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NORTH HERTFORDSHIRE DISTRICT COUNCIL



5 July 2019 Our Ref O&S 16.07.19

Your Ref.

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To: Members of the Committee: Councillors David Levett, Kate Aspinwall, Val Bryant, Sam Collins, George Davies, Terry Hone, Tony Hunter, Jim McNally, Gerald Morris, Lisa Nash, Sue Ngwala, Helen Oliver, Adem Ruggiero-Cakir, Carol Stanier, Claire Strong and Tom Tyson

Substitutes: Councillors Ruth Brown, Bill Davidson, Morgan Derbyshire, Simon Harwood, Ian Mantle, Sam North and Kay Tart

You are invited to attend a

MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

to be held in the

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

On

TUESDAY, 16TH JULY, 2019 AT 7.30 PM

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

Yours sincerely,

Jeanette Thompson

of theory

Service Director – Legal and Community

Agenda Part I

Item Page

1. APOLOGIES FOR ABSENCE

2. MINUTES - 4 JUNE 2019

To take as read and approve as a true record the minutes of the meeting of this Committee held on the 4 June 2019.

The Minutes will be published on 12 July 2019.

3. NOTIFICATION OF OTHER BUSINESS

Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the 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.

4. 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, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

5. PUBLIC PARTICIPATION

To receive petitions and presentations from members of the public.

6. URGENT AND GENERAL EXCEPTION ITEMS

The Chairman to report on any urgent or general exception items which required his agreement. At the time of printing the agenda, the Chairman had not agreed any urgent or general exception items.

7. CALLED-IN ITEMS

To consider any matters referred to the Committee for a decision in relation to a call-in of decision. At the time of printing the agenda, no items of business had been called-in.

8. MEMBERS' QUESTIONS

To receive and respond to any questions from Members either set out in the agenda or tabled at the meeting.

9. PRESENTATION BY THE LEADER OF THE COUNCIL

To receive a presentation from Councillor Martin Stears-Handscomb, Leader of the Council.

10.	COUNCIL PLAN 2020-2025 AND COUNCIL OBJECTIVES 2020-2025 REPORT OF THE POLICY AND COMMUNITY ENGAGEMENT MANAGER	(Pages 5 - 12)
	To consider the refreshed Council plan and objectives for 2020 -2025	
11.	WASTE COLLECTION FROM MULTI OCCUPANCY PROPERTIES (MOP) REPORT OF THE SERVICE DIRECTOR – PLACE	(Pages 13 - 22)
	To enable Overview and Scrutiny Committee to consider the report regarding Waste Collection From Multi Occupancy Properties (MOP).	
12.	REVIEW OF COMMENTS, COMPLIMENTS AND COMPLAINTS POLICY REPORT OF THE SERVICE DIRECTOR - CUSTOMERS	(Pages 23 - 38)
	To seek the Committee's views on the Review of Comments, Compliments and Complaints Policy prior to consideration by Cabinet	
13.	INFORMATION NOTE - FULL YEAR UPDATE ON COMMENTS, COMPLIMENTS AND COMPLAINTS INFORMATION NOTE OF THE CUSTOMER SERVICES MANAGER	(Pages 39 - 58)
	To provide an Information Note on the performance in regards to Comments, Compliments and Complaints.	
14.	FAIR COLLECTION POLICY REPORT OF THE SERVICE DIRECTOR – CUSTOMERS	(Pages 59 - 90)
	To provide the Overview and Scrutiny Committee with an opportunity to review an early draft of the proposed Fair Collection Policy before it is considered by Cabinet.	
15.	DRAFT DEVELOPER CONTRIBUTIONS SPD REPORT OF THE SERVICE DIRECTOR REGULATORY	(Pages 91 - 152)
	To provide the Overview & Scrutiny committee with the opportunity to review and provide any comment or recommendation upon the draft Developer Contributions SPD, prior to its consideration by Cabinet as a Key Decision on 30 July 2019.	
16.	RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE REPORT OF THE SCRUTINY OFFICER	(Pages 153 -
	To consider the outcome of Overview and Scrutiny Committee resolutions.	160)
17.	OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME FOR 2019/20 REPORT OF THE SCRUTINY OFFICER	(Pages 161 - 174)

To consider the issues that the Overview and Scrutiny Committee plans to review at future meetings and the activities of its sub-groups.



CABINET 30 JULY 2019

*PART 1 - PUBLIC DOCUMENT

TITLE OF REPORT: COUNCIL PLAN 2020 - 2025 AND COUNCIL OBJECTIVES FOR 2020-2025

REPORT OF THE POLICY AND COMMUNITY ENGAGEMENT MANAGER

EXECUTIVE MEMBER: LEADER OF THE COUNCIL

COUNCIL PRIORITY: ATTRACTIVE AND THRIVING / PROSPER AND PROTECT / RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

1.1 This report proposed a refreshed Council plan, to be recommended for approval by Cabinet

2. RECOMMENDATIONS

- 2.1 That Cabinet recommend that Council to:
- 2.2 approve and adopt the Council Plan, comprising of the document 'North Hertfordshire District Council: Working with our Communities, It's Your Council' 2020 2025 and the following Council Objectives:
 - Be a more welcoming and inclusive council,
 - Building thriving and resilient communities,
 - o Responding to challenges to the **environment**,
 - o Enabling an enterprising and co-operative economy,
 - Supporting the delivery of good quality and affordable housing.
- 2.3 Authorise the Chief Executive, Deputy Chief Executive and Service Directors, alongside Executive Members, to align service plans with the objectives as set out in the Council Plan for 2020/21.

3. REASONS FOR RECOMMENDATIONS

3.1 The Council plan is a key element of the corporate business planning process, as a high level strategic document it sets out the Council's priorities for the next year. As an overarching policy framework document it guides and influences the use of Council resources; providing a focus for activities, plans and services of the Council provide.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 No external consultation has been undertaken in the preparation of this report. The Overview and Scrutiny Committee will have considered the draft Council Plan at the meeting on 16th July 2018. Cabinet will agree the revised objective at the end of July. Member workshops have will take place in September 2019 to agree the outcomes for each of the objective priority areas.
- 5.2 Members will be aware that consultation is an integral part of the Corporate Business Planning process. Therefore consultation in regard to the individual actions and projects planned to support the Objectives will be carried out in accordance with the Corporate Business Planning Timetable and the Council's Consultation Strategy. Wherever it is available, use will be made of valid opinion research data and, where applicable, outcomes of the Districtwide Survey. Member workshops will be held in regard to the corporate business planning 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 27th June 2019.

7. BACKGROUND

7.1 The Corporate Business planning process dictates the Council's high level objectives are determined alongside consideration of budget position (Medium Term Financial Strategy) of the authority. At the meeting of the 30th July 2019, Cabinet will agree to amend the Council's objectives.

8. RELEVANT CONSIDERATIONS

- 8.1 The Council Plan attached as Appendix A narrates the opportunities and risks facing the district. The plan identifies the actions the Council will carry out to ensure the Council Plan is being delivered. Budgets must then be allocated to enable their achievement; this is known as 'policy led' budgeting and enables the authority to best reflect not only services it must deliver by statute, but those over which it has a degree of discretion.
- 8.2 The Council Plan therefore needs to reflect any recent changes in:
 - Legislation, which may require changes to existing services, or delivery of new services.
 - Capacity, since the authority has reduced headcount over recent years whilst statutory requirements placed on the authority have continued to rise.

- Financial constraints work on the future funding of Local Authorities through a Fair Funding Formula and 75% retention of Business rates has not progressed in line with the original timetable. Alongside the delay to Central Government carrying out a Spending Review, this means that there is significant uncertainty over funding over the medium term. This is covered in more detail in the Medium Term Financial Strategy, but means that the Council has to prudently plan what it can afford to deliver until there is greater certainty. The emphasis for Council spend remains the day to day service delivery. Firstly of those which the Council has a statutory duty to provide and secondly those that are determined as a Council priority to be funded.
- Population the need to plan for an ageing population which requires health, social care and Council service providers to consider how necessary support can be provided together.
- Patterns and location of deprivation have changed in the past five years (evidenced by the Indices of Multiple Deprivation) so we should ensure that our services, and how they may be delivered, respond accordingly to these; in times of increased financial constraint it is all the more important that limited resources, both those of the Council and its partner agencies working in the local community, are directed to areas of greater need.

The Council Plan highlights key issues and aims of the district. The plans set out the context of in which the local authority operates, its ambitions and the links to the Medium Term Financial Strategy. The format of the plan has been reviewed to provide an easy summary of key information. The Council plan will inform the subsequent agreement of the service plans as prepared by directorate within the Council; setting out each service, team and individual's objectives. Having considered the relevant factors the Council Objectives for 2020-2025 are to be the following:

- Be a more welcoming and inclusive council,
- o Building thriving and resilient communities,
- o Responding to challenges to the **environment**,
- Enabling an enterprising and co-operative economy,
- Supporting the delivery of good quality and affordable housing.
- 8.3 Subject to Cabinet's consideration, the Council Plan at Appendix A will be referred to Council for adoption on 21st November 2019. All projects included in the Corporate Plan will be subject to the provision of sound business cases with specific targets established as they are introduced. The Council's performance against these will be monitored and reported on a regular basis.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet's terms of reference include at 5.6.35 the power, by recommendation "to advise the Council in the formulation of those policies within the Council's terms of reference".
- 9.2 Full Council's terms of reference provide "approving or adopting the policy framework which at 4.2.1 (f) include "Priorities/ Objectives for the District." The Council Plan 2020-2025 at Appendix A represents the objectives and priority areas of work.

9.3 The council objectives agreed for 2020-2025 onward will provide high level reference points that will assist the Council making clear and effective decisions

10. FINANCIAL IMPLICATIONS

- 10.1 There could be significant financial implications arising from some of the headline commitments within the Council Plan. The actual impact will depend on the details that will sit behind these as the plan is developed. For example, there is no commitment from Central Government to provide funding for future Neighbourhood Plans. The cost of each plan (covering inspection costs, a referendum and back-filling Officer time) is estimated at around £20k. The Medium Term Financial Strategy sets a target for the delivery of net savings of £300k for 2020/21 (and £900k per year by 2023/24), As this is a net target, any additional costs incurred will increase the gross savings (efficiencies, income generation or service changes) that need to be delivered.
- 10.2 The Council will continue to face difficult spending decisions in view of the current economic climate and the expected continuing reduction in government support in future years. The availability of funding will impact on the services that can be delivered. Individual projects will be costed to enable decisions to be made on the overall programme of activity that the Council can deliver.
- 10.3 The Council received significant capital funding from the housing stock transfer to North Herts Homes (set-aside receipts). It has supplemented this with the receipts from the sale of surplus land and buildings (capital receipts). The strategy adopted by the Council has been to concentrate capital funding on those schemes that reduce revenue costs or generate income. Over the next five years it is forecast that the set-aside receipts will all be used, and therefore capital funding will have to come from capital receipts or borrowing. The availability of assets that can be sold to generate capital receipts is also reducing. It is therefore important that any agreed capital projects reflect corporate priorities, to ensure effective use of diminishing capital resources particularly in view of the fact that capital spend is also required to maintain existing service provision.

11. RISK IMPLICATIONS

11.1 Adoption of the Council Plan and within it the Council's objectives for 2020 - 2025 commences the Council's Business Planning processes for the next financial year. A robust Corporate Business Planning process that links the Council Plan with the Medium Term Financing Plan is key to managing the Council's identified Corporate Risk of "Managing the Council's Finances".

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 In setting its Corporate Objectives, the council is seeking to address equality implications in the services it provides and through the remainder of the Corporate Business Planning Process will carry out Equalities Impact Assessments for those Efficiency or Investment options that are taken forward.

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 additional human resource requirements arising from this report other than the capacity issue raised at paragraph 8.3. The resources needed to deliver services are considered and addressed through the Corporate Business Planning process. Once these objectives are agreed for retention, then these will be cascaded to staff with several reminders via Insight, the SCF and the intranet.

15. APPENDICES

15.1 Appendix A - Council Plan 2020-2025 Outline

16. CONTACT OFFICERS

- 16.1 Reuben Ayavoo, Policy and Community Engagement Manager reuben.ayavoo@north-herts.gov.uk; ext. 4212
- 16.2 Ian Couper, Service Director: Resources ian.couper@north-herts.gov.uk; ext. 4243
- 16.3 Tim Everitt, Performance Improvement Officer Tim.everitt@north-herts.gov.uk; ext. 4646
- 16.4 Kerry Shorrocks, Corporate HR Manager Kerry.shorrocks@north-herts.gov.uk; ext. 4224
- 16.5 James Ellis Legal Regulatory Manager James.ellis@north-herts.gov.uk; ext. 4319

17. BACKGROUND PAPERS

17.1 None



DRAFT Council Plan - Working with our communities, It's Your Council

Foreword by the Leader (TBC)

Introduction by the Chief Executive (TBC)

1.0 Purpose of the plan

The Council plan lays out how North Hertfordshire District Council will achieve its aims for the district. The plan sets out the priorities that the Council will address over the next five years. The more detailed Service Plan and supporting Action Plans show what will be done by individual service areas.

1.1 Vision

To make North Hertfordshire a district in which everyone who lives, works or visits is able to flourish.

2.0 Objectives (based on district comparison):

- o Be a more welcoming and inclusive council,
- o Building thriving and resilient communities,
- o Responding to challenges to the **environment**,
- o Enabling an enterprising and co-operative economy,
- Supporting the delivery of good quality and affordable housing.

2.1 Definition of Objectives -

2.2 Council-

Engaging with and welcoming the contributions of residents, community groups and businesses; working collaboratively with local people.

2.3 Communities -

Engaging and supporting our communities to ensure they are thriving and resilient. Advocating for local people; striving to ensuring good access to vital services through effective partnership working.

