Hertfordshire are domestic supplies, often serving single properties. In such instances, the Council's preferred approach is to address issues informally except where there is a specific requirement to take a formal approach.

- 6.3.3 In relation to large domestic private water supply systems and commercial supplies, the Council is more likely to take a formal approach but every case will be judged on its merits, having regard to the public health circumstances.
- 6.3.4 If any private water supply is not deemed to be wholesome or any domestic supply is not deemed to be have a supply that is wholesome and sufficient, the Council may serve a notice stating its reasons and the remedial steps that it believes are required, giving a suitable time period for compliance. If the notice is confirmed, the Council may undertake works in default. Whether the Council chooses to do so will depend on the circumstances of the case. Where the Council decides to undertake works in default, it will seek to recover its full costs, unless there are exceptional reasons not to do so.
- 6.3.5 If any private supply of water intended for human consumption constitutes a potential danger to human health, the Council must serve a notice stating the grounds for serving the notice and the remedial action required. Failure to comply with the notice is an offence and the Council may consider prosecution proceedings in accordance its normal procedure for such matters.
- 6.3.6 The Council will normally seek to recover its full costs in fulfilling its duties under this section where it is empowered to do so, unless there are exceptional circumstances.

7.0 Stray Dogs

7.1 Scope

- 7.1.1 The Council has a duty under the Environmental Protection Act 1990 to deal with stray dogs in the district. Any stray dogs on public land must, if practicable, be seized and detained. Attempts must be made to advise the owner of the dog that the dog has been seized. Where any dog has been detained for seven clear days without the dog being claimed and the Council's expenses having been paid in full, the Council may dispose of the dog.
- 7.1.2 Regulations made in 2014 under the Animal Welfare Act 2006 made it mandatory from 6th April 2016 for dog owners to microchip any dog over 8 weeks old.

7.2 The use of formal enforcement tools

7.2.1 The Council may:

- serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;
- where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so;
- take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with the above.

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7.2.2 The Council's policy in relation to microchipping is to encourage voluntary compliance. Formal action will normally only be considered in the case of repeat offences. The Council will incentivise dog owners to have their dogs microchipped in setting fees for handling stray dogs.

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7.2.3 The Council will normally seek to recover its full costs in fulfilling its duties under this section where it is empowered to do so, unless there are exceptional circumstances.

APPENDIX C: LICENSING

1. SCOPE

The purpose of licensing is, in the majority of cases, the protection of the general public. In order to achieve this, legislation requires licences, permits or registrations to be obtained for a wide range of activities. These administrative documents are normally subject to certain conditions, imposed either by legislation or the Council. The Licensing Service undertakes the Council's licensing functions, as outlined in 1.1. to 1.6., below.

1.1 ANIMAL LICENSING

- Animal boarding establishments
- Home boarding of dogs
- Dog day crèche
- Dog breeding
- Pet shops
- Riding establishments
- Keeping or training animals for exhibition
- Dangerous wild animals
- Zoos

1.2. CHARITABLE COLLECTIONS

- Street collections
- House to house collections

1.3. PREMISES AND EVENT LICENSING (LICENSING ACT 2003)

- Sale or supply of alcohol
- Provision of regulated entertainment
(plays, films, boxing/wrestling, indoor sporting events,
live/recorded music, dancing)
- Late night refreshment

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1.4. GAMBLING (GAMBLING ACT 2005)

- Premises licences
(bingo, betting, amusement arcades, casinos, track betting)
- Gaming machine permits
- Small society lottery registration

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1.5. HACKNEY CARRIAGE AND PRIVATE HIRE

- Hackney carriage drivers
- Hackney carriage vehicles
- Private hire drivers
- Private hire vehicles
- Private hire operators

1.6. MISCELLANEOUS LICENSING

- Street trading
- Sex shops/cinemas
- Sexual entertainment venues
- Scrap metal dealers (sites and collectors)

2. OTHER RELEVANT CONSIDERATIONS

In addition to the Regulators' Code this Policy is designed to reflect the following sources of primary legislation and any secondary legislation and guidance issued thereunder:

- Licensing Act 2003
- Gambling Act 2005
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Town Police Clauses Act 1847
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Scrap Metal Dealers Act 2013
- House to House Collections Act 1939
- Police, Factories & c (Miscellaneous Provisions) Act 1916

3. THE USE OF FORMAL ENFORCEMENT TOOLS

The general principles relating to enforcement decision making are explained within the main body of this Policy.

3.1 GENERAL ENFORCEMENT PRINCIPLES FOR LICENSING

The main purpose of licensing enforcement activity is to secure compliance with legislative requirements ensuring the safety of the public. Ordinarily, a staged approach to enforcement will be undertaken to achieve this objective although this will not preclude formal enforcement action being the first intervention when appropriate e.g. serious risk to the public or deliberate/repeated non-compliance.

3.2. SPECIFIC ENFORCEMENT ACTIVITY RELATING TO EACH ACTIVITY

Each licensing activity has its own specific policy which includes activity-specific enforcement options e.g. licence reviews under the Licensing Act 2003 or penalty points for licensed hackney carriage/private hire drivers. These policies are to be read in conjunction with the corporate enforcement policy.

APPENDIX D: COMMUNITY SAFETY

1. SCOPE

'Community Safety' is a term that is used to define keeping communities a safe place free from the fear of crime (perceived or actual) encompassing education, awareness (crime prevention) and reassurance as well as enforcement (anti-social behaviour and crime reduction). It is a multi-faceted concept used to encompass a diverse and broad range of topics that relate to anti-social behaviour, crime and disorder issues.

The Council undertakes a range of duties in connection with community safety. It has a statutory duty to work with other Responsible Authorities; including the police, fire and rescue service, county council, NHS and the probation services to address wider community safety and crime and disorder issues. The Council is a committed member of the North Herts Community Safety Partnership (NHCSP), and interventions aimed at improving community safety and reducing crime and disorder (and equally its perception) in North Herts is coordinated via the Partnership's Responsible Authorities Group (RAG – a strategic partnership group) and operationally by the Joint Action Group (JAG).

The Council deals with community safety matters in two principle ways: firstly, by means of the provision of advice, diversionary activities, community reassurance events, and the encouragement of responsible behaviour; secondly, it may make use of its enforcement powers, in a proportionate and appropriate way, to manage anti-social behaviour, crime and disorder.

Aside from the strategic planning and coordination of services to tackle local crime and disorder, the Council also undertakes a range of duties in connection with anti-social behaviour. This includes, but is not limited to the following:

Abandoned shopping and luggage trolleys
Abandoning a vehicle
Accumulation of waste
Advertising of vehicle for sale on the public highway
Bonfires
Commercial and domestic bin waste bin offences
Dangerous building and walls
Dog fouling
Drug paraphernalia (e.g. discarded needles)
Fallen trees
Fly-tipping
Graffiti
High hedges
Misuse of street litter bin offences
Noise Nuisance
Nuisance Vehicles
Repairing of vehicles on the public highway
Waste duty of Care (domestic and commercial)
Waste Carriers Licence
Unauthorised Encampments
Littering
Stray dogs

In addition to undertaking its statutory duties in this regard, the law provides for a wide range of powers that can be considered in relation to different types of anti-social behaviour. The Council will also work with, and support, a wide range of organisations to deal with anti-social behaviour including the police, fire service and housing providers.