2.4 Environment -

Providing a clean and safe environment, in consultation and partnership with local people. Protecting the natural and built environment through an effective green spaces strategy, addressing the impacts of climate change; environmental crime; in our approach to waste and recycling, food hygiene and the management of air quality areas

2.5 Economy -

Moving to an increasingly innovative and inclusive Council, committed to generating community wealth, by seeking commercial and investment opportunities and through proactive engagement with a wider range of small and medium sized businesses to build a sustainable local economy through proactive engagement with a wide range of small and medium sized businesses. Also engaging with residents, staff and Councillors to continue to embrace modern working practices through the use of IT and a commitment to a paperless Council; to increase the efficiency of services and access to them by residents

2.6 Housing -

Enabling and supporting the delivery of good quality and affordable housing in the district, ensuring both new and existing housing is fit for purpose, including a commitment to consultation and ensuring communities have the infrastructure they need.

Building more effective relationships with local housing associations and recognise our role in the fight against homelessness.

Supporting Parishes with Neighbourhood plans.

OVERVIEW AND SCRUTINY COMMITTEE 16 JULY 2019

*PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: WASTE COLLECTION FROM MULTI OCCUPANCY PROPERTIES

REPORT OF THE SERVICE DIRECTOR - PLACE

EXECUTIVE MEMBER FO RECYCLING & WASTE

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 For Cabinet to consider and decide to either retain the current weekly service for residual waste or move to a fortnightly collection service for Multi-Occupancy Properties (MOP) in accordance with the existing contract that started in May 2018. Retaining weekly collections would be a variation to the waste contract and Urbaser's claim is shown as appendix A.
- 1.2 The recent Audit of MOP has concluded that there are significantly less MOP that have the capacity to go to fortnightly collections without significant impact on either the Landlord/Managing agent or the Council.
- 1.3 Officers would not recommend a two tier collection system for NHDC MOP as this would not provide parity and equality for our residents. The contractor would require a reduction of one vehicle and a crew to make any savings and this would require the majority of MOP to move to fortnightly collections.

2. Recommendations

- 2.1 For Cabinet to approve a variation to the waste contract with Urbaser, to retain the existing weekly collection service for residual waste from MOP in accordance with appendix A.
- 2.2 For Cabinet to approve a further increase in the revenue budget of £xxxx p.a to fund these additional costs

3. REASONS FOR RECOMMENDATIONS

3.1 To prevent resident dissatisfaction, contamination of waste streams, side waste and costly enforcement action against landlords and managing agents for non compliance that would likely occur in the event fortnightly collection of residual waste at MOP was implemented in accordance with the waste contract obligations.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Continue to implement the agreed fortnightly collection of residual waste from MOP in accordance with the contract
- 4.2 Provide a two tier system where some MOP receive residual weekly & others fortnightly collection at MOP

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 To date there has been no consultation with MOP residents, Landlords or managing agents on this matter, but will do so if the decision is to retain the currently agreed terms of the contract for fortnightly collections of residual waste from MOP for commencement in Nov 2019.
- 5.2 The Executive Member for Recycling and Waste has been fully briefed and involved in detail of this report and supports the recommendation.
- 5.3 Overview and Scrutiny has called in this report for consideration prior to Cabinet on the 19 July 2019 An all member workshop was held on xxx and the feedback from members was xxxxx.
- 5.4 All members were informed through MIS of the Executive Member decision for delaying the implementation of fortnightly residual collection of waste from MOP until the beginning of November 2019 in May 2019.

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 June.

7. BACKGROUND

7.1 Cabinet at their meeting on the 19th Dec 2017 resolved:

74. JOINT WASTE COLLECTION AND STREET CLEANSING POLICY AND CUSTOMER CHARTER

RESOLVED:

(1) That the Waste Collection and Street Cleansing Policy Statements, as set out in Appendix to the report, be agreed;

The following is the relevant extract from appendix 2

Policy 3a: Multi occupancy properties- NHDC frequency change of residual waste at flats will change to fortnightly from weekly. It is currently weekly due to DCLG funding which has now ended.

- 7.2 The tender for the waste collection and street cleansing contract included an option for weekly food waste collection for all premises across the District. The Council selected this option and therefore a weekly food waste collection from flats is within the current contract price. Accordingly, this report only relates to the issues and considerations regarding transition from weekly to fortnightly residual waste collection.
- 7.3 In 2018 and in line with the end of the Veolia contract term NHDC tendered a new joint waste and street cleansing contract in partnership with EHC. As part of NHDC agreed specification tenderers were asked to include a fortnightly collection of residual waste from MOP in the District in their bid. The contract documentation stated that this move from a weekly to fortnightly service would start at the commencement of contract in May 2018.
- 7.4 Another part of Urbasers bid was to introduce efficiencies and therefore savings in other waste streams (Phase 2). These efficiencies were due to begin in November 2018 but were not introduced due to disruption in the service. A revised Phase 2 implementation date of May 2019, at Urbasers expense was agreed and allowed time for services to bed in sufficiently. This gave NHDC some confidence that round efficiencies could be made without causing further significant disruption to services and residents. As part of Phase 2 Urbaser were expecting to make a reduction of four collection rounds. If MOP fortnightly collections, in accordance with the contract, commence in November Urbaser will only achieve a reduction of three collection rounds.
- 7.5 The Outline Business Case for the new joint contract estimated between £300k p.a. to 700k p.a. of savings for NHDC but has actually delivered circa £1.9m p.a. of savings, meaning a total saving of £13.3m over the seven year contract term.

8. RELEVANT CONSIDERATIONS

- 8.1 In April 2019 Urbaser produced a phase 2 implementation plan for agreement which included details of round efficiencies. Whilst affecting the majority of the District the main efficiencies centred on the time in the day in which waste and recycling is collected. Although these changes are far reaching and affect most low rise properties in the District no day changes or other fundamental changes were suggested and therefore this element was agreed by NHDC.
- 8.2 In line with the tender requirements Urbaser detailed a plan to move from a weekly to fortnightly residual waste collection for MOP across the district. This is clearly a fundamental change in service provision and one that would potentially affect circa 450 blocks and 6000 properties across the district.
- 8. 3 Following discussions with Urbaser, an Executive Decision Notice was published in MIS announcing a further delay of four months (until 1st November 2019), for the following reasons:
 - The MOP waste steam is a particularly hard one to manage with the majority of residents using communal bins. This can discourage residents to recycle responsibly.
 - If residual waste bins are full residents can leave excess waste around bins which is unsightly and can cause further issues around public health i.e. smells and vermin.
 - A summer start is not seen as the ideal time for such implementation due to hotter weather creating associated smells and known issues.

- The effects of last years service issues are still being felt in some quarters and should the introduction of a fortnightly service not go smoothly then grievances may be exacerbated.
- There is a requirement to carry out a full detailed audit of all the MOP to determine the potential issues surrounding capacity and the ability to move the majority of MOP to a fortnightly residual waste collection service.
- Allow sufficient time for consultation with residents, landlords and managing agents
- Procure sufficient number of new bins for increased capacity requirements
- A detailed audit of all the MOP has been undertaken over the past few months. The table below gives a summary of total MOP split into a traffic light system,

Green acceptable – no change

Amber border line – would require purchase of bins (circa £4k)

Red unacceptable - number of issues including insufficient capacity of

bins (new bins circa £45k). For some MOP there may be further modifications required including access and associated infrastructure

Traffic light on MOP	Qty	%
Red	295	51%
Amber	61	10%
Green	225	39%
Total Main Sites	581	100%

51% of MOP are considered not in a position to go fortnightly services due to lack of existing storage capacity. A combination of Amber and Green gives a 49% of MOP which could potentially go fortnightly.

- 8.5 As part of phase 2, Urbaser included a reduction of a MOP residual waste collection round and therefore no saving can be made unless the majority of MOP can move to a fortnightly residual waste collection service.
- 8.6 It would not be equitable or provide parity to have half of the MOP on weekly residual waste collection service and the other half on fortnightly. This could lead to dissatisfaction and complaints from those residents affected (6k properties).

9. LEGAL IMPLICATIONS

- 9.1 Under subparagraph 5.6.1 of Cabinet's Terms of Reference in the Constitution, Cabinet has responsibility to "to prepare and agree to implement policies and strategies other than those reserved to Council." Updating the Council's waste collection policy would be Cabinet's responsibility under this subparagraph.
- 9.2 Given the value of the proposed contract variation, under subparagraphs 28.9 and 5.6.36 of the Council's Contract Procurement Rules and Cabinet's Terms of Reference respectively, Cabinet has responsibility to approve the required contract variation to give effect to the change in waste collection policy.

9.3 The Council's tender confirmed "The Provider must also set out how they will support North Hertfordshire District Council with the transition of services from Weekly collections to Fortnightly collections. This will be for collection of Residual Waste and Food Waste from Flats and other multiple occupancy residential properties only, and will take place at Contract Commencement." Further, the price schedule confirmed as follows regarding residual waste collection from flats.

"Two units will be calculated where collections are weekly"

Therefore the Council left open the option to continue with weekly residual waste collections from flats if transition to fortnightly collections was not feasible and accordingly officers consider that the contract variation is permitted under Section 72 (1) (a) of the Public Contracts Regulations 2015.

9.4 In any event, the change of collection policy and contract variation are necessary because the Council could not have foreseen the difficulties and barriers in transitioning from weekly residual waste collection from flats to fortnightly collection. There would also be substantial cost duplication and significant inconvenience if the additional service was provided by an independent contractor due to significant loss in economies of scale (particularly regarding labour, infrastructure and vehicles) and also the management of a fragmented waste collection service. Therefore officers consider that the contract variation would be permissible under sections 72 (1) (b) and (c) of the Public Contracts Regulations 2015.

10. FINANCIAL IMPLICATIONS

- 10.1 The additional annual revenue cost for the variation to the contract to retain weekly collections would be in accordance with Urbaser's claim shown in appendix A.
- 10.2 To move to fortnightly collections a capital budget of circa £50k would be required to purchase more and larger bins to meet the additional capacity needs within the MOP.

11. RISK IMPLICATIONS

- 11.1 The risks of not agreeing to retain weekly collections:
 - Council's reputation
 - Increase in residents and landlord complaints from a high percentage of our residents living in multiple occupancy properties. Different treatment may be required for different MOP, if storage capacity does not allow for fortnightly collections.
 - Further service disruptions and pressure on the service and the Council,
 - Significant enforcement costs requiring additional resources
 - £40k one off capital budget for increased number and size of bins
- 11.2 Although officers consider that the proposal to vary the contract is permissible under procurement regulations, the interpretation and application of legislation is always a matter of judgement.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 It is clear that disparity would arise and inequality of service provision if the proposed implementation of fortnightly collections proceed. It is acknowledged that a high percentage of MOP would on a weekly collection. Changes to the existing service would require careful consideration of the impacts to the community and mitigating actions to alleviate the impacts.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and "go local" policy do not apply to this report because this report relates to the variation of an existing contract
- 13.2 Officers consider that retaining weekly food waste will promote social value by promoting greater recycling and thereby reducing the amount of waste going to landfill.

14. HUMAN RESOURCE IMPLICATIONS

14.1 If planned changes from weekly to fortnightly collections don't go ahead there wont be a surge in calls about the changes to the CSC and Urbaser and with less change effecting staff in the Urbaser teams should lead to less staff dissatisfaction.

15. APPENDICES

15.1 Appendix A - Urbasers financial claim to retain weekly collections except recycling.

16. CONTACT OFFICERS

16.1 Vaughan Watson, Service Director - Place vaughan.watson@north-herts.gov.uk; Ext 4641

Jamie Sells, Service Manager – Joint Waste Contract jamie.sells@north-herts.gov.uk, Ext 4339

Antonio Ciampa, Accountancy Manager antonio.ciampa@north-herts.gov.uk, Ext 4566

Gavin Ramtohal, Legal Commercial Team Manager and Deputy Monitoring Officer gavin.ramtohal@north-herts.gov.uk Ext 4578

Reuben Ayavoo, Policy and Community Engagement Manager reuben.ayavoo@north-herts.gov.uk Ext 4212

Kerry Shorrocks, Corporate Human Resources Manager kerry.shorrocks@north-herts.gov.uk Ext 4224

17. BACKGROUND PAPERS

Waste & Street Cleansing Contract Executive Decision May 2019 MIS

Joint Audit of MOPS for waste streams and capacity for fortnightly collection of residual waste





June 2019

Project:

Scheduled Multi Occupancy Dwellings collections.

Proposal:

Restructure of Weekly collections to Bi- Weekly Collections.

During the tender stage Urbaser assumed and modelled, utilising Webaspx, that the residual waste weekly collections from Multi Occupancy premises would be moved from weekly to Fortnightly collections with immediate effect from the start of the contract.

To clarify this will only effect the residual waste collection all other waste streams remain as they are.

This was costed to begin as of day one of contract start. We did not audit the bin stores during the tender process to see if they could facilitate the additional containers should they be required. It was assumed that the Council had considered the fact and that there would be enough capacity within the existing bin stores to accommodate more bins and the reduced frequency.

As part of the mobilisation and understanding the scale of the changes relating to the Food Waste and Garden Waste it was decided to delay the changes to the Multi Occupancy premises until Phase 2. However, as you know the Phase 2 changes were delayed, meaning the weekly residual waste collections have not changed to fortnightly.

This has become an additional cost to Urbaser as we have not been able to implement the original savings as required by the tender.

An extensive joint audit of all locations has now taken place to understand the feasibility of the changes that were a fundamental part of the savings offered when Urbaser prepared and submitted their tender submission.

The decision to delay the changes from the start of the contract have had a cost implication that Urbaser have absorbed, with difficulty, for the past 14 months.

The joint decision taken to delay the changes further whilst this report is prepared has seen NHDC absorb the cost for an extended four-month period until the end of October 2019.

We have provided the detailed costs associated with retaining a weekly residual collection service for flats at an annual cost of £163,587.88

OVERVIEW AND SCRUTINY COMMITTEE 16 July 2019

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: REVIEW OF THE COMMENTS, COMPLIMENTS AND COMPLAINTS (3Cs) POLICY

REPORT OF THE SERVICE DIRECTOR - CUSTOMERS

EXECUTIVE MEMBER: LEADER OF THE COUNCIL

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

1.1 To provide the Overview & Scrutiny Committee with an opportunity to review an early draft of the updated Comments, Compliments and Complaints Policy before it is considered by Cabinet.

2. Recommendations

- 2.1 That the Committee reviews the draft policy.
- 2.2 That the Committee makes any comments on the draft policy it considers appropriate.

3. REASONS FOR RECOMMENDATIONS

3.1 To allow the Overview & Scrutiny Committee an early opportunity to review the draft policy before it is considered by Cabinet.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 No alternatives have been considered as this is an update to an existing policy

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Leader of the Council as the Executive Member responsible for this policy has been consulted.
- 5.2 Consultation with the Local Government Ombudsman has taken place with regards to the handling of social media comments.

5.3 Once adopted the revised policy will be circulated to partner organisations such as Citizens Advice and others who may have contact with our customers.

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1 North Hertfordshire District Council has a well embedded policy for receiving and handling customer feedback; Comments, Compliments and Complaints (3Cs). This policy has previously been accredited to Quality Management Standard ISO 10002/2004 and follows a structure used by many other Councils and is familiar to the Local Government Ombudsman (LGO).
- 7.2 3Cs are recorded centrally on our corporate Customer Relationship Management (CRM) system by the Customer Services team and are reported corporately to the Council's Senior Management Team as well as to Overview and Scrutiny Committee twice yearly. All Service Managers have access to view the 3Cs for their service via the CRM dashboard.
- 7.3 The 3Cs policy was last updated in 2015 along with a review of the Unreasonable Customer Behaviour and Unreasonable Complainants' policy. A further review has been carried out to bring the policy up to date and to include a section covering how we will respond to 3Cs via Social Media reflecting the growing use of social media amongst our customers.

8. RELEVANT CONSIDERATIONS

- 8.1 The updated 3Cs policy is attached as Appendix A with the updates shown as track changes. The reason for bringing this update to Cabinet is to obtain approval for the inclusion of a new section relating to social media. The key updates are explained in more detail below.
- 8.2 **Section 4.4** has an addition regarding complaints about the contractors who provide services on the Council's behalf. All of our contractors have systems in place to enable customers to provide feedback, whether positive or negative. The feedback is recorded and reported to NHDC on a regular basis. Wherever possible we encourage customers to provide feedback / report issues directly to the contractors as they are usually best placed to resolve any issues. This consistent approach also avoids potential duplication of reports and double counting. We do however, recognise that at times we may need to step in if an issue is not being resolved satisfactorily and this is something that the Local Government Ombudsman would expect of us.

- 8.3 **Section 4.5** has a new addition regarding complaints about staff. A complaint about a staff member may, through the course of the complaint investigation, lead to the matter being considered under the Managing Misconduct Policy. If this is identified early on then it would avoid a member of staff potentially being subjected to two separate investigations regarding the same matter. The policy therefore now states that any concerns in this area require early consultation with HR.
- 8.4 **Section 7.3** previously concerned letters in the newspaper. This has now been expanded to include social media comments in response to the growing use of social media to interact with us. Since 2018 we have had a separate corporate Social Media policy, which describes our approach to interacting with customers using this channel, however there has been no reference to this channel in the 3Cs policy until now. The Policy has been updated to reflect that comments on social media (similar to letters in the paper) will not **automatically** be formally recorded as complaints. The reason for this approach is detailed in the following paragraphs.
- 8.5 Social media is a growing platform for NHDC customers. We currently have 10,375 followers on Twitter and 2,805 on Facebook. We have high levels of engagement with the outward promotional activity on our pages such as events, job vacancies and Council Meetings. The Communications Team manage the outward activity and have recently recruited a Digital Engagement Officer.
- 8.6 In addition to the outbound activity, our Customer Service Team handle inbound customer service contact from some customers via social media. The contact type ranges from simple questions to specific requests for service. This channel may also be used to complain about or indeed compliment our services.
- 8.7 We align our social media channel as much as possible with the other traditional channels (telephone, face to-face and email) whilst recognising that not all interactions are specific requests for information or service and that some comments posted will be just online conversation or opinion that it will not be appropriate for us to comment on. If a comment made on social media fits within the clearly defined criteria of a complaint then we will divert the interaction away from social media so that we can privately continue the conversation and initiate the complaints process as appropriate.
- 8.8 The policy defines a complaint as 'a **specific** expression of dissatisfaction with the quality of a service provided by the Council usually falling under one of the following categories':
 - 1) We have failed to do something we should have.
 - 2) We have done something badly or in the wrong way.
 - 3) A customer feels they have been treated unfairly or discourteously.

This definition is applicable to comments on social media as well. For example if one customer is contacting us to complain about an ongoing problem that needs escalating then this would meet the complaint criteria, however if several other customers then added their own negative comments of a more general nature then they would not meet the complaint criteria.

- 8.9 We use a platform called Hootsuite for monitoring and responding to social media contact. This allows us to 'tag' contacts to gather some reporting data regarding the type of contacts we are receiving as well as the volumes. Hootsuite also monitors the sentiment of posts to identify whether a post is negative, positive or neutral in sentiment. Although a useful indicator there are many factors involved with measuring sentiment so it is considered an indicator only and not wholly accurate, for example sarcasm is not easily detected and may be interpreted as positive.
- 8.10 Hootsuite will also monitor NHDC mentions, which is a social media conversation that we are not directly involved in but are mentioned. We can view these conversations but in most cases it is not appropriate for us to comment or get involved. Hootsuite reports now accompany the 3Cs reports presented to the Senior Management Team and Overview and Scrutiny.
- 8.11 Consultation has taken place with the Local Government Ombudsman's office to ensure we are aligning with best practice. The LGO is supportive of this approach and is aware that many Councils have not yet included social media within their policy and / or do not accept complaints at all via social media at the moment.
- 8.12 The Unreasonable complainants Policy has also been updated with very minor changes. As part of a corporate approach to reduce the number of separate policies, this has been added to the 3Cs policy as an Appendix, while the unacceptable customer behaviour part of that policy has been incorporated into an existing Health and Safety Policy covering the same subject.

9. LEGAL IMPLICATIONS

9.1 Section 6.1.1 of the Council's Constitution states:

The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. A Scrutiny Committee can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

- 9.2 The purpose of this report is to give the Committee the opportunity to consider the new policy and comment on the draft before it is considered by Cabinet for adoption.
- 9.3 There is no statutory requirement for adopting a 3C's policy or equivalent but the Council chooses to do so as a matter of good practice and good customer service.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications to this report.

11. RISK IMPLICATIONS

- 11.1 A fit for purpose 3C's policy is important in terms of managing complaints in a fair, transparent and equitable way. It is an important tool in effectively managing 3C's and evidencing that this has been done, should a complaint be escalated to the Local Government Ombudsman.
- 11.2 Failure to address the growing importance of Social Media as a means of customer contact and feedback within the 3C's policy, may lead to the risk of reputational damage to the Council.

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 This policy applies to all customers and therefore there are no specific equalities implications. To further assist those that exhibit a protected characteristic, additional assistance will be provided to any customer who has difficulty in making a 3C.
- 12.3 An Equalities Impact Assessment will be carried out after all consultation has taken place.

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 Sometimes complaints are received about the conduct of staff. There are policies in place to deal with these situations, which ensure that any investigations are carried out in a transparent manner for the member of staff concerned and that specific processes are followed.

15. APPENDICES

15.1 Appendix A – Comments, Compliments and Complaints Policy Updated May 2019

16. CONTACT OFFICERS

16.1 Jo Dufficy, Customer Service Manager <u>Johanne.dufficy@north-herts.gov.uk;</u> ext 4555

Howard Crompton, Service Director – Customers Howard.crompton@north-herts.gov.uk ext 4247

Antonio Ciampa, Accountancy Manager Antonio.ciampa@north-herts.gov.uk ext 4566 Reuben Avayoo, Policy and Community Engagement Manager Reuben.avayoo@north-herts.gov.uk ext 4212

Rachel Cooper, Controls, Risk and Performance Manager Rachel.cooper@north-herts.gov.uk ext 4606

Kerry Shorrocks, Corporate Human Resources Manager Kerry.shorrocks@north-herts.gov.uk ext 4224

James Ellis, Legal Regulatory Team Manager James.ellis@north-herts.gov.uk ext 4319

17. BACKGROUND PAPERS

17.1 None

NORTH HERTFORDSHIRE DISTRICT COUNCIL



North Hertfordshire District Council Comments, Compliments and Complaints Policy and Procedure

June 2019

1. Introduction

- 1.1 At North Hertfordshire District Council (NHDC) we endeavour to provide high quality services to our customers, however, we recognise that on occasion, despite our best efforts things can go wrong. By welcoming feedback through our Comments, Compliments and Complaints (3Cs) procedures we can try to remedy situations that have gone wrong and continue to improve our services as well as learn from examples of positive feedback about things that have been done well.
- 1.2 To enable us to effectively capture, monitor and act on feedback we have a 3Cs system which has previously been accredited to ISO 10002:2004. Although we no longer undertake this accreditation we continue to work to the standards set by the British Standards Institute in their Complaints Management System Standard ISO 10002:2004.
- 1.3 All Council employees receive training on the 3Cs process as part of the corporate induction and have access to a range of information and guidance to support effective handling of 3Cs. Whilst we welcome feedback on all aspects of 3Cs this policy and procedure is mainly focussed on complaint handling and shall apply to complaint handling for all services within NHDC unless it is overridden by legislative requirements.

2. Comments and Compliments

- 2.1 Comments and compliments are welcomed so that we can learn from examples of where things have worked well and to recognise when Council staff and contractors provide exceptional levels of service.
- 2.2 Additionally comments, which may be identifying opportunities to make changes to services or processes, can help us understand our customers views on matters and provide valuable customer insight into our services.
- 2.3 All customer feedback whether it is a comment, compliment or complaint is recorded on a central database (CRM system) and passed on to the relevant service manager for review and to deal with as appropriate.
- 2.4 Data relating to comments, compliments and complaints will be reported at high level without disclosing any personal details to senior management and Councillors. All data held within the CRM system will be kept in accordance with our data retention schedules.

3. Complaints

3.1 What is a complaint?

3.2 A complaint can sometimes be difficult to determine, as a guide we define a complaint as being a specific expression of dissatisfaction with the quality of a service provided by the Council, usually falling under one of the following categories:

- 1. We have failed to do something we should have
- 2. We have done something badly or in the wrong way
- 3. A customer feels they have been treated unfairly or discourteously
- 3.3 Occasionally something may be originally received as a complaint when it needs to be dealt with in a different way. In these cases the appropriate reporting process will be followed, some examples are included below:

3.4 Examples of what is not covered by our Complaints Policy

The list below is not exhaustive but gives examples of things that are not dealt with as complaints.

- Disagreement with a policy decision; we will still welcome this feedback but will record it as a comment and it will be dealt with outside of the complaints policy. You can also discuss this with your local Councillor.
- A missed bin would be processed as a request for service by our contractor.
 However repeated (justified) missed bins or failure to deal with an issue correctly could lead to a complaint.
- Challenging a Penalty Charge Notice (PCN), a procedure for challenging a PCN along with an external appeals process is already in place.
- A Highways fault report (i.e. a faulty street light) would need to follow the Highways fault reporting process managed by Hertfordshire County Council.
- A complaint relating to another organisation, we are not able to consider these within our policy; however we will signpost customers to contact organisations directly.
- Planning objections, a separate process exists for planning objections to be submitted.

4. How to make a complaint

- 4.1 A complaint can be made in writing (via the website e-form, email, hard copy complaint form or letter) or by telephone or in person. We encourage complaints to be made in writing wherever possible so we can ensure we have a clear understanding of the complaint; however we may contact you to discuss and clarify details of the complaint if we feel that will assist with the investigation process. We will respond to complaints in writing wherever possible so that there is a record of the outcome. We will not usually consider complaints regarding matters that are over 12 months old unless there is a compelling reason to do so.
 - 4.2 We can provide information on how to complain in different languages and formats and can provide assistance to people who find writing difficult.

- 4.3 To ensure that we can capture all of the relevant and correct information we do not accept anonymous complaints. We also do not accept complaints from third parties except in circumstances where the customer has a disability and / or a representative acting on their behalf, in these circumstances customer service staff will provide appropriate assistance. We will not usually handle letters in the newspaper through our 3Cs process, however if you have supplied contact details we may try and contact you directly to follow up on your comments if appropriate to do so. Similarly comments made on social media will not automatically be handled through our 3Cs process as detailed in 7.3.
- 4.4 Complaints regarding contractors who provide services on our behalf should wherever possible be directed to the contractors in the first instance. This allows the contractor the opportunity to resolve the matter and avoids potential duplication, however if the matter is not satisfactorily resolved then we will handle the matter through our own complaints process. Contractor feedback is monitored through regular contract management meetings,

4.5 Our complaints process is set out below

We will always seek to resolve a complaint or an issue as quickly as possible. Sometimes issues are raised as complaints in the hope of getting an immediate response, however if we know we will be able to resolve an issue quickly for you then we may deal with as a service issue, so we can provide an earlier resolution. An example of this could be a missed bin which if it is not an ongoing problem can be resolved quickly with a phone call to our contractors.