The Council's Community Safety team is responsible for the operational management of the community crime and environmental crime function. These terms are used to classify anti-social actions and behaviour that degrade local amenities and the environment and impact on the enjoyment and safety of the wider community.

2. OVERVIEW OF CORE COMMUNITY SAFETY TEAM FUNCTIONS

The Community Safety team are involved in dealing with a wide range of community crime and enviro-crime issues, including but not limited to, the following core functions:

Abandoned Vehicles: Section 2 of the Refuse Disposal (Amenity) Act 1978, makes it an offence to abandon a motor vehicle, or any part of a motor vehicle, on a highway or any land in the open air. This includes any trailer intended or adapted for use as an attachment to a motor vehicle. Enviro-Crime Officers will assess the vehicle to decide whether it is abandoned. There is no statutory definition of an abandoned vehicle and factors to take into consideration include but are not limited to; length of time at location, condition and damage to vehicle (e.g. unroadworthy, burnt out, contains waste), lacking one or more of its number plates, no registered keeper and is untaxed. The Council is under a duty to remove what is determined to be an abandoned vehicle. Section 3(2) and 3(2)(A) of the Refuse Disposal (Amenity) Act 1978 provides the notice periods before removal. A fixed penalty notice can be issued to anyone who abandons a vehicle and offenders can also be prosecuted.

Bonfires: There is no specific law that makes it illegal to have a bonfire or prohibits the times they can be lit. However, the Council will take action if a smoke nuisance from a bonfire is caused. A bonfire that leads to complaints about smoke may be classified as a statutory nuisance under the Environmental Protection Act 1990. The person responsible may be served with a warning notice for persistent problems or if their actions are likely to interfere with other residents' comfort and enjoyment of their properties. The burning of industrial or commercial waste that cause black smoke is an automatic offence and can lead to prosecution. These offences are dealt with by the Environmental Health department; however Enviro-Crime Officers will investigate initial complaints and aim to resolve issues informally in the first instance.

Dog Fouling: If a dog fouls on public land, it is an offence if the person in charge of the dog fails to pick up the mess. Any person found guilty of this offence could face a fine of up to £1,000. Authorised Council officers can offer the opportunity of discharging any liability to conviction for the offence, by payment of a Fixed Penalty Notice of £50. A Fixed Penalty Notice may be issued by any authorised Council Officer if it is witnessed by the officer or there is sufficient evidence by a third party (e.g. a witness statement). Subject to sufficient evidence the Community Safety team will investigate complaints about dog fouling and carry out patrols in problem areas.

Fly tipping and other waste related offences: Section 33 of the Environmental Protection Act 1990 states that a person shall not deposit controlled waste or knowingly cause or permit controlled waste to be deposited in or on any land, without an environmental permit authorising the deposit. Section 34 of the Environmental

Protection Act 1990 covers domestic and business duty of care offences relating to individuals and businesses ensuring that their waste is not illegally deposited. Enviro-Crime Officers will investigate all reports of significant illegal deposits of waste (fly tipping) where it is believed that there is evidence that can lead to enforcement action being taken against offenders. The Community Safety team will also consider taking enforcement action against other waste related offences, such as littering and misuse of a street litter bin, subject to sufficient evidence being obtained. However the Team recognises that other departments of the Council that act in the capacity of Waste Collection Authority or Principle Litter Authority will take primacy in these types of offences and may take their own enforcement action directly.

Nuisance Vehicles: Section 3 Clean Neighbourhoods and Environment Act 2005 makes it an offence to expose vehicles for sale on a road and a person is guilty of an offence if at any time he leaves two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale. Section 4 Clean Neighbourhoods and Environment Act 2005 makes is an offence for a person to carry out repairs to vehicles on a road unless they have been in an accident within the last 72 hours or have broken down and repairs are necessary. Enviro-Crime Officers will investigate nuisance vehicle reports and assess in accordance with the Act. A fixed penalty notice can be issued to anyone who is found guilty of these offences and offenders can also be prosecuted.

Community Crime (e.g. anti-social behaviour in parks and open spaces and car parks): The Community Safety team will work with all relevant partners to take appropriate action against 'community crime' issues which can significantly impact on resident's enjoyment and use of their local amenities. This can include but is not limited to anti-social behaviour and crime in parks and open spaces, car parks and town centres. The Community Safety team will consider all options available and will either take appropriate enforcement action directly or assist other partners in undertaking appropriate enforcement action. Due to community crime encapsulating a multitude of anti social or criminal behaviours and circumstances enforcement action will be considered on a case by case basis.

3. THE LEGAL FRAMEWORK AND USE OF ENFORCEMENT TOOLS

In considering community crime and environmental crime enforcement action the Council will take into account all legislation and statutory guidance including:-

Anti-social Behaviour Act, 2003
Anti-social Behaviour, Crime and Policing Act, 2014
Clean Neighbourhoods and Environment Act 2005
Control of Pollution (Amendment) Act 1989/Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015
Counter Terrorism and Security Act 2015
Crime and Disorder Act 1998
Criminal Justice and Public Order Act 1994
Dog (fouling of land) Order 1998
Domestic Violence, Crime and Victim Act 2004
Drugs Act 2005
Environment Act, 1995
Environmental Protection Act 1990
Highway Act 1980 (subject to agreement with the Highways Authority)
Modern Slavery Act 2015
Police and Criminal Evidence Act 1984
Police and Justice Act 2006

Police Reform Act 2002
Police Reform and Social Responsibility Act 2011
Policing and Crime Act 2009
Refuse Disposal Act 1978
Scrap Metal Dealers Act 2013

In relation to community and environmental crime the Council has a number of enforcement 'tools' and powers available, in addition to informal enforcement action⁶, examples include:

- Caution
- Civil Injunction
- Closure Order
- Community Protection Notice
- Criminal Behaviour Order
- Fixed Penalty Notice
- Notice to require the provision of information
- Powers to take remedial action/works in default
- Powers of forfeiture and seizure
- Prosecution
- Public Space Protection Order

The general principles relating to enforcement decision making are explained within the main body of this Policy. However, it is important to note that whilst community and enviro-crime rarely constitutes a significant threat to public safety or health it can, nevertheless, cause a significant blight to local communities and can lead to neighbourhood decline. In recognition of the above, this Council takes these issues very seriously and will use its formal enforcement powers to deal with offenders. Certain community and enviro-crime offences, such as fly tipping, will be dealt with more rigorously as they are a) unlikely to be inadvertent breaches of the law, and b) are often associated with the pursuit of unfair competitive trading advantage by for example, the illegal and inappropriate disposal of waste.

Where there is sufficient evidence the Authority will commence proceedings at level 4 if the criteria for formal action (such as issuing of fixed penalty notices or a simple caution) or prosecution are met. For certain enviro-crime offences, e.g. dog fouling, depositing of litter and fly tipping offences, there is provision for fixed penalty tickets to be issued. These notices can, in appropriate cases, provide a quick, visible and effective way of dealing with these types of environmental problems and offer a more cost effective alternative to a prosecution. FPN's will generally be served for first time offenders of lower level offences. For more serious offences and/or repeat offenders the Council will normally seek to prosecute. The Council, however, reserves the right to consider alternative enforcement mechanisms on a case by case basis.