Stage 1

- Once a formal complaint is received it will be recorded on our Customer Relationship Management (CRM) system and an acknowledgment with a reference number will be sent to you within two working days.
- Details of your complaint will be sent to an appropriate officer to investigate. If your complaint concerns a member of staff, then that staff member would not be the investigating officer. A complaint about a member of staff may be referred to Human Resources for a separate internal investigation if appropriate; details of any action resulting from an HR investigation would be confidential.
- We may need to contact you to discuss the complaint or obtain further information to ensure that we fully understand the complaint and can investigate it thoroughly.
- We aim to respond to 80% of complaints within 10 working days. This takes into account the fact that some complaints can be very complex and take longer to complete.

- If we are not able to fully respond to your complaint within 10 days then we will
 contact you to provide you with an update and advise when we expect to
 provide a full response.
- If you are dissatisfied with the Stage 1 response, you **may** have the right to escalate the complaint to Stage 2 of the process. We will review complaints under Stage 2 of the process only if one or more of the following circumstances is applicable:
 - 1. The complaint has not been fully understood or investigated thoroughly due to a misunderstanding of the original complaint.
 - 2. That all points raised in the complaint have not been fully responded to.
 - 3. You have not had a response to the Stage 1 complaint within the prescribed timescales and have not had an indication as to when a response can be expected.

To request a review under Stage 2 you should contact the Customer Service Centre within 14 days of our response to you, advising why you are dissatisfied with the complaint outcome. A complaint can only be escalated to Stage 2 if it has been through Stage 1 of the process and meets one or more of the criteria for escalation. Details of how to request this will also be included in your Stage 1 outcome letter.

If your complaint does not meet the criteria to escalate to a Stage 2 but you are dissatisfied with our response then you may wish to refer your complaint to the Local Government Ombudsman, details can be found in section 5 of this document.

4.6 Stage 2

- If your complaint is escalated to Stage 2, an acknowledgment with a reference number will be sent to you within two working days.
- Your complaint will be reviewed by a Senior Manager who will not have investigated the complaint at Stage 1.
- We may need to contact you to discuss the complaint or obtain further information to ensure that we fully understand the complaint and can investigate it thoroughly.
- We aim to investigate and respond to you fully about your complaint within 10
 working days. If this is not possible we will contact you to provide you with an
 update and advise when we expect to provide a full response.
- If you are still dissatisfied with our response once your complaint has been through our process, then you may wish to refer your complaint to the Local Government Ombudsman, details can be found in section 5 of this document.

5. The Local Government Ombudsman

5.1 The Local Government Ombudsman can investigate complaints about the council, however in most cases before they will investigate a complaint, the council must have had the chance to put things right first. The Ombudsman will not usually consider complaints that are over 12 months old unless there is a compelling reason to do so.

The Local Government Ombudsman PO Box 4771 Coventry CV4 0EH www.lgo.org.uk

Telephone: 0300 061 0614

6. Unreasonable Complainant Policy

- 6.1 We have a duty to make sure that public money is spent wisely and achieves value for complainants and the wider public. In a very small number of cases despite exhausting our complaints policy and possibly that of the LGO, a complainant may continue to pursue a complaint unreasonably.
- 6.2 While we do not normally limit the contact complainants have with us, in some cases it is necessary to do so because the nature or frequency of a complainant's contact hinders our ability to consider their, and other customers' complaints. We refer to these as serial, persistent or vexatious complainants.
- 6.3 We have a clear policy in place which sets out how staff should deal with unreasonable complainant behaviour. This includes that contact could be limited, restricted or in some cases stopped altogether.

Further information on the Policy can be found on the complaints section of our website.

7. Complaints about Councillors

- 7.1 A complaint about a Councillor should be directed to the Monitoring Officer at North Hertfordshire District Council. This can be done in the following ways;
- Completing our online form <u>Making a Complaint Against a Councillor Form</u>
- By telephone 01462 474578
- By email: monitoring.officer@north-herts.gov.uk
- In writing: The Monitoring Officer, Council Offices, Gernon Road, Letchworth Garden City SG6 3JF

7.2 Complaints made to Councillors

Councillors cannot make formal complaints on behalf of constituents as this would be considered a third party complaint as covered in section 4. However

they are able to provide guidance on how a complaint can be made to the Council through the established 3Cs process.

Councillors can refer matters on behalf of a constituent to officers of the Council to be looked into; however, it can only be treated as a formal complaint once the Council has discussed the matter with the constituent directly and agreed the formal route with them.

Councillors can also discuss matters of policy with constituents however policy matters are not usually covered by the complaints policy because policy decisions have been made through a democratic process.

7.3 Social media comments

We recognise that social media is a platform used by many of our customers and as such have a separate policy covering this.

We proactively use social media to engage with our residents and our Customer Services team respond to specific requests for service made via our own social media pages.

We also recognise that many comments made on social media are general expressions of opinion or public discussion and mostly informal in nature. For that reason we will not usually handle them through our formal 3Cs process. That is not to suggest that we do not take social media comments seriously, more that we understand that the users of social media do not usually expect their comments to be processed in a formal manner and often such comments are of a general nature and not about a specific incident that the Council can investigate. However if a comment clearly fits within our 3Cs criteria we will contact you directly to follow up and handle the matter through our formal process as appropriate. Requests for service will be processed in the same way as if received via other channels, for example a missed bin report would be reported to our contractors for resolution in the first instance. However ongoing or unresolved issues may be treated as a complaint.

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We are able to report through our Social media platform on the volumes, types and sentiment of interactions on our social media pages and this information will be used in conjunction with our standard 3Cs reports.

7.4 Community Trigger

The introduction of a Community Trigger on 20 October 2014 means that if a resident, or group of residents, are experiencing anti social behaviour (ASB), and feel that appropriate action is not being taken, they have the right to request a review of their case. The case review is called the 'community trigger'.

Any victim of ASB or someone acting on their behalf such as a carer, family member, MP or local councillor in North Hertfordshire can use the community trigger to request a review of their case, providing they meet the trigger threshold:

- Three reports from an individual about separate incidents in six months or;
- Three individuals have separately reported similar incidents in six months.

The Community Trigger is separate from the Complaints Policy; further details including the process for activating the Community Trigger can be found on our website.

7.5 Performance Monitoring and Reporting

Key complaints data specifically relating to volumes and performance is collated and analysed on an ongoing basis. This data is reported regularly to departmental and senior management teams as well as twice a year to the Councils Overview and Scrutiny Committee, the reports are published on our website.

Appendix A - Procedure and Policy statement for Managing Unreasonable Customer Contact and Complainant Behaviour

We are committed to dealing with all complaints fairly and impartially and to providing a high standard of service to those who make complaints. We also have a duty to make sure that public money is spent wisely and achieves value for complainants and the wider public.

Whilst we do not normally limit the contact customers have with us, in some cases it is necessary to do so either because the nature or frequency of a customers contact with the Council hinders our ability to provide services and the consideration of their, and other peoples complaints or concerns. We refer to these as serial, unreasonably persistent customers or vexatious complainants.

Some customers may have justified concerns or complaints but pursue them in inappropriate ways, others may pursue matters which appear to have no substance or have already been investigated and determined. The contact may be amicable but still place heavy demands on staff time or it may be emotionally charged and distressing for all concerned.

Examples of unreasonable actions and behaviours

- Continuing to pursue a complaint even though the Council's complaint procedure has been fully exhausted and / or refusing to co-operate with the complaints investigation process.
- Refusal to accept a decision, repeatedly arguing points with no new or relevant evidence being provided.
- Refusal to accept that certain issues are not within the remit of our complaints procedure (i.e. third party matters outside of the Councils remit) despite having been provided with full information about the procedures scope.
- Making what appear to be groundless or vexatious complaints about the staff member dealing with the complaint.
- Excessive number of contacts with staff regarding the complaint which have a negative effect on the Councils ability to deal with the complaint effectively.
- Excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff or detailed letters, not necessarily related to a formal complaint

Where the level of contact is unreasonable or the nature is considered vexatious we will act to limit contact. The decision to restrict access is taken by a Senior Manager. Any restrictions imposed will be appropriate and proportionate and will be reviewed at appropriate intervals.

The options most likely to be considered by the Council are;

- Requesting contact in a particular form e.g. by letter only
- · Requiring contact to take place via a specified officer
- Asking the customer to enter into an agreement about their future contact with the Council.
- Terminating contact with a complainant

Considerations prior to taking action

Whether the consideration of a complaint has concluded it may be appropriate to end all communication regarding the issue and refer the complainant to the Ombudsman

Any action to restrict access could have serious consequences for the individual so before action is taken we should be satisfied that:

- The complaint has been or is being investigated properly
- Any decision reached is the right one
- Communications with the complainant have been adequate
- The complainant is not now providing any significant new information that might affect the outcome of the complaint.

Case Review

Before action is taken to restrict access the case must be reviewed by a Service Director or the Chief Executive. If a decision is made to limit or restrict access to services the complainant will be notified in writing with an explanation of:

- Why the decision has been taken
- What it means in terms of contact with the Council
- How long the restriction will be in place and when it will be reviewed.
- A copy of the letter sent to the complainant should be sent to the Customer Service Manager for attaching to the customer record on the CRM.

If a restriction is in place then ongoing correspondence / contact will be reviewed and considered .If it is simply a continuation of previous matters then receipt should be acknowledged and a record / copy placed on file but a response will not be provided. Any new matters will be treated as such.

Any restrictions should be for a specified period of time with a review date, unless there are good grounds to extend the restrictions they should be lifted at the end of the review period.

If a complainant wishes to request a review of a decision to limit their access to the Council they should request this in writing.

OVERVIEW & SCRUTINY COMMITTEE 16 JULY 2019

*PART 1 - PUBLIC DOCUMENT

TITLE OF INFORMATION NOTE: FULL YEAR UPDATE ON COMMENTS, COMPLIMENTS AND COMPLAINTS (3CS)

INFORMATION NOTE OF THE CUSTOMER SERVICE MANAGER

EXECUTIVE MEMBER: LEADER OF THE COUNCIL

PRIORITY: RESPONSIVE AND EFFICIENT

1. SUMMARY

This information note is to provide an update on the full year (2018/19) performance in regards to the Comments, Compliments and Complaints (3Cs) for the Council and the Contractors that provide services on the Council's behalf. This briefing note accompanies the 3Cs dashboard at Appendix A and the breakdown of 3Cs by service and type at Appendix B. Also attached are Appendices C,D and E, which relate to social media activity for the period in question. The Communication Manager will be present at the meeting to provide Members with further information and answer any questions.

2. STEPS TO DATE

The Council has a well embedded policy and procedure for handling customer feedback, called the Comments, Compliments and Complaints (3Cs) Policy. We welcome feedback from our customers about our services so that we can continue to learn about how we can make improvements and what we do well. We know that at times of major service change or disruption complaints can increase significantly and that it can take some time to return to a level that is 'normal' for us as has been the case with the last two major waste service changes.

The 3Cs policy sets out clearly the definition of a comment, compliment and complaint as well as how to escalate a complaint further either to stage 2 of the process or the Local Government Ombudsman (LGO) Customers are able to give feedback in a number of ways and can do this to us directly or to the contractors who provide key services on our behalf.

Whilst the role of the LGO is mainly to consider complaints about Councils, they are also a useful source of information and guidance around best practice and also provide training for Council staff in effective complaint handling. The LGOs website publishes decisions about complaints they have investigated and is regularly updated with case studies which we often share internally to keep up to date. If the LGO upholds a customer's complaint it will seek to put the complainant back in the position they would have been in had the fault not occurred and will suggest a remedy and make recommendations to avoid a similar situation, if appropriate.

3. INFORMATION TO NOTE

There are a number of areas that generally receive the highest amount of feedback and unsurprisingly these are in areas where there is the highest level of contact or interactions and / or areas providing a key service to our residents, such as the leisure facilities, waste services and Careline.

During this period the number of 3Cs received, specifically comments and complaints, increased significantly compared to previous years with 1947 complaints received either directly at NHDC or by our contractors. 2018/19 saw the highest number of complaints received for several years. The last significant increase in complaints was in 2013/14 when 1,429 complaints were received, linked to the major waste service change that took place at that time.

The vast majority of comments and complaints received in this period also relate to the changes to the waste service implemented in May 2018. Although the service change started in May, feedback started coming in earlier and was mainly concerning dissatisfaction with the changes being introduced and limitations with payment methods, which resulted in more payment options being made available. Once the service and contract change started then complaints significantly increased as a result of initial operational issues that occurred.

The majority of the waste complaints related to issues regarding missed collections of either garden waste (brown bins) or food waste (caddies). There were a number of complaints from residents who were unable to get through to Urbaser by telephone to report a missed bin / ongoing issue. We also know that a number of residents experienced ongoing issues which took some time to get fully resolved.

The chart below shows the pattern of waste complaints reported to NHDC during this period with July and August seeing the highest number of complaints with a continual decrease throughout the rest of the year.



The summary dashboard at Appendix A shows the key 3Cs data for the contractors alongside the numbers of annual bin collections and the number of visitors the leisure facilities received in this reporting period.

Appendix B provides a breakdown of all 3Cs received by service and by type. The Careline service received a high number of compliments about the service provided; these are generally submitted by a client's family following an incident where the Careline staff had provided an emergency response service.