FPNs will only be issued when there is adequate evidence to support a prosecution. If the fine is not paid within the stated period then the Council is likely to mount such a prosecution.

The income to the Council arising from the payment of FPNs will be used to fund environmental related expenditure in accordance with the relevant provisions of the primary legislation and any relevant regulations.

⁶ Advice, no action, verbal warning, written warning

4. LEVEL OF DELEGATION

All decisions relating to formal enforcement matters are delegated by the Council to the Service Director – Legal and Community, who sub delegates as appropriate.

Any decision to take formal enforcement action is taken by the following officers:

Issue of Notices (e.g. Community Protection Notices) – Enviro-crime Officer in consultation with the Community Protection Manager

Issue of Fixed Penalty Notices - Community Protection Manager

Issue of Simple Cautions – Community Protection Manager in consultation with the Legal Regulatory Team Manager and Deputy Monitoring Officer

Commencement of legal proceedings such as Criminal Prosecutions - Service Director – Legal and Community

APPENDIX E: PLANNING ENFORCEMENT

1.0 What is Planning Compliance (Enforcement)

1.1 Planning Compliance is concerned with works which have taken place in breach of planning control as set out in the Town and Country Planning Act 1990. This Plan sets out what you can expect the Council as Local Planning Authority to do when a breach of planning control takes place in North Hertfordshire.

1.2 A breach of planning control is defined in the Town and Country Planning legislation as “the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”.

1.3 Breaches of planning control occur in many ways, for example where:

- Building work, engineering operations, and material changes of use are carried out without planning permission having been granted.
- Development has planning permission but is not carried out in accordance with the approved plans.
- Failure to comply with conditions or the terms of a legal agreement (Section 106 obligations) attached to a permission or consent.
- Demolition takes place in conservation areas, without conservation consent, when it is required.
- Works carried out to a “listed” building which affect the historic character or setting, without listed building consent being granted.
- Removal of, or works carried out, to protected trees and hedgerows without consent being granted or proper notification given.
- Advertisements, which require consent under the Advertisement Regulations, which are displayed without express consent.
- Failure to comply with the requirements of a planning legal notice, e.g. enforcement, discontinuance, stop notice, breach of condition notice, etc.

1.4 It should be noted that it is not an offence to carry out development without planning permission. However, where this takes place it cannot be assumed that planning permission will always be granted for the development retrospectively. An offence only occurs if the development involves unauthorised advertisements, works to protected trees or listed buildings, or if a formal notice is not complied with.

1.5 The legal basis for planning enforcement is set out in the Town and Country Planning Act 1990 (as amended). Further guidance and advice is set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). These set out the discretionary basis of the provision of the service and provide further background and guidance in relation to the delivery of the service. The guidance in the NPPG sets out that a Planning Enforcement Plan should be produced by the Council.

- 1.6 Government Guidance makes it clear that enforcement action should not be taken simply to remedy the absence of a planning permission where development is otherwise considered acceptable on its planning merits.
- 1.7 Parliament has given the Council in its role as Local Planning Authority the primary responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative area. Affected or interested parties cannot initiate planning enforcement action nor require the Council to take action when it considers there is no case to do so.
- 2.0 How the Planning Compliance service is delivered by the Council**
- 2.1 **The service is discretionary** – the provision of the Planning Compliance service is discretionary and the Council can decide, following consideration if it wants to undertake planning enforcement action or not for every reported breach of planning control it receives.
- 2.2 The Council considers that planning compliance is an important aspect of the services that it provides as it maintains control of development that is undertaken within the district ensuring that harmful development is controlled and not allowed to affect the amenity and character of the district. Each potential planning enforcement case that is reported to it will be subject to initial inspection and consideration. Information can be shared between Planning Enforcement and other partners of the Council to assist this initial consideration. A decision will then be made as to whether further action should be taken. Officers are delegated to make these decisions on behalf of Councillors.
- 2.3 **Action to be taken is proportionate** - the action that can be taken must be proportionate to the harm that is being caused by the breach of planning control. In some cases, whilst uses or works may be in breach of planning control, the impact of them may be very minor, or de minimis. In such cases, after investigation, the Council may decide to take no further action.
- 2.4 In all other cases, where some further action is warranted, this will be implemented taking into account the degree of harm caused by the unauthorised works or uses.
- 2.5 **How new compliance cases are logged with the Council** - potential cases where planning enforcement action may be required can be reported to the Council in person, by phone, in writing, by e-mail or by using our on line reporting form.
- 2.6 Contact details to report a breach of planning control are set out at the end of this document
- 2.7 **Anonymity in reporting of breaches of planning control to the Council** - the Council does not release the identity of those who have requested it to investigate a matter to those who are under investigation. Only in very advanced stages of an investigation, for example where court action is being pursued, would it potentially be of assistance if the person who had raised the matter with the Council be identified, for example to submit evidence on behalf of the Council. However, the Council will not make any persons identity known without their prior agreement.

- 2.8 As a result, any party who wishes to submit a request to investigate is encouraged to provide their name and contact details so that feedback can be provided, or further information sought.
- 2.9 If the party still wishes to remain anonymous, they are requested to approach their local Ward Councillor or Parish/Town Council, to submit the matter on their behalf. Details of Ward Councillors can be found on the Council website www.north-herts.gov.uk/home/council-and-democracy/councillors/your-councillors
- 2.10 In the absence of that support the matter may receive no further attention at the discretion of the Council.
- 2.11 **Investigation Process.** All requests will be registered on the Council's recording system and the party who has raised it with us will receive an acknowledgement setting out the name of the Officer who is dealing with the matter and a reference to quote in future communication. That Officer may seek further information from the party in relation to the matter. A search of the planning history of the site will be undertaken. If it is determined that planning permission is in place, further checks will be undertaken to establish whether there is any reason to believe that work is not being undertaken in accordance with the permission.
- 2.12 Officers will visit the location of the potential breach within the timescales set out below in relation to the priority of the case.
- 2.13 Where no planning permission is in place, checks will be undertaken to establish whether permitted development (PD) rights are being exercised.
- 2.14 The site visit will seek to establish the nature and extent of the works or the use which may be taking place. Often, it may be that works are still in progress, so information will be sought as to the anticipated scale of the works when complete.
- 2.15 **Next Steps.** It is necessary for the Council to determine what action should be taken next – and whether formal action is expedient. The possible courses of action are as follows:
- 2.16 **Take no action.** If the works or uses being undertaken are within the scope of a planning permission that has been granted, or fall within the scope of permitted development, then no further action will be taken.
- 2.17 No further action could also be considered as an outcome where the works or intended use fall outside the scope of a planning permission or permitted development rights, but the impact of them is very modest with no discernible impact.

Typical Examples of this could be:

- Minor breaches of planning conditions.
- Fences, gates, boundary walls, or outbuildings being erected which exceed the heights allowed under a planning permission of PD rights by a modest amount.
- Very minor changes to the works that have been granted planning permission – which are likely to have very little impact beyond the application site.

- Minor works that require planning permission but have no discernible impact on it's surroundings or people.
- Development has not occurred as a matter of fact.

This list is not extensive and should not be considered as binding. The Council looks at each case on an individual basis and treats each case on its merits.