There were 36 stage 2 complaints received, 20 of which related to waste complaints, 5 related to planning complaints and the rest were for various service areas. If a complainant remains dissatisfied with our complaints outcome after completing our process they may escalate their complaint to the Local Government Ombudsman. The LGO received ten complaints during this period across a range of service areas, the table below summarises the LGO decisions on those complaints:

Service (as classified by the LGO)	LGO Decision
Planning & Development and the decision	Upheld: maladministration
	and injustice
Planning & Development and the decision	Upheld: maladministration and injustice
Corporate & Other Services.	Closed after initial enquiries - out of jurisdiction
Environmental Services & Public Protection & Regulation	Not upheld: no maladministration
Environmental Services & Public Protection & Regulation	Upheld: maladministration and injustice
Planning & Development .	Closed after initial enquiries - no further action
Environmental Services & Public Protection & Regulation	Closed after initial enquiries - no further action
Benefits & Tax	Premature complaint – no further action
Environmental Services & Public Protection & Regulation	Closed after initial enquiries - no further action
Planning & Development	Upheld: maladministration, no injustice.

Complaints that are escalated to the LGO are usually complex and will usually have exhausted our own complaints procedure. In 2016 the LGO produced a detailed report which stated that of just under 20,000 complaints they investigated in that year, 51% were upheld.

In this period there were ten complaints escalated and considered by the LGO, two of which were an identical complaint from two different people. Unusually, we had four complaints upheld in this period, three of which relate to planning matters, with one complaint being counted twice. In each of these three planning cases the Council acknowledged an administrative error through the complaints process and upheld the customers' complaint. The errors identified did not have a material impact on the planning process or outcome.

The findings of the LGO reflected what had already been identified and therefore the LGO upheld the complaints as maladministration. The fourth complaint that was upheld related to a licensing complaint regarding the refusal of a taxi driver to carry a passenger and the subsequent investigation into the matter that followed. In line with the LGOs recommendation a payment of £200 was made to the customer as a remedy for the distress and inconvenience caused.

4. NEXT STEPS

3Cs performance will continue to be monitored and reported to SMT quarterly and Overview and Scrutiny six monthly.

The Customer Service Manager will continue to keep up-to-date with guidance and case studies from the LGO, sharing any key learning.

5. APPENDICES

Appendix A – Dashboard

Appendix B - Breakdown by service area

Appendix C – Facebook Dashboard

Appendix D – Twitter Dashboard

Appendix E – Instagram Dashboard

6. CONTACT OFFICERS

Jo Dufficy Customer Service Manager Johanne.dufficy@north-herts.gov.uk 01462 474555

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01462 474552

7. BACKGROUND PAPERS

None.

3Cs Performance Summary - 01 April 2018 - 31 March 2019

NORTH HERTFORDSHIRE DISTRICT COUNCIL



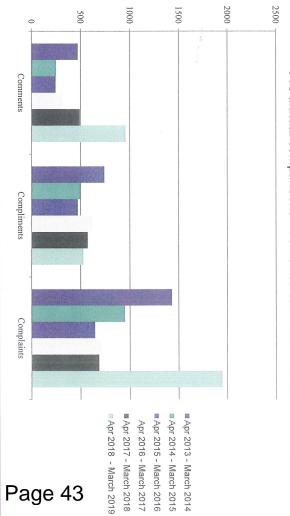
3CS RECEIVED DIRECTLY AT NHDC - ANNUAL COMPARISONS

	14/15	15/16	16/17	17/18	18/19
Number of Comments received	116	79	70	229	198
Number of compliments received	228	207	190	150	168
Number of complaints received	333	154	189	169	941
% resolved within 10 working days	73%	67%	61%	56%	48%
% of complaints justified	51%	42%	31%	36.%	62%
Complaints received by the LGO	9	12	œ	9	10

3GS RECEIVED BY OUR CONTRACTORS—ANNUAL COMPARISONS

Devictor Leicuro Contro 44 34 EF	Hitchin Swim Centre & 27 18 46 Archers	North Herts Leisure 75 60 77 Centre	Veolia / Urbaser 407 332 283	John O'Conner 63 46 52	Complaints	14/15 15/16 16/17
34	48	157	265	13	nts	17/18
44	101	98	748	5		18/19 14/15
39	40	75	113	0		14/15
48	47	80	8	0	0	15/16
141	118	105	56	0	Compliments	16/17
65	106	198	52	0	nts	17/18
58	110	167	21	_		18/19

3Cs annual comparisons - Combined totals NHDC & Contractors



Percentage of interactions resulting in a formal complaint

Page 43

	Number of interactions / collections / visitors	% of interactions resulting in complaint
NHDC	303,606	0.3%
Veolia / Urbaser	5.1m	0.01%
North Herts Leisure Centre	535,227	0.02%
Hitchin Swim Centre & Archers	447,566	0.02%
Royston Leisure Centre	403,359	0.01%



APPENDIX B - BREAKDOWN OF 3CS BY SERVICE

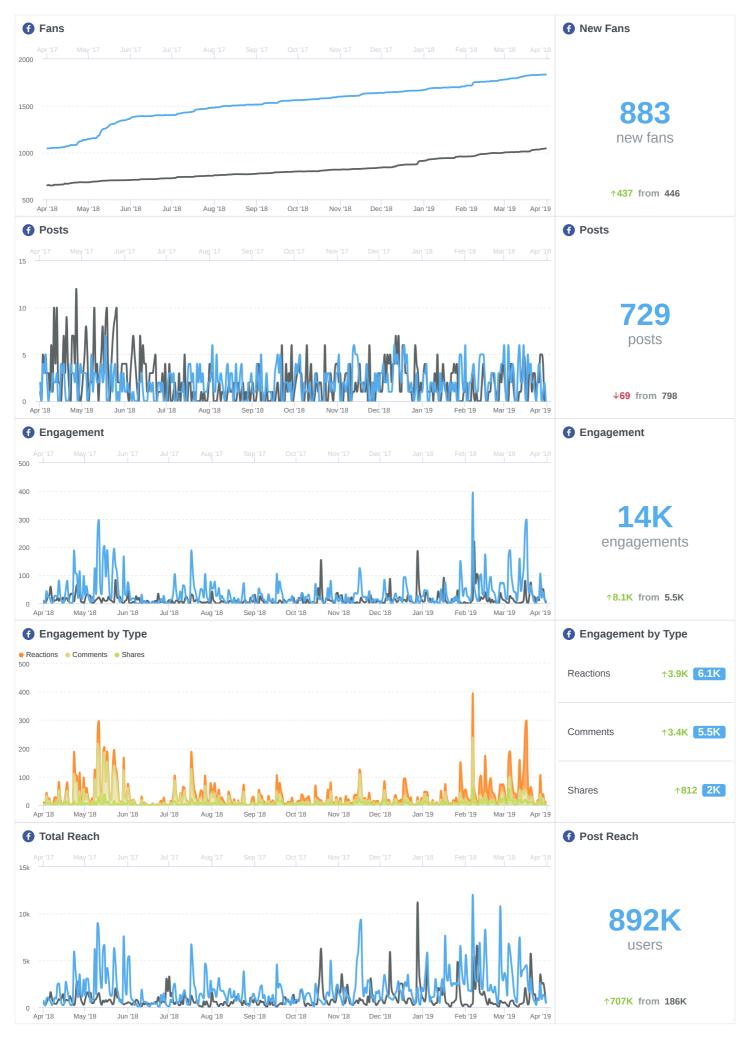
	Comments	Compliments	Complaints
Chief Executive	1	0	0
Committee and Member Services	0	0	1
Electoral Services	1	0	0
Communications	1	0	0
Customer Service Centre	5	13	10
Grounds Maintenance	1	11	19
Leisure	0	2	5
Parking Services	2	0	12
Parks and Open Spaces	1	1	2
Waste Management	171	26	768
Benefits	1	8	15
Community Development	0	4	0
Post & Admin	0	5	4
Revenue Technical	2	0	4
Revenues Billing & Recovery	7	5	26
Careline	0	72	0
Community Safety	1	0	0
Enforcement / Enviro-Crime	0	2	1
Environmental Health Commercial	0	2	5
Environmental Protection	0	1	8
Hitchin Town Hall	0	0	3
Housing Needs	1	5	10
Licensing & Enviro-Crime	1	3	12
Planning Control & Conservation	0	8	28
Planning Policy	2	0	6
Private Sector Housing	0	0	2
NHDC Totals	198	168	941
Contractor Data	Comments	Compliments	Complaints
Waste (Veolia / Urbaser)	412 0	21	748 15
Grounds (John O'Connor) North Herts Leisure Centre	85	167	98
Hitchin Swim Centre	155	110	101
Royston Leisure Centre	107	58	44
Contractor Totals	Page 45	357	1006
Grand Totals	957	525	1947

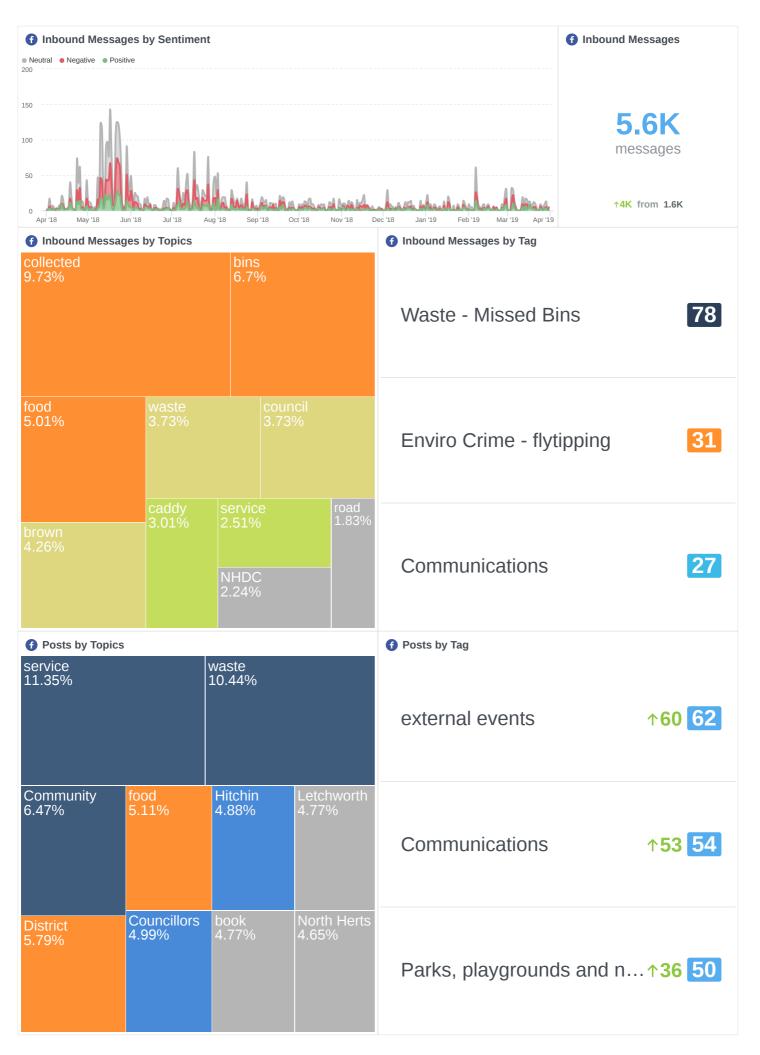


Facebook Dashboard

- Apr 01, 2018 Mar 31, 2019
- Apr 01, 2017 Mar 31, 2018







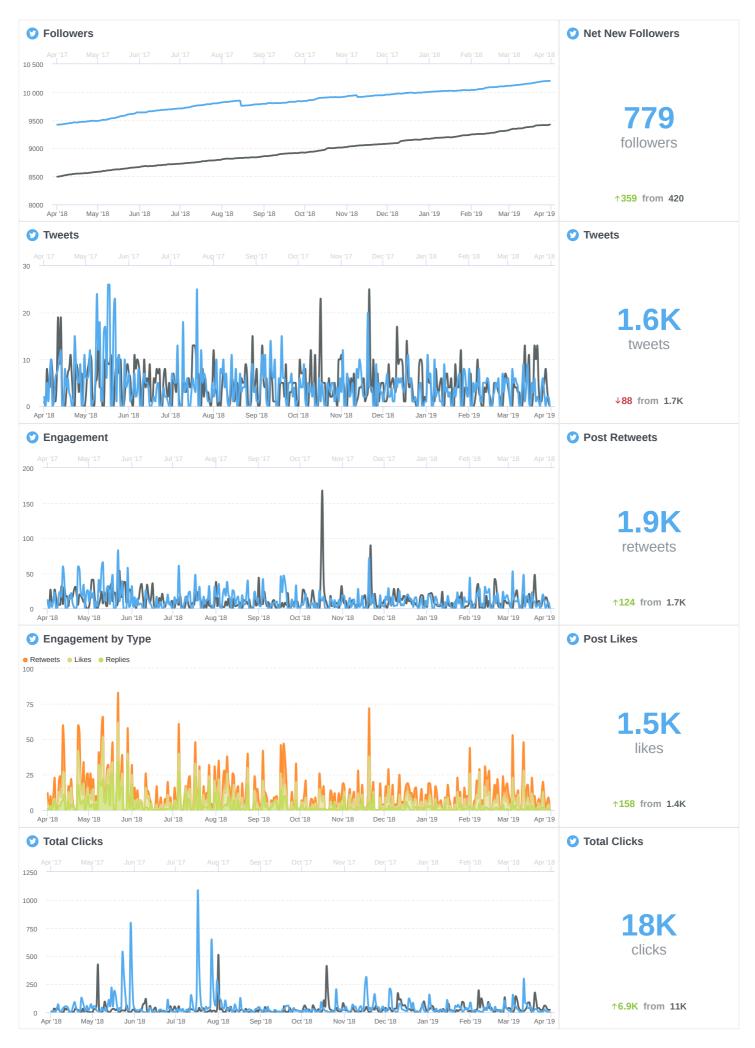
Date		Message	⊩ Reactions ▼	Comments	Shares	Ow.ly Clicks
NA Df	North Hertfordsh Mar 16, 12:30	Congratulations to L'Artista in #Letchworth for being awarded a food hygiene rating of 5 by our Environmental Health team. Find out more about how we score establishments that serve food here: http://ow.ly/ffBD30o2vVs #NorthHerts Environmental health	130	24	31	71
Q Df	North Hertfordsh Jan 28, 13:25	Due to recent antisocial behaviour, including fire damage, the toilets in Howard Park & Gardens have been temporarily closed. Damage to a toilet cubicle and other acts of vandalism have led to the Police and Fire Service being involved. We will continue to monitor the situation. Solution of the Police and Fire Service being involved. We will continue to monitor the situation.	56	20	10	
NI Df	North Hertfordsh May 11, 12:15	From next week, we will start collecting household batteries on your grey bin mixed #recycling collection day. Household batteries (AAA, AA, B, C, D) should be placed in tied plastic bags and placed on the lid of your grey recycling bin for collection. Waste - recycling	53	43	24	
NA Df	North Hertfordsh Feb 06, 10:00	Congratulations to USA Fried Chicken in #Letchworth who were scored with a food hygiene rating of 5 by our Environmental Health team. You can check the rating of any restaurant, takeaway or food shop at the Food Standards Agency website: http://ratings.food.gov.uk #NorthHerts Environmental health	51	93	67	
	North Hertfordsh Mar 15, 16:30	Vandalism closes public toilets in #Letchworth's Howard Park and Gardens again http://ow.ly/wfi830o3ISZ #NorthHerts Parks, playgrounds an	45	20	2	1
NA Df	North Hertfordsh Oct 15, 11:15	Have you heard about Letchworth's Best Before Cafe? Surplus food from supermarkets is sold at Pay-as-you-feel prices, to help reduce food waste in the UK. Read more about this fantastic project in NH Now, the new digital magazine for North Herts: http://ow.ly/xPbC30mcNty Communications	41	5	21	118
(H)	North Hertfordsh Oct 05, 15:30	Competition time! We're thrilled to announce the launch of NH Now - a brand new digital magazine exploring all the great things North Herts has to offer. You can read it online right here: http://ow.ly/vGnH30m7dwe To celebrate, we're giving you a chance to win a family ticket to see 'Santa's New Sleigh' at Broadway Cinema & Theatre! To enter, simply LIKE this p Communications	40	28	12	6
	North Hertfordsh	Congratulations to the Potting Shed Cafe at Thorne's Garden Nursery for scoring a food hygiene rating of 5! You can check the rating of any restaurant, takeaway or food shop at the FoodStandardsAgency website: http://ratings.food.gov.u k/	38	3	0	

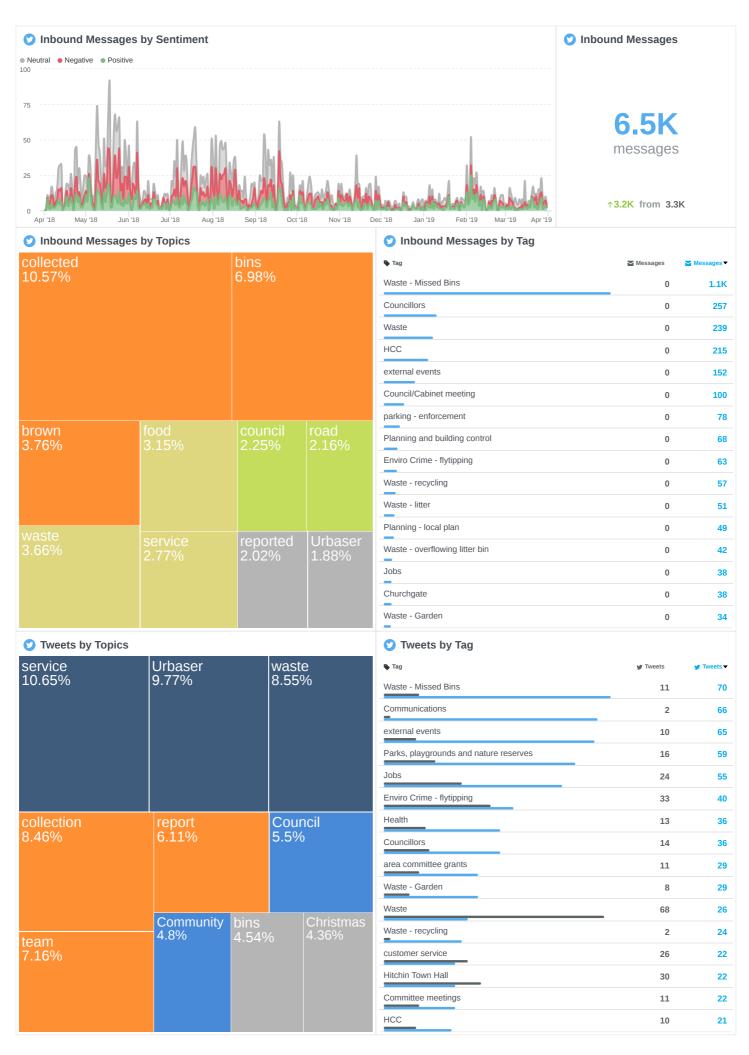


Twitter Dashboard

- Apr 01, 2018 Mar 31, 2019
- Apr 01, 2017 Mar 31, 2018





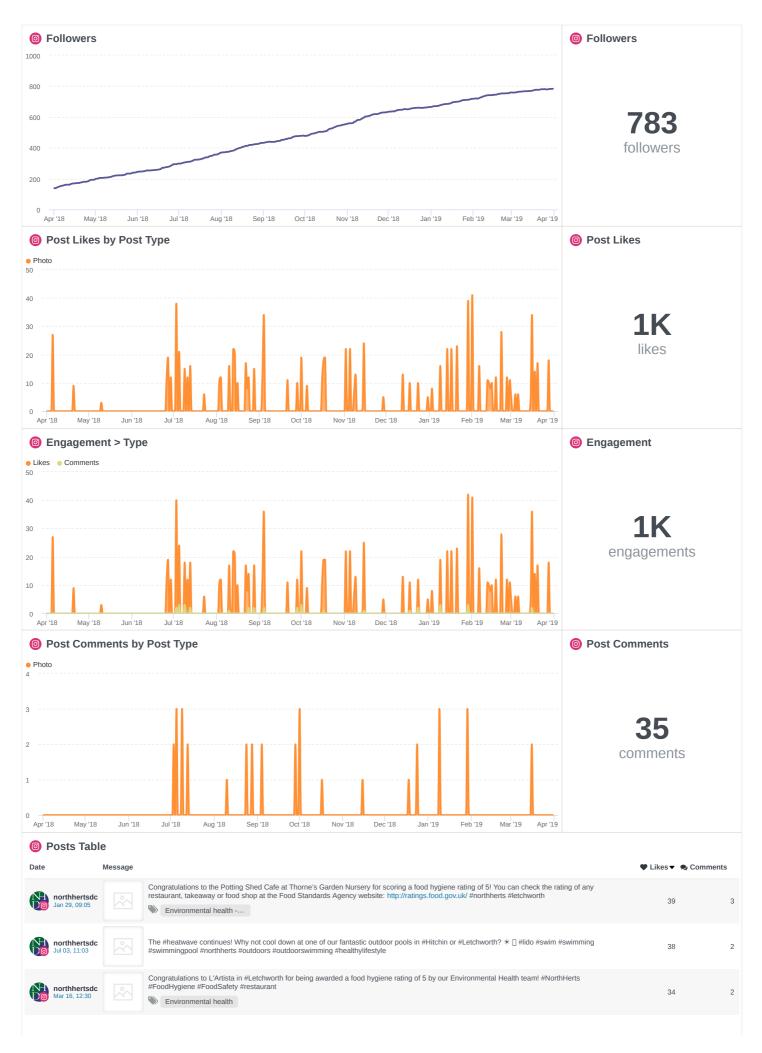


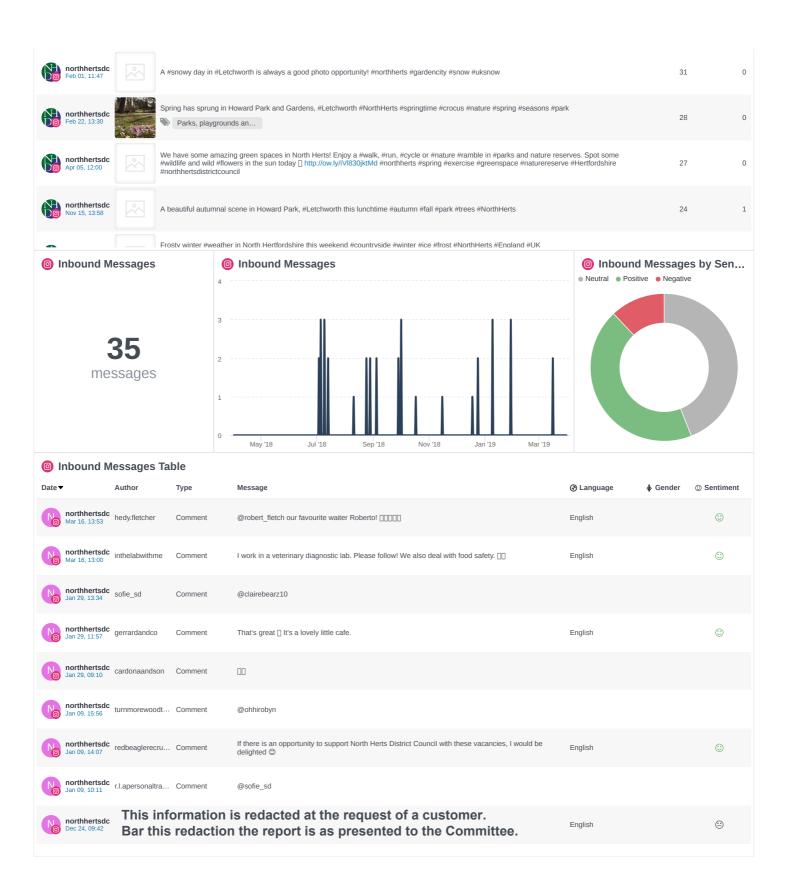
Twe	eets Tal	ple				
Date		Message	Z Retweets ▼	« Replies	Likes	Now.ly Clicks
sD0	worth it it	Know of a local charity, voluntary group or not for profit organisation that needs funding? Applications are being invited for a share of a nearly £90,000 grant funding pot. Deadline to apply is 4 May. Please share to help spread the word! More info here: http://ow.ly/qKXn30jpS4F https://twitter.com/NorthHertsDC/status/984491666492067841/photo/1 warea committee grants	22	1	10	33
sD0	NorthHert OC p 28, 14:15	The Wymondley area has become a fly-tipping hot spot lately. We're working with organisations like @HertsPolice @LetchworthGC and @HERS to spread the word that flytipping waste is a crime that can harm people, animals and the environment. #SCRAPflytipping http://ow.ly/ligOh30m0QQk https://twitter.com/NorthHertsDC/status/1045678339636297 Enviro Crime - flytipping	13	6	12	7
sD(NorthHert OC r 29, 18:00	On Thursday 3 May residents in North Herts will go to the polls to vote on who represents them at a local level. Local government elections select councillors who make decisions on running your Council services. Find out who is running where you live here: http://ow.ly/wa9l30jqOoj https://twitter.com/NorthHertsDC/status/990652158520459265/photo/1	12	3	7	157
sD0	NorthHert OC r 13, 09:00	Fly-tipping is the illegal dumping of items. If your waste is fly tipped, by you or by someone else on your behalf, you could face a £400 fixed penalty notice or an unlimited fine. If it's your waste it is your responsibility #SCRAPflytipping http://ow.ly/5Mcl30jslgT https://witter.com/NorthHertsDC/status/984718010966597632/photo/1 Enviro Crime - flytipping	12	2	7	8
sD0	NorthHert OC ur 12, 12:45	The #Hitchin Food Rescue Hub has been awarded funding from NHDC's Hitchin Committee to set up a weekly pop up café to stop perfectly good food going to landfill: http://ow.ly/GUpU30o0P7b https://twitter.com/NorthHertsDC/status/1105449628374364160/photo/1 area committee grants	12	0	15	17
sD0	NorthHert OC p 04, 07:45	The #Hitchin and #Letchworth outdoor pools close this Sunday 9 September, so make the most of the sunny weather and enjoy a final dip or two while you still can [] * https://twitter.com/NorthHertsDC/status/1036882849641758720/photo/1	12	2	11	
sD0	NorthHert OC by 02, 12:45	The North Herts #localelections take place tomorrow. Polling stations will be open from 7am to 10pm. If you're not sure where your local polling station is you can look it up or view it on a map here: http://ow.ly/qk4G30jN7Xq https://twitter.com/NorthHertsDC/status/991659867747340288/photo/1	11	1	6	73
@N	NorthHert	Last collections of brown bins in the current service will be either week commencing 30 April or 7 May, depending when your recycling week falls. Only households subscribed to the chargeable garden waste service will have their brown bins				