- 2.18 Seek regularisation through a planning application.** Where works have taken place or a use has been commenced which does have an impact, but are considered to be acceptable within the planning policies that are applicable, then a retrospective planning application to regularise these would be invited.
- 2.19** This should not be taken as indicating that the Council will simply approve any application without due scrutiny. The application process allows the works and/or use to be considered fully against relevant planning policies by the Council or its Planning Committee. The owner of the site will be permitted a limited amount of time at the discretion of the Council to make such a submission and any person who has contacted the Council in relation to the matter and has left appropriate contact details, will be contacted by the enforcement team and informed of any such retrospective planning application when it is submitted, in order that they can make representations on that application if they wish.
- 2.20** If planning permission is granted officers will continue to monitor the site to ensure that the development and/or use implemented are in accordance with the permission granted. If permission is refused, the land owner has a right of appeal against this decision. If, after the expiry of the timescale within which an appeal should be made has expired and none has been submitted, the Council will then make a decision about enforcement action which would be appropriate.
- 2.21** The Council will continue to monitor the site during this time period. It may be that, if work continues to be undertaken, the appropriate course of action may change from seeking regularisation to taking no further action if the development is acceptable when considered against planning policies, to taking formal enforcement action if the development appears to be harmful.
- 2.22 Undertake formal action.** Where it appears to the Council that the impact of unauthorised works and/or use of a site is unacceptably harmful and it is not appropriate to seek a planning application, formal action will be taken. Formal enforcement action will also be considered following the refusal of any retrospective planning application or appeal which is dismissed for any such planning refusal. The range of formal steps available to the Council, the processes relevant to each, outcomes and timescales are set out in the Appendix A to this document.
- 2.23 Outcomes you can expect if you are the owner of a site under investigation.** The Council will seek to ensure that all matters in relation to the enquiry are dealt with professionally, politely and efficiently. It will be necessary for Council Officers to attend the site. At all times the Officer approach should be polite and respectful. It is often the case that Council Officers will visit without a pre-arrangement, however, they will make themselves known on arrival at a site if it possible to do so. If the time of the

visit is not convenient to you, they will seek to arrange a mutually acceptable time to visit.

2.24 Officers will be able to advise on the purpose of the visit and what action the Council can take and what options are available to you as Owner. They can provide advice about the planning and enforcement process, but if you require specific planning advice, this should be sought independently.

2.26 The Council will endeavour to deal with your case quickly, ensuring that uncertainty is removed. However, we will need your co-operation and ask that, in all circumstances, you provide any information Officers request and answer any questions they put to you.

3.0 Priorities and timescales

3.1 The Council adopts a prioritised approach to the consideration of potential enforcement matters. The identified priorities are:

Urgent Cases (Priority A)

- Unauthorised alterations to listed buildings.
- Unauthorised alteration to or demolition of buildings in Conservation Areas.
- Unauthorised developments having a severe and possibly irreversible impact on surroundings e.g. major unauthorised engineering works; felling of protected trees.
- Development causing danger to highway users.

All Other Cases (Priority B)

3.2 All other unauthorised developments or changes in use of land and buildings.

Timescales

3.3 The following table sets out the timescale within which the Council endeavours to undertake the actions set out in this Plan. These are related to the date that the Council has received a request to investigate. This date is identified as the 'start date' and is the first working day on which a request is received. In relation to the start date the timescales (all of which refer to working days) are set out as follows subject to resources being available:

3.4 Urgent Cases

Within the same or next working day:

Undertake site visit in all cases. Acknowledge receipt of request to investigate.

Within 2 working days of start date:

Reach a decision in relation to whether it is expedient to take action and, where necessary, commence formal action

3.5 All Other Cases

Within 7 working days of start date:

Acknowledge receipt of the request to investigate

Within 20 working days of start date:

Undertake site visit in at least 90% of cases

Within 20 further working days:

Reach a decision on the expediency of further action, or, if a decision cannot be reached, confirm the reason for not being able to.

Then, if an application is to be invited:

Within 5 working days request that the Owner submit such an application setting out the timescale within which it should be received and accepted by the Council

Or, if the impact is harmful:

If it is expedient, serve an Enforcement (or other relevant) Notice this should be carried out within a 15 further working days.

4.0 Maintaining contact with the Council

4.1 The Council seeks to advise those who have requested an investigation at each stage in the timescales above where decisions are to be made. The Councils preference is to be able to contact parties by email.

4.2 Resources are not available to maintain contact and provide updates in other circumstances. However, calls can be made to Officers at any time during normal office hours to enquire about progress in any particular case.

5.0 Section 106 and Condition Monitoring

5.1 The Council recognises the importance of condition monitoring for its planning approvals, however due to the staff resources that are available for this work to be undertaken, the Council, has to prioritise what developments are monitored on a regular basis to ensure development is undertaken in accordance with the approved plans and associated conditions.

5.2 The Council will proactively monitor strategic and other major development sites once planning permission has been granted and work has commenced, this is to ensure that the development is being undertaken in accordance with planning approvals and conditions that have been imposed on them.

5.3 The Council will also monitor other developments at its own discretion where it is considered necessary in the public interest, this is to ensure such developments are undertaken in accordance with planning approvals and conditions that have been imposed on them.

5.4 Requests that development sites are regularly monitored will be considered by the Council; however the Council will only act on these request if it is considered that such a monitoring activity is in the wider public interest.

5.5 The Council is responsible for the administration of Section 106 agreements that form part of planning permissions. These Section 106 agreements are legal agreements (planning obligations) between the Council and Developers, and are a mechanism which make a development proposals acceptable in planning terms, that would not otherwise be acceptable.

5.6 The common uses of planning obligations such as Section 106 agreements are to secure affordable housing, to specify the type and timing of this housing, to secure financial contributions to provide local infrastructure on or off site, or other affordable housing elsewhere.

5.7 The Council will monitor all of its Section 106 agreements to ensure that the terms of those agreements are met, and that any breaches of these agreements are identified and subsequently enforced.

6.0 Listed Buildings

6.1 The Council attaches particular importance to ensuring that any alterations to listed buildings are properly authorised. The statutory provisions for the preservation of buildings of special architectural or historic interest are contained in the Listed Buildings and Conservation Areas legislation. It is an outright offence under the legislation to carry out unauthorised works to a listed building which could affect its character. The owner of a listed building or those who have an interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether consent is later obtained retrospectively or the unauthorised works later made satisfactory. A person found guilty of an offence may be liable to a substantial fine, and/or a term of imprisonment. There is no time limit upon the Council to pursue Listed Building Enforcement Action.

6.2 A Listed Building Enforcement Notice may also be served requiring remedial works to the building within a certain time scale. There is a right of appeal to The Planning Inspectorate but failure to comply with the Notice is an offence, which is liable to a substantial fine on summary conviction.

7.0 Complaints

7.1 If any party is dissatisfied with the service that has been received there is an expectation that they will contact the Council and discuss it with officers first to attempt a resolution to the matter. The contact details are set out below. In that way we can seek to resolve the matter of concern.