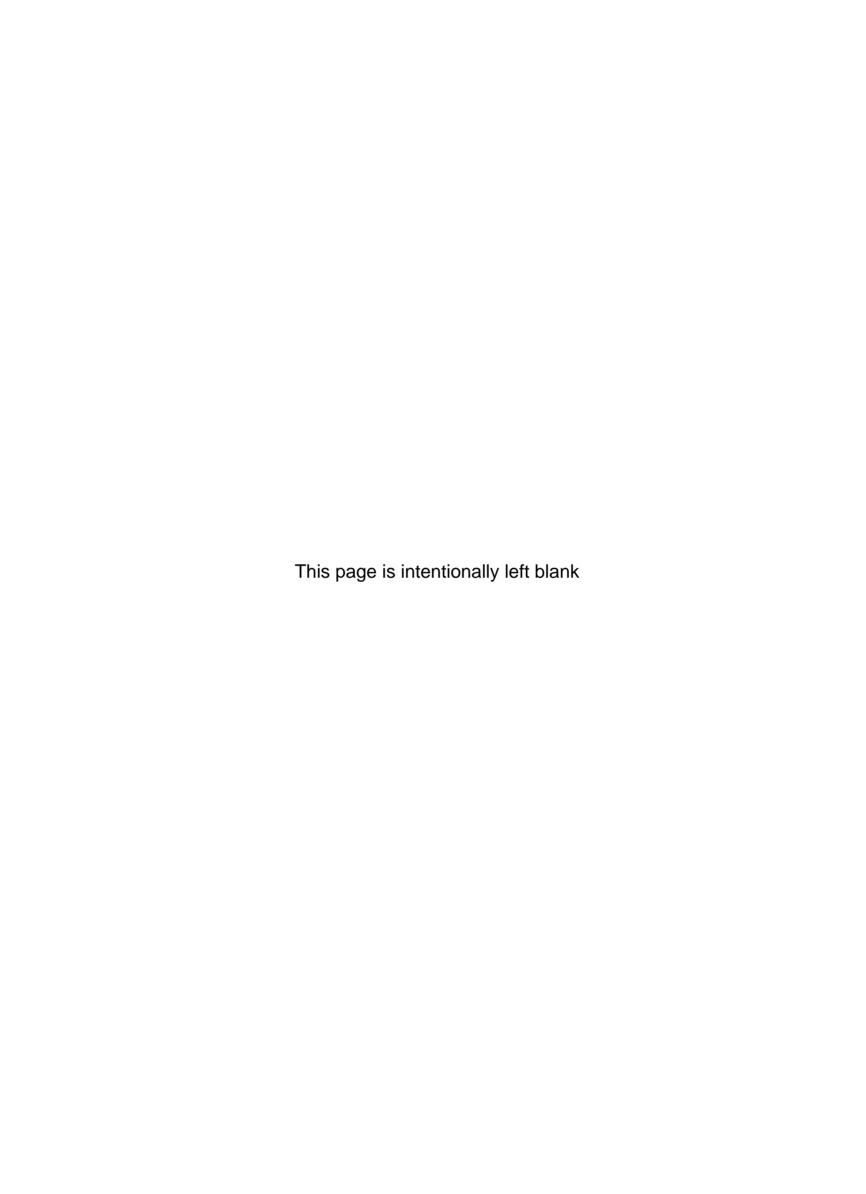
Instagram Dashboard

Apr 01, 2018 - Mar 31, 2019









OVERVIEW AND SCRUTINY COMMITTEE 16 JULY 2019

*PART 1 - PUBLIC DOCUMENT

TITLE OF REPORT: FAIR COLLECTION POLICY

REPORT OF: SERVICE DIRECTOR - CUSTOMERS

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR FINANCE & IT

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

1.1 To provide the Overview & Scrutiny Committee with an opportunity to review an early draft of the proposed Fair Collection Policy before it is considered by Cabinet.

2. Recommendations

- 2.1 That the Committee reviews the draft policy.
- 2.2 That the Committee makes any comments on the draft policy it considers appropriate.

3. REASONS FOR RECOMMENDATIONS

3.1 To allow the Overview & Scrutiny Committee an early opportunity to review the draft policy before it is considered by Cabinet.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 This is an opportunity to consult with the Committee and alternative options can be considered as part of this and any wider consultation.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The draft policy has been considered by the Executive Member and it is proposed to consult further with Citizens Advice.
- 5.2 Prior to the change in administration, the then Executive Member for Finance & IT, former Councillor Julian Cunningham arranged a briefing on the Council's collection processes for himself, Councillor Allen and Councillor Collins at which the Council's collection processes, which form the basis of this policy were discussed.

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 13 June 2019.

7. BACKGROUND

7.1 At the Council Meeting on 17 January 2019, the following motion was put before the Council:

At a time of increasing debt, homelessness, poverty, hardship and uncertainty caused by the rollout of Universal Credit in North Hertfordshire, this Council resolves:

'To implement an ethical debt collection policy and align itself to best practice in both the private sector and other local authorities, which have abandoned the use of bailiffs for debt collection.

To ensure that value for money for council tax payers is maximised by pursuing debt repayment plans that will enable money to be paid back to the local authority through managed debt collection.

To avoid additional costs being incurred such as those arising from needing to rehouse people made homeless as a result of a non-ethical debt collection policy.

To enshrine the above in contracts held with agencies operating on behalf of North Herts District Council and to work with them to implement an ethical debt collection policy.

This Council additionally notes than an ethical debt collection policy is not a 'no debt' collection policy and that everyone who owes money to the local authority is obliged to repay it.'

7.2 The motion was lost, however it has highlighted the need to adopt a formal policy to document the collection processes, which have been used by the Council for many years and which have proved to be effective and fair.

8. RELEVANT CONSIDERATIONS

- 8.1 The draft policy is available at Appendix 1.
- 8.2 The Council already complies with all of the sentiments expressed in the above motion with the exception of "abandoning the use of Bailiffs".
- 8.3 The age old perception of Collection Agents bashing down doors, forcibly entering premises, seizing goods and charging excessive fees could not thankfully, be further from the truth today. The industry is highly regulated and this Council insists that all Collection Agents carrying out work for it must be certificated by the County Court. All fees are also regulated and subject to legislation.
- 8.4 In the five-year period I January 2014 to 31 December 2018, there were only 36 complaints nationally made about the actions of Collection Agents to the Local Government Ombudsman and it is many years since this Council has had a justified complaint about the conduct of a Collection Agent.

- 8.5 The application of this policy is dependent on an effective working relationship between the Council, the Council's Collection Agents and Citizens Advice. This tripartite relationship has been developed over many years and now incorporates the following:
 - The use of the Collection Agents as the "eyes and ears" on the ground. The
 Collection Agents are often the first to identify potential vulnerable cases and these
 are referred to either the Council or Citizens Advice for further help and assistance.
 No enforcement action is taken in these cases and any enforcement fees are
 withdrawn
 - Regular meetings between the Council, Collection Agents and Citizens Advice at which the Collection Agents update on any changes to legislation and practices and review any difficult or unusual cases
 - Provision of training by the Collection Agents for Citizens Advice staff
 - Collection Agents attendance at the Council's Safeguarding Training and refresher training
- 8.6 One of the main threads of the policy is around dealing with vulnerable customers. There is no definition of vulnerable within the relevant legislation, which is the Taking Control of Goods Regulations 2013. At 5.3 of the policy we identify potential vulnerable situations and point out that the list is not exhaustive. It also makes the point that not all cases falling into one of the categories will be vulnerable and each case has to be decided on its own merits. The test is whether "Continued enforcement action would have a severely detrimental effect on the welfare of the customer or anyone else residing in the property"
- 8.7 Our primary Collection Agents, Penham Excel Ltd has produced an information leaflet, which is provided with their first letter. This has been used on a trial basis in some areas and is about to be introduced in North Hertfordshire. It also has a published Vulnerability Policy and these are available as Appendices 2 and 3.
- 8.8 Penham Excel Ltd has also provided an information note for the Council detailing its approach to collection, which is at Appendix 4.
- 8.9 It can be seen from the above that abandoning the use of Collection Agents would actually have a detrimental effect on the Council's ability to identify potentially vulnerable cases as in most instances it is the Collection Agents on the ground that are best placed to make that judgement.
- 8.10 It is also important that the Council has sufficient options available to enforce collection against those who have the ability to pay and choose not to.
- 8.11 The Council's primary aim is to make a payment arrangement rather than take any enforcement action and customers are encouraged at all stages, including when visited by the Collection Agents to make such an arrangement.
- 8.12 Before any goods can be seized by the Collection Agents, consent is required from the Council and there have been no such cases for several years.
- 8.13 Before any cases are referred to a Collection Agent, checks are made to see if more appropriate methods of recovery are available, primarily these would be Attachment of Benefits, Attachment of Earnings or by adding the amount to an existing in-house arrangement..

- 8.14 If, in the course of making enquiries, a Collection Agent becomes aware that a customer is in receipt of an attachable welfare benefit, the case will be referred back to the Council and any fees will be withdrawn. Equally, where a Collection Agent believes a customer to be in hardship, they will recommend to the Council that a Discretionary Council Tax Payment is awarded.
- 8.15 It therefore follows that collection from customers in receipt of Universal Credit will be by personal arrangement with the Council or Attachment from Universal Credit.
- 8.16 Table 1 below shows the amount of Council Tax debt at March 2019 being collected by both the Council and the Collection Agents including the amounts that are subject in both cases to payment arrangements. This shows the Council's and the Collection Agent's commitment to enter into payment arrangements rather than using other forms of enforcement.

Table 1:

Current Debts at NHDC on Payment Arrangements	,000
Value of cases on arrangement	£825
Value of cases on hold	£139
Value of cases on an Attachment of Welfare Benefit	£170
Value of cases awaiting an Attachment of Welfare Benefits	£435
Value of cases on Attachment of Earnings	£88
Value of cases awaiting an Attachment of Earnings	£227
Total value of cases on payment arrangements in house	£1,884
Total value of cases on payment arrangements with Collection Agents	£478
Total Value on payment arrangements	£2,362

8.17 If it has not been possible for the Council or its Collection Agent to secure a payment arrangement, and there is no evidence that the customer should be considered as vulnerable or does not have the ability to pay, other options will be considered to collect the outstanding amount. These are:

Bankruptcy & Charging Orders

The Council in consultation with its specialist solicitors will consider whether either of these options is viable. If there is no equity in the asset neither option is viable as there will be no assets to cover the debt. In practice, these remedies are rarely carried through to a conclusion.

Winding Up Orders

These apply to Business Rates collection only and follow the same considerations as Bankruptcy and Charging Orders. It has never been necessary to date to follow this through to a conclusion.

Means Enquiry

This is considered when all other options have been exhausted and there is no evidence available that the customer does not have the means to pay. The Magistrates will carry out an enquiry into the customer's ability to pay. In the vast majority of cases, the Magistrates will make a payment order attached to a suspended prison sentence. The Magistrates also have the option to remit the debt if they are satisfied that the customer has no means to pay or can in extreme circumstances order commitment to prison for up to 90 days.

This remedy is used carefully and there has only been one instance where a customer has been committed to prison and this was an extreme case where the customer absconded and had to be arrested in the north of England.

- 8.18 At all the above stages the Council will accept a payment arrangement and suspend the action. Instigating these remedies will often result in the customer making their first contact with the Council or Citizens Advice and in many cases results in the Council establishing vulnerable cases.
- 8.19 By far the vast majority of customers in North Hertfordshire pay on time and collection rates for both Council Tax and Business Rates have maintained a high level despite the years of austerity and other changes such as the implementation of the Council Tax Reduction Scheme. Table 2 shows the comparative collection rates for the previous seven financial years, i.e. the year prior to the Introduction of CTRS and the six full subsequent years.

Table 2:

	Cou	ncil Tax	Busir	ess Rates
Year	In-Year	As at 31/05/19	In-Year	As at 31/05/19
2018/2019	98.38%	98.69%	98.31%	98.53%
2017/2018	98.22%	99.27%	98.38%	99.37%
2016/2017	98.40%	99.56%	98.55%	99.79%
2015/2016	98.13%	99.69%	97.99%	99.72%
2014/2015	97.84%	99.79%	96.94%	99.75%
2013/2014	97.81%	99.83%	97.39%	99.91%
2012/2013	98.18%	99.94%	97.06%	99.90%

- 8.20 By the time that this meeting takes place, the Council will have entered into a pilot scheme with HMRC to identify potential Council Tax cases for Attachment of Earnings. This will increase the Council's ability to attach earnings rather than send cases for enforcement action.
- 8.21 For Council Tax, Business Rates and BID Levy, he approach taken by the Council does ultimately result in high collection rates with over 99.5% net of write-offs eventually collected for each year, although not necessarily collected within the year.
- 8.22 This Council does use write-offs sparingly and is most often used in cases where customers have absconded, been made bankrupt or where the debt is too old to collect. Write-offs will be more prevalent for older debts, where all other efforts to collect have been unsuccessful.

8.23 In 2018/2019 a total of £504K Council Tax was written-off across all years and only £49K (0.57% of the total collectable debit for the year) of that related to 2018/2019. Of that £504K, £181K related to cases that had absconded, £99K to bankruptcies and £140K where the debt was now too old to collect.

9. LEGAL IMPLICATIONS

9.1 Section 6.1.1 of the Council's Constitution states:

The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. A Scrutiny Committee can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

- 9.2 The purpose of this report is to give the Committee the opportunity to consider the new policy and comment on the draft.
- 9.3 There is a considerable amount of legislation governing the administration and collection of amounts owed to the Council. The principal legislation is:
 - Local Government Finance Acts 1989 and 1992
 - Council Tax (Administration & Enforcement) Regulations 1992, as amended
 - Non Domestic Rate (Collection & Enforcement) Regulations 1989, as amended
 - The Taking Control of Goods Regulations 2013 & Taking Control of Goods (Fees) Regulations 2014
 - Various County and Magistrates Court Rules

10. FINANCIAL IMPLICATIONS

- 10.1 The Council has a statutory requirement to collect local taxes such as Council Tax and Business Rates and also has a responsibility towards its fiduciary requirement to collect amounts of money owed to it.
- 10.2 Whilst it is correct to provide as much assistance as possible to those who are vulnerable and/or struggling to meet their financial commitments, the Council also has a duty to safeguard the interests of the vast majority of customers who do pay on time and in full. This is because any shortfall in money collected for whatever service will either result in those that do pay having to pay more or the Council having to reduce the services that it provides.
- 10.3 The intention of this policy is to achieve the maximum collection from those finding it difficult to pay, even if that takes a little longer, rather than offering no assistance and no money being collected. For that reason, Officers would recommend that the correct balance is being struck.
- 10.4 Having said that, there has to be a realistic approach taken towards debts due to the Council where there is little prospect of collection, either because of hardship of because of the age of the debt.

- 10.5 Section 7 of the Policy deals with the viability of collection and will cover circumstances in which it is considered difficult to collect debts. This has been an area where the Council can be more proactive and be more prepared to write-off difficult to collect debts.
- 10.6 One such circumstance is where Liability Orders from multiple years are left Pending Attachment of Benefits, as only one Liability Order at a time can be attached. In some circumstances, this results in Liability Orders from multiple years being left to "queue up" with little prospect of the amounts due ever being collected. An indication of this is that when a snap shot was taken in March 2019, there was a total of £170K being collected by AOB and £435K waiting to be attached. It is therefore proposed to only have Liability Orders for the current year and the three previous years left Pending Attachment of Benefits.
- 10.7 Further work is required to identify other circumstances where collection is difficult and this will be subject to further discussions with the Executive Member for Finance & IT and the Service Director Resources, before being included in the final policy to be considered by Cabinet in September.
- 10.8 The Council does not make any payments to its Collection Agents.

11. RISK IMPLICATIONS

- 11.1 The processes which the Council has used for many years and which are consolidated in this policy have ensured that the Council goes about collecting money owed to it in a fair and responsible way, which ensures that ultimately collection rates are high.
- 11.2 Losing the option to use Collection Agents would establish a high risk that those collection rates would be compromised and would lose a major ability to establish households in genuine need being identified.
- 11.3 Existing legislation allows for the Council to apply to the Magistrates Court for a Means Enquiry where there is ability to pay but the customer wilfully refuses or shows culpable neglect.
- 11.4 This is a last resort and likely to be less frequent if the HMRC Pilot is found to be a success. This option is not available under the existing legislation if the case has not already been referred to a Collection Agent.

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 policy intention is to make it as easy as possible for customers to pay any money owed to the Council by providing good advice and assistance where appropriate. This approach will maximise collection even if it will in some cases take a little longer. This will ensure that the interests of those who do pay on time and in full will be better safeguarded than adopting an approach where no assistance is provided and attempts at collection fail.

12.3 An Equalities Impact Assessment is available at Appendix 5.

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 to this report.

15. APPENDICES

- 15.1 Appendix 1 Draft Fair Collection Policy
- 15.2 Appendix 2 Penham Excel Ltd Information Leaflet
- 15.3 Appendix 3 Penham Excel Ltd Vulnerability Policy
- 15.4 Appendix 4 Penham Excel Ltd Information Note for Councils
- 15.5 Appendix 5 Equalities Impact Assessment

16. CONTACT OFFICERS

- 16.1 Geraldine Goodwin, Revenues Manager geraldine.goodwin@north-herts.gov.uk; ext. 4277
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- 16.3 Reuben Ayavoo, Policy & Community Engagement Manager reuben.ayavoo@north-herts.gov.uk; ext. 4212
- 16.4 Ian Couper, Service Director Resources <u>ian.couper@north-herts.gov.uk</u>; Ext. 4243
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17. BACKGROUND PAPERS

17.1 None



NORTH HERTFORDSHIRE DISTRICT COUNCIL

CUSTOMERS DIRECTORATE

FAIR COLLECTION POLICY

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Fair Collection Policy

1. <u>Introduction</u>

- 1.1 This policy covers the Council's responsibility to collect amounts owed to it. These are primarily Council Tax, Business Rates, Business Improvement Districts (BIDS), Housing Benefit Overpayments, Car Parking Penalty Charge Notices and all Sundry Debts.
- 1.2 These are significant amounts of money. In 2019/2020 the Council is expected to collect around £89M in Council Tax, £38M in Business Rates and over £0.5M in BID Levy. Added to this, the Council raises around £8M per annum in Sales Ledger invoices and can expect to issue over £0.5M per annum in respect of Penalty Charge Notices. Housing Benefit Overpayments can account for up to an additional £0.7M or more to be collected each year.
- 1.3 The vast majority of this money is collected on time in accordance with the payment arrangements and there is no further action that is required by the Council.
- 1.4 Unfortunately, there are some requests for payment that are not made on time for various reasons from financial hardship to on rare occasions, willful refusal to pay. The Council has a responsibility to take whatever action is required under the various pieces of legislation to recover any outstanding amounts.
- 1.5 In doing so, the Council has to balance the need to be as helpful as possible to those who are vulnerable or experiencing financial hardship with the need to safeguard the interests of those who do pay on time. This is because any shortfall in money collected for whatever service will either result in those that do pay having to pay more or the Council having to reduce the services that it provides.
- 1.6 The intention of this policy is to secure the maximum amount of income, even if that takes a little longer to collect, by providing good advice and assistance where appropriate, rather than offering no assistance and collecting smaller amounts.

2. Preliminaries

2.1 Before the Council can take any enforcement action for non-payment, certain preliminary actions have to take place, depending on the legislation in question.

Council Tax, Business Rates & BIDS

2.2 Legislation requires the Council to issue a Bill with instalments. If any instalment is not paid, a Reminder Notice will be issued. If this is not paid, a Summons will follow notifying the customer of the date that the Council will apply to the Magistrates Court for a Liability Order. The process does get a little more complex where Reminder Notices are cleared and the customer misses one or more subsequent instalments, but the outcome is the same, with the application for the Liability Order.

Housing Benefit Overpayment

2.3 This occurs where a customer is overpaid Housing Benefit and they could reasonably have known this to be the case. Where these may be fraudulent, the cases are referred to the Department for Works and Pensions, but it remains the

Council's responsibility to collect the Overpayment. Where the customer remains in receipt of Housing Benefit, the Overpayment will be collected from on-going entitlement. Where Housing Benefit does not remain in payment, an Invoice, followed by a Reminder Notice and a Final Notice will be issued.

Car Parking Penalty Charge Notices

2.4 If the Penalty Charge Notice is not paid within 28 days, the Council will obtain the name of the registered keeper from the DVLA and issue a Notice to Owner. If the Penalty Charge Notice remains unpaid, the Council will make an application to the Traffic Enforcement Centre for a Warrant.

Sundry Debts

- 2.5 In the vast majority of cases, payment for Council services is required in advance before the service is delivered, meaning that very few Invoices are now raised. Where they are and they remain unpaid, the Council has the option of stopping the service, where this is ongoing, e.g. trade refuse collection, licences etc. In other cases, the invoice is followed by a Final Notice
- 2.6 At all stages of the process, customers are encouraged to contact the Council for assistance if they are having any difficulties in paying. The Council will always look to make an in-house payment arrangement wherever possible.

3. Enforcement Options

Council Tax, Business Rates & BIDS

3.1 Once the Council has obtained a Liability Order, there are various options open to the Council for recovery of outstanding debts:

Option	Comments
Attachment of Benefits (AOB)	For Council Tax only. Used automatically where the customer is in receipt of an attachable welfare benefit, e.g. Universal Credit
Attachment of Earnings (AOE)	For Council Tax only. Used automatically where the customer's employment details are known. Cases expected to increase significantly due to the implementation of a data sharing agreement with HMRC
Referral to an Collection Agent	All types. Used for Council Tax where AOB and AOE not possible and all Business Rates and BID cases. Collection Agent able to Take Control of Goods but goods can only be removed with the consent of the Council
Bankruptcy	Council Tax and Sole Traders only. Can be used where the debt is greater than £5,000.
Charging Orders	Council Tax only. Places a charge on property. The Council could force the sale or wait until the property is sold. Debt has to be greater

	than £1,000
Winding Up Orders	Business Rates only.
Means Enquiry	Council Tax and Sole Traders only. The Council can apply to the Magistrates Court to have the customer committed to prison for a maximum of 90 days

Housing Benefit Overpayment

3.2 There are fewer options available for the enforcement of Housing Benefit Overpayments

Option	Comments
Attachment of Ongoing Housing	Used automatically where the customer
Benefit	remains in receipt of Housing Benefit
Referral to an Collection Agent	Collection Agents act on behalf of the Council.
	Cannot Take Control of Goods at this stage
Application for a County Court	If successful, the case is referred to the
Judgement	If successful, the case is referred to the Council Court Enforcement Officers for
	collection

Car Parking Penalty Charge Notices

3.3 The process for the recovery of unpaid Penalty Charge Notices is very prescriptive. Once a Warrant has been obtained from the Traffic Enforcement Centre, if the charge remains unpaid, it is referred directly to the Collection Agent for recovery.

Sundry Debts

3.4 There are few options available for the recovery of unpaid Sundry Debts, which was the main reason why the Council, some years ago changed its policy to require payment up front for discretionary services, wherever possible.

Option	Comments
Referral to an Collection Agent	Collection Agents act on behalf of the Council. Cannot Take Control of Goods at this stage
Application for a County Court Judgement	If successful, the case is referred to the Council Court Enforcement Officers for collection

3.5 At every stage in all the above recovery processes, customers are encouraged to contact the Council to make an in-house payment arrangement.

4 Application of Enforcement Options

4.1 By far the largest type of debt that requires enforcement both in terms of numbers and value is Council Tax.

- 4.2 Once a Liability Order has been obtained a Warning Notice is sent explaining that a Liability Order has been granted and the further consequences of not paying the outstanding amount.
- 4.3 If payment is not made within 14 days, each case is reviewed to see whether AOB, AOE or an extension to an existing in-house arrangement is appropriate, and if so these are applied.
- 4.4 All other cases are referred to a Collection Agent for collection.
- 4.5 All Collection Agents operating on behalf of the Council must hold a valid certificate issued by the County or High Court.
- 4.6 If the Collection Agent is unable to collect the outstanding amount, other options such as Bankruptcy, Charging Order or in cases of willful refusal or culpable neglect, a Means Enquiry is considered.
- 4.7 Recovery of Business Rates, BID Levy, Housing Benefit Overpayments, Penalty Charge Notices and Sundry Debts follow the processes in the tables above.

5 Practical Application & Vulnerability

- 5.1 The Council is conscious that some customers experience severe financial hardship and could be vulnerable to attempts to collect money that they do not have.
- 5.2 In formulating a policy for the fair collection of debts, it is important not to be too prescriptive as each case has to be considered on its own merits. However, the Council would consider a customer to be vulnerable where:

Continued enforcement action would have a severely detrimental effect on the welfare of the customer or anyone else residing in the property

- 5.3 Possible examples of this could be but are not limited to:
 - Single parents with young children
 - Pregnancy
 - Recently bereaved
 - Disability
 - Registered with a mental illness
 - Dependency on drugs, alcohol or other addictive substances
 - Customers experiencing severe financial hardship
 - Terminal illness
 - Appearing frail, confused or ill
- 5.4 It does not follow that everyone falling into one of the above categories is vulnerable because for example, it cannot be assumed that all single parents with young children are in financial difficulty and unable to pay their Council Tax or other debts to the Council.
- 5.5 Each case is therefore considered on its own merits and the Council may require evidence to support the customer's situation.

- 5.6 The Council works very closely with both its Collection Agents and Citizens Advice. Where there is a possibility that a customer may be considered as vulnerable, the Collection Agents will refer the case back to the Council and waive all enforcement fees.
- 5.7 Collection Agents will also refer customers in multiple debt to Citizens Advice for specialist debt advice and both the Collection Agents and the Council will agree to accept any payment arrangement considered reasonable by Citizens Advice.
- 5.8 The Collection Agents play a critical role in identifying vulnerable cases "on the ground" and referring these for specialist help. This role supercedes any requirement to collect any debt, where a customer may be considered as vulnerable.
- 5.9 The use of Collection Agents provides an important lever in collecting outstanding amounts from those who have the ability to pay and choose not to.
- 5.10 The Council, its Collection Agents and Citizens Advice also work closely in terms of delivering training, with the Collection Agents providing legislative updates and other training to both the Council and Citizens Advice.
- 5.11 The Collection Agents have also attended and completed the Council's Safeguarding and Modern Day Slavery Training and will continue to receive refresher training in line with the Council's training policy.
- 5.12 If it has not been possible for the Council or its Collection Agent to secure a payment arrangement, and there is no evidence that the customer should be considered as vulnerable or does not have the ability to pay, other options will be considered to collect the outstanding amount. These are:

Bankruptcy & Charging Orders

These options will be considered where the customer owns a home or other substantial asset. The intention is to secure the Council's debt against the asset or by making the customer bankrupt. Specialist Solicitors are used to report on the customer's assets and make a recommendation on whether either of these are viable options. If there is no equity in the asset neither option is viable as there will be no assets to cover the debt.

Even at this stage, the Council will accept a payment arrangement to avoid following this course of action and in practice, these remedies are rarely carried through to a conclusion.

Winding Up Orders

These apply only to Business Rates collection and the same considerations are made as with Bankruptcy and Charging Orders.

Means Enquiry

This applies to Council Tax and sole traders.

If the Council has exhausted all other recovery options and the customer has not demonstrated that they do not have the means to pay, the Council will consider applying to the Magistrates Court for a Means Enquiry.

The Magistrates will conduct an enquiry into the means of the customer to establish whether they have the ability to pay. Options available to the Magistrates are:

- Instruct the Council to remit the debt if they feel that the customer does not have the means to pay
- Set a payment order requiring the customer to adhere to a payment arrangement. This is usually accompanied by a suspended prison sentence subject to maintaining the arrangement
- In extreme cases, the Magistrates can order immediate imprisonment for up to 90 days
- 5.13 At all stages throughout the recover process, the Council will accept a reasonable payment arrangement and suspend any further recovery action dependent on that arrangement being maintained.

6 <u>Discretionary Council Tax Payments</u>

- 6.1 The Council has the discretion to assist customers