7.2 If the concern cannot be resolved in this informal way and dissatisfaction remains, or if the party wishes not to discuss the matter informally the Council has a formal complaints procedure. The details of this are set out on the Council's website: www.north-herts.gov.uk/home/customer-services/complaints

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Contact Details

If you want to inform us about a potential breach of planning control that you want us to investigate, please contact us by:

Via the reporting page on our website:
<https://www.north-herts.gov.uk/home/planning/planning-enforcement>

e-mail: planning.enforcement@north-herts.gov.uk

Phone: 01462 474000 (ask for the duty planning officer)

Post: Planning Enforcement
North Hertfordshire District Council
Council Offices
Gernon Road

Appendix A

This appendix sets out further background to the planning enforcement service, the actions that can be undertaken and the procedures that the Council will follow, where appropriate.

Legal Framework

Paragraph 58 of the National Planning Policy Framework states that:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

The ability of the Council to undertake planning enforcement action is set out in primary legislation. The government has also produced a wide range of secondary legislation, policy, guidance and good practice notes that support that primary legislation and the Council are also guided by case law.

In considering planning enforcement action the Council will take into account all primary and secondary legislation as well as national planning policy and guidance including:-

Town and Country Planning Act 1990 (as amended);
Planning (Listed Buildings & Conservation Areas) Act 1991;
Planning & Compensation Act 1991;
Planning & Compulsory Purchase Act 2004;
Police and Criminal Evidence Act 1984 ('P.A.C.E.');
Criminal Procedure and Investigations Act 1996 ('C.P.I.A.');
Protection of Freedoms Act 2012
Human Rights Act 1998;
Localism Act 2011;
Caravan Sites and Control of Development Act, 1960;
Town and Country Planning (General Permitted Development) Orders;
Town and Country Planning (Control of Advertisements) Regulations;
The Town and Country Planning (Use Classes) Orders;
The National Planning Policy Framework;
Department of the Environment, Transport and the Regions Circular 10/97
(Enforcing Planning Control);
Department of the Environment, Transport and the Regions Enforcement
Good Practice Guide

Enforcement Tools Available

In relation to planning, the Council has a number of planning enforcement “tools” available; examples include:

- notices to require the provision of information;
- planning enforcement notices;
- listed building notices;
- repairs notices;
- urgent works notices;
- stop and temporary stop notices;
- discontinuance notices;
- S106 planning obligations;
- injunctions;
- prosecution;
- direct action;
- planning enforcement orders.

RIPA/PACE

All work of the Council including investigations will be subject to prioritisation. Once started, investigations will be conducted in a timely manner, in accordance with the requirements of relevant legislation, including the Police and Criminal Evidence Act 1984 (PACE), Regulation of Investigatory Powers Act 2000 (RIPA), Criminal Procedure and Investigation Act 1996, Human Rights Act 1998 and Protection of Freedoms Act 2012. Regard will also be had to the requirements of associated Codes of Practice and Guidance. Investigations will be brought to a timely conclusion where possible.

It may be necessary to undertake surveillance to assist with an investigation. Any surveillance covered by the definitions contained in RIPA will be conducted in accordance with that Act as amended by the Protection of Freedoms Act 2012, appropriate guidance, corporate policy and Codes of Practice. Covert Surveillance will only be undertaken:

- if it is in the interests of preventing crime
- if the use of covert surveillance is necessary and proportionate to the potential offence being investigated
- if it has been authorised by a Council authorising officer and the authorisation has been brought into effect by a magistrate.

It is sometimes necessary to conduct an interview with a person (or duly authorised representative of a corporate body) suspected of committing an offence. These interviews will be conducted in accordance with the PACE Codes of Practice. Wherever possible, recorded interviews with persons will generally take place at the Council Offices.

Officer Identification

All officers wear a picture identification card at all times, and authorised officers have been provided with a Council Employee Identification Card, a warrant style card summarising the powers they are able to exercise with regards to the entry to land and buildings granted through the Planning Acts. These contain a picture of the officer. Upon request, or where statute demands, officers will produce appropriate and necessary identification.

Photography

As part of any investigation it may be necessary to take digital photographs to assist with the case, procedures are in place to ensure the evidential continuity of any images made.

Immunity

Breaches of planning control become immune from enforcement action, and lawful, if they have been in existence for a given length of time. The relevant time limits are:

- 4 years for operational development (physical development of the land such as buildings, extensions and fences);
- 4 years for changes of use of an existing building to a single dwellinghouse;
- and
- 10 years for any other breaches of planning control.

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These are mainly material changes of use of land and breaches of planning conditions.

However, Section 124 of the Localism Act 2011 has introduced a new power for local planning authorities which override the above time limits in certain circumstances. If the apparent breach of planning control, has (to any extent) been deliberately concealed by any person or persons the Council may apply to the local Magistrates for a planning enforcement order. Such an order gives the Council a further year (known as a 'the enforcement year') to issue and serve a planning enforcement notice irrespective of the time limits referred to above.

Freedom of Information

The personal details of any party who has requested an investigation and the files relating to each case are confidential. This situation has not been altered by publication of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. However, depending upon individual circumstances, the Council or the Information Commissioner may decide access to a file is appropriate.

Retrospective Applications

When it is considered that a breach of planning control may be acceptable or lawful, a planning application or an application for a certificate of lawful use or development may be invited to allow the local planning authority to fully consider the full detail of the case leading to a formal decision. However, this does not imply that planning permission will be granted as with any other application.

Permitted Development

The government has granted 'deemed' planning permission for many developments, generally referred to as 'permitted development rights'. These range from building a small scale shed to the rear of the property to extending the main house.

Advice on what may be permitted development is available on the government planning portal website located at <http://www.planningportal.gov.uk/permission/>. The council will not be able to take any action against such authorised developments.

Prosecution/Direct Action

Following the service of certain types of formal notices requiring work to be carried out to cease or remedy a breach of planning control and those works/actions have not been undertaken within the timeframe given via the notice, it is open to the

authority to pursue a prosecution in the courts for the non-compliance of the notice. If it is considered that prosecution would not satisfactory resolve the breach of planning control, it is open to the authority to take direct action by way of employing contractors to carry out the works required by the notice and seek payment for those works from the owner of the land/property or by placing a legal charge on the land/property.

Level of Delegation

All decisions relating to enforcement matters are delegated by the Council to the Director of Regulatory Services, who sub-delegates as appropriate:

Decisions to close enforcement cases (i.e. take no action as there is no breach, a breach has been resolved or it in the opinion of the Council, not expedient to take formal enforcement action based on assessment of the development under the development plan and other material considerations) are delegated to the Senior Compliance Officer, Area Planning Officer and the Development and Conservation Manager.

A review of decisions to close files can be undertaken by the Development and Conservation Manager following any complaint regarding a decision to close a case.

Any decision to take formal enforcement action is taken by the following officers:

- **Planning Contravention Notices**, a legal requirement to provide information to the Council – Senior Planning Compliance Officer in consultation with the Development and Conservation Manager;
- **Enforcement notices**, Notices relating the enforcement of all legislation within direct control or remit of the Development and Conservation service – Development and Conservation Manager, in consultation with the Director or Regulatory Services and the Director of Legal and Community Services
- **Criminal Prosecution and Direct Action** – Director of Regulatory Services and Director of Legal and Community Services

APPENDIX F: PARKING ENFORCEMENT

1 Background

North Hertfordshire District Council adopted Decriminalised Parking Enforcement (DPE) powers in January 2005. This followed an application submitted by Hertfordshire County Council in September 2004 for the designation of the District Council of North Hertfordshire as a Special Parking Area (SPA) and a Permitted Parking Area (PPA) under Section 43 of the Road Traffic Act (RTA) 1991. The SPA and the PPA share the same boundary and covers the whole of District Council area, including the off street car parks where Parking Places Orders apply. This excludes enforcement on the A1(M) and its on and off slip roads for its entire length within the District.

In respect of on-street parking (public roads and streets) enforcement, the Council acts on behalf of Hertfordshire County Council (the highway authority) under the terms of an agency agreement between the two authorities⁷. As the parking authority North Herts Council is responsible for the management and enforcement of its own off-street car parks.

Local authorities have had powers to manage and enforce their own off-street car parks for many years; however until recently most on-street parking enforcement was undertaken by police officers or police-employed traffic wardens.

In the mid-1990s central government gave local authorities the right to apply for powers to enforce on-street parking restrictions. The adoption of what was then called Decriminalised Parking Enforcement (DPE) but is now termed Civil Parking Enforcement, or CPE under the Traffic Management Act 2004.

2. Parking Legislation

NHDC parking enforcement operates under The Traffic Management Act 2004 (TMA 2004). This act supersedes the RTA 1991 and allows Civil Parking Enforcement to be carried out by local authorities who have permission from the Secretary of State for Transport to introduce a Civil Enforcement Area (CEA), (previously referred to as an SPA). This is a geographical area in which NHDC may carry out Civil Parking Enforcement.

North Hertfordshire is also a SEA (Special Enforcement Area) that allows for the enforcement of Double Parking, Dropped Footways and Raised Footways.

3. The Purpose of Civil Parking Enforcement (CPE)

The primary purpose of CPE, as identified in statutory guidance, is to support local authorities in their delivery of their overall transport objectives in areas such as those detailed below:

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty;
- Improving road safety;

⁷ Highway Agency Agreement dated 24 January 2002 and Parking and Traffic Order Agency Agreement dated 17 January 2005.

- Improving the local environment;
- Improving the accessibility of public transport;
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car;
- Managing and reconciling the competing demands for kerb space.

To achieve these aims we enforce:

On-street

- Permitted parking places on-street where waiting restrictions apply;
- Restricted parking where parking is allowed at particular times (single Yellow Lines);
- Restricted parking where parking is not allowed at any time (double yellow lines);
- Controlled Parking Zones (CPZ);
- Restricted Parking Zones (RPZ);
- Dropped Kerb parking.

Off-street

- Parking without payment or valid permit;
- Parking for longer than permitted or after expiry of paid for time;
- Parked in a restricted area;
- Not parking correctly within the marking of a bay.

Central government is also clear in explaining what CPE is not about. In particular, government emphasises that CPE is not to be regarded as a revenue raising exercise. Whilst Government accepts that local authorities will seek to make their CPE operations as close as possible to self-financing as soon as possible, it advises that any shortfall must be met from within existing budgets rather than falling on the local or national taxpayer.

The traffic management objectives of CPE are achieved primarily through encouraging compliance with parking restrictions – and it is with this objective in mind that the Council enforces parking both on and off-street throughout the District.

4. Enforcement

Civil Parking Enforcement in North Hertfordshire is undertaken by a team of Civil Enforcement Officers (CEOs) and a Parking Team Leader. The team is managed by a Parking Enforcement Manager, whose duties are carried out in accordance with North Hertfordshire District Council's Parking Strategy⁸.

NHDC does not clamp or remove vehicles. Clamping is no longer favoured as an enforcement tool, as it often results in a "problem" vehicle being made to remain at an inappropriate location for longer than is necessary. The cost of setting up and running a removal operation, including a vehicle pound for the purpose of storing vehicles would be disproportionate to the benefit it might create for a smaller, rural district council such as North Herts.

⁸ The current Parking Strategy is the NHDC Parking Strategy 2009-2019 (revised Aug 2012) available on the Council's website <https://www.north-herts.gov.uk/home/parking/parking-strategy>

When exercising prescribed functions a CEO must wear a uniform that is readily distinguishable from the Police and clearly show:

- That the wearer is engaged in Parking Enforcement
- The name of the local authority on whose behalf her or she is acting
- A personal identity number

5. Penalty Charge Notices (PCN) and Legal Requirements

A regulation 9 PCN - is the name given to a PCN that is issued by a CEO either on-street or off-street, under the TMA 2004. The way in which a Regulation 9 PCN can be served is by two methods:

- Affixed to vehicle in a special envelope; or
- Handed to the person appearing to be in charge of the vehicle.

In terms of legal requirements, under the TMA 2004, a Regulation 9 PCN must contain the following:

- Date of service;
- Issuing Authority;
- Vehicle Registration Mark;
- Date and time of alleged contravention;
- Location of contravention;
- Grounds of issue (Legislation);
- PCN amount and payable period;
- Discount amount and discount period;
- How and where to pay;
- What will happen if payment not made;
- How to make representations.

Under section 80 of the TMA 2004, a person may who is liable to pay a penalty charge may make representations to the enforcement authority to challenge the charge (i.e. NHDC) and then appeal to an adjudicator if their representations are not accepted.

The processing of PCNs and consideration of representations made are carried out by a separate team within the Council under the Management Support Unit. A Flowchart outlining the Regulation 9 PCN Process is attached at Appendix 1.

Regulation 10 PCNs are not used by NHDC as they are served on the owner of the vehicle by first class post.

6. Contravention Codes

Below is a list of the most common contravention codes used to issue PCNs

<u>Code</u>	<u>DESCRIPTION ON-STREET</u>	<u>Differenti al Charging level</u>	<u>Observatio n Period</u>
<u>01</u>	<u>Parked in a restricted street during prescribed hours</u>	<u>HIGHER</u>	<u>5 MINUTES</u>

<u>02</u>	<u>Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force</u>	<u>HIGHER</u>	<u>INSTANT</u>
<u>12</u>	<u>Parked in a residents' or shared use parking place/zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place</u>	<u>HIGHER</u>	<u>5 MINUTES</u>
<u>19</u>	<u>Parked in a residents' or shared use parking place/zone displaying an invalid permit or voucher or pay and display ticket</u>	<u>LOWER</u>	<u>5 MINUTES</u>
<u>21</u>	<u>Parked in a suspended bay or space or part of bay or space</u>	<u>HIGHER</u>	<u>INSTANT</u>
<u>22</u>	<u>Re-parked in the same parking place or zone within one hour* of leaving</u>	<u>LOWER</u>	<u>INSTANT</u>
<u>23</u>	<u>Parked in a parking place or area not designated for that class of vehicle</u>	<u>HIGHER</u>	<u>5 MINUTES</u>
<u>24</u>	<u>Not parked correctly within the markings of the bay or space</u>	<u>LOWER</u>	<u>INSTANT</u>
<u>25</u>	<u>Parked in a loading place during restricted hours without loading</u>	<u>HIGHER</u>	<u>5 MINUTES</u>
<u>26</u>	<u>Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place</u>	<u>HIGHER</u>	<u>5 MINUTES</u>
<u>27</u>	<u>Parked in a special enforcement area adjacent to a dropped footway</u>	<u>HIGHER</u>	<u>5 MINUTES</u>
<u>30</u>	<u>Parked for longer than permitted</u>	<u>LOWER</u>	<u>10 MINUTES</u>
<u>40</u>	<u>Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner</u>	<u>HIGHER</u>	<u>INSTANT</u>
<u>45</u>	<u>Parked on a taxi rank</u>	<u>HIGHER</u>	<u>INSTANT</u>
<u>47</u>	<u>Stopped on a restricted bus stop or stand</u>	<u>HIGHER</u>	<u>INSTANT</u>
<u>48</u>	<u>Stopped in a restricted area outside a school when prohibited</u>	<u>HIGHER</u>	<u>INSTANT</u>
<u>49</u>	<u>Parked wholly or partly on a cycle track or lane</u>	<u>HIGHER</u>	<u>5 MINUTES</u>
<u>55</u>	<u>A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban</u>	<u>HIGHER</u>	<u>5 MINUTES</u>
<u>61</u>	<u>A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways</u>	<u>HIGHER</u>	<u>5 MINUTES</u>
<u>62</u>	<u>Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway</u>	<u>HIGHER</u>	<u>INSTANT</u>
<u>99</u>	<u>Stopped on a pedestrian crossing and/or crossing area marked by zig-zags</u>	<u>HIGHER</u>	<u>INSTANT</u>
<u>Code</u>	<u>DESCRIPTION OFF-STREET</u>	<u>Differenti al Charging level</u>	<u>Observation Period</u>

74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	HIGHER	5 MINUTES
80	Parked for longer than the maximum period permitted	LOWER	10 MINUTES
81	Parked in a restricted area in a car park	HIGHER	INSTANT
82	Parked after the expiry of paid for time	LOWER	10 MINUTES
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	LOWER	5 MINUTES
84	Parked with additional payment made to extend the stay beyond time first purchased	LOWER	INSTANT
86	Parked beyond the bay markings	LOWER	INSTANT
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	HIGHER	INSTANT
91	Parked in a car park or area not designated for that class of vehicle	HIGHER	INSTANT
92	Parked causing an obstruction	HIGHER	INSTANT
93	Parked in car park when closed	LOWER	INSTANT

Differential Charging Level

Differential parking charging was introduced in 2008 under the TMA 2004 to address the perception of fairness to the motorist.

There is now a two-tier approach to the cost of a PCN to recognise that there are contraventions which are more serious and should receive a higher charge, and that there are less serious contraventions which should receive a lower charge.

Differential parking charging is prescribed by the type of contravention and not at the discretion of the CEO. The type of contravention is set nationally and not locally.

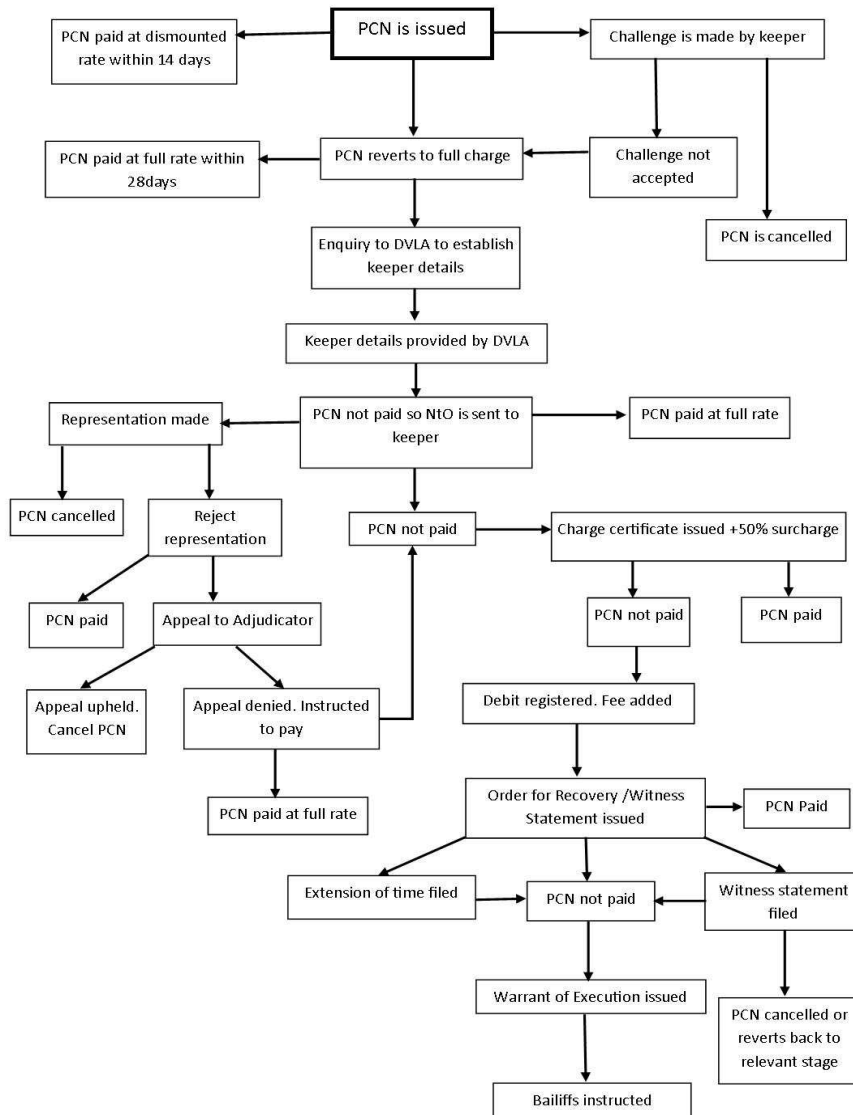
Observation Period

The observation times listed are those most commonly used for Parking Enforcement.

The CEOs will under normal circumstances seek to give a 10 minute grace period to vehicles parked in designated parking places, when the period of permitted parking ends. If a vehicle is parked legally in a designated parking place when it is initially parked and stays beyond the permitted parking period, then the 10 minute grace period will in normal circumstances be given before a Penalty Charge Notice is issued.

Appendix 1

Regulation 9 PCN process flowchart



APPENDIX G: ACCESS TO HOUSING

1. SCOPE

The Council undertakes a range of duties in connection with helping the public to access housing.

The Council is an enforcing authority for the Protection from Eviction Act 1977 and will exercise the discretion under this legislation to protect residential tenants from illegal eviction or harassment.

It is an offence under Sections 171 and 214 of the Housing Act 1996 for a person to make a statement which is false, or to knowingly withhold information from the Council which would be relevant to their application for housing assistance. Where fraud or deception is suspected, the Council will consider all enforcement options, including prosecution.

The Council's Housing Team is responsible for the operational management of these functions (for illegal eviction/harassment cases, any action would be carried out in conjunction with the Environmental Health team).

2. THE USE OF ENFORCEMENT TOOLS

The general principles relating to enforcement decision making are explained within the main body of this Policy.

**CABINET
18 DECEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: OUTBOUND MAIL CONTRACT

REPORT OF: SERVICE DIRECTOR - CUSTOMERS

EXECUTIVE MEMBER: COUNCILLOR JULIAN CUNNINGHAM

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 To seek approval under rule 28.9 of the Council's Contract Procurement Rules to enter into a variation of the Inbound Mail contract with Northgate Public Services to also include the provision of an Outbound Mail service.

2. RECOMMENDATIONS

- 2.1 That Cabinet is recommended to approve the Variation of Contract with Northgate Public Services for the provision of an Inbound Mail Contract to also include an Outbound Mail service, initially until December 2020 with an option to extend to December 2023.
- 2.2 That the position relating to the on-going operation of the Document Centre be noted.
- 2.3 That the intention to extend the Inbound Mail Contract for three years be noted.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To achieve revenue savings of around £78,000 per annum and the variation is necessary to achieve new ways of working to ensure the Council meets its priority to deliver cost effective services.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council does have the option to choose not to enter into this contract, however that would mean that a saving of £78,000 would be missed.

- 4.2 Officers are recommending a change in the operation of the Document Centre as detailed in the part 2 report and Business Case.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Finance and IT has been consulted on this proposal.

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 on the 1st November 2018.

7. BACKGROUND

- 7.1 The Council entered into an Inbound Mail Contract with its current supplier in December 2010. This was renewed in December 2015 for a further five years to run until December 2020.
- 7.2 The service consists of inbound mail being sent directly to the processing centre in Nottingham via a PO Box number and the post being scanned, indexed and filed into the Council's Information@Work Document Management System. The post then appears on the desktop of the relevant Officer or Team for action.
- 7.3 The Council's supplier of this service is Northgate Public Services (NPS) and both previous contracts have been awarded on a single supplier basis because NPS is the only provider that can put post directly into the Information@Work Document Management System as they are the owners of this and the only supplier with access to the relevant Application Program Interfaces (API's).
- 7.4 In 2010, the implementation of the Inbound Mail Contract brought about savings of £83,000 per annum.

8. RELEVANT CONSIDERATIONS

- 8.1 The Council has been investigating the implementation of an Outbound Mail Contract for some time. Delays have occurred due to changes in the management structure and considerations regarding the Document Centre. The further relevant considerations are set out in the Part 2 report and Business Case.

Inbound Mail Contract

- 8.2 Whilst researching the position for this report, it has come to light that there has been a significant reduction in the amount of inbound mail processed by NPS in the year December 2017 to 2018. In the eleven months to the end of October 2018, the number of images processed has been 157,437 against a contracted number of 250,000.
- 8.3 The contracted number is set to reduce to 200,000 for the final two years of the contract, and if the numbers continue to reduce, even that would probably be an excessive number.

- 8.4 NPS is willing to release the Council from its contractual obligation for the period December 2018 to December 2020 in return for a renegotiated contract for inbound mail for the period December 2018 to December 2023.
- 8.5 This would be based on a decreasing number of images each year during the life of the contract to reflect the fact that these are expected to continue reducing and will result in a revenue saving of around £13,000 against the charges that would have been for the period December 2018 to December 2020 had the existing contract remained in place.
- 8.6 As this would be a contract extension and the costs are being reduced, this is a decision that can be made by the Executive Member under delegated powers.

Outbound Mail Contract

- 8.7 Because of the intrinsic link between both inbound and outbound mail with I@W, it makes sense to align both contracts together.
- 8.8 The original intention was to enter into an outbound mail contract up to December 2020 when the inbound mail contract is due for renewal and to then align both together from that point onwards.
- 8.9 Whilst it is now the intention to extend the inbound mail contract to 2023 to make on-going savings, Officers would recommend that the outbound mail contract should still initially be to December 2020 and then further negotiated to December 2023, at which time the two can be aligned.
- 8.10 The primary reason for this is to enable the Council to have confidence that the number of outbound mail envelopes being sent is commensurate with the contract provision, given that it is expected that the numbers will reduce gradually year-on-year.

9. LEGAL IMPLICATIONS

- 9.1 Paragraph 28.8 of the Contract Procurement Rules sets out the circumstances in which variations to a contract can be authorised by an Executive Member:

Subject to the availability of budget funding, a Executive Member may authorise variations to a contract which:

- a) adds more than 20% to the value of the contract for contracts up to £250,000; or*
- b) adds more than 10% to the estimated value of the contract for contracts above £250,000 subject to a maximum value of £50k in respect of the variation; or*

c) in the case of urgency or unforeseen circumstances where works, services or goods are to be added to or deleted from the contract which are substantially different in scope;

d) results in minor changes to the contract terms or specification;

- 9.2 As the amounts involved exceed the permissible limit of paragraph 28.8 (it exceeds £50,000), paragraph 28.9 applies:

Any other variation must be agreed by Cabinet or be formally authorised under another delegated authority.

- 9.3 The contract variation is permitted under section 72 (b) of the Public Contracts Regulations 2015 because the value of the variation does not exceed 50% of the value of the original contract and a change of contractor cannot be made for economic and technical reasons. These reasons are primarily requirements around interchangeability and interoperability with existing software procured under the initial procurement.
- 9.4 Legal and procurement have advised that the Council publishes a Voluntary Ex Ante Transparency Notice (V.E.A.T. Notice). This would be published by the Council in the Official Journal of the European Union to provide transparency on the basis for the contract variation. The publication of this notice would provide more certainty on the interpretation of procurement law.

10. FINANCIAL IMPLICATIONS

- 10.1 The full financial implications are detailed in Section 4 of the Business Case.

11. RISK IMPLICATIONS

- 11.1 Any outsourced contract will come with an element of risk, however Northgate Public Services as a company is a major player in the Local Government market and provides mail room services to various degrees with over 20 Local Authorities.
- 11.2 The current inbound mail contract has been conducted in an exemplary manner and there is no reason to suspect that this will not be the case should the contract be extended to include outbound mail.
- 11.3 Although the Council will not be tendering for the outbound mail service, DSI Billing is a member of the GCloud10 - Digital Market Place Framework and NPS is a member of the ESPO Framework 390_18 Lot 1, 3 and 4 and the Crown Commercial Services Framework RM1042 Lot 5, indicating that they have been vetted by the Government for inclusion in these Framework agreements.
- 11.4 There is a risk in the decision to extend the scope of the contract without undertaking a competitive tendering exercise, however publication of the required VEAT Notice in the Official Journal of the European Union will materially reduce the risk of challenge.

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 The variation of the current contract to include the provision of outbound mail is a cost-effective proposal. The quality of service provided to North Hertfordshire residents is extended to both inbound and outbound mail. This allows the Council to effectively discharge its legal obligations and duties to those who share a protected characteristic (age, disability etc) and those who do not.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 This is an extension to an existing contract and for the reasons outlined above no new procurement exercise will be undertaken. Therefore, no direct Social Value implications apply in this instance.
- 13.2 NPS does however take its social and environmental responsibilities very seriously and amongst many other things, does actively support the following:
- Employment & apprenticeship opportunities including sponsorship of the Northgate Public Services Academy
 - The NPS Community Volunteering Scheme, where NPS staff do voluntary work in the community
 - Fundraising initiatives
 - Direct funding through community sponsorships

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 Staff will be fully consulted regarding any changes to the Document Centre.

15. APPENDICES

- 15.1 See Part 2 report.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1 None.

**CABINET
18 DECEMBER 2018**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: EXCLUSION OF PUBLIC AND PRESS

To consider passing the following resolution:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in **paragraphs 2 and 4** of Part 1 of Schedule 12A of the said Act.

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By virtue of paragraph(s) 2,4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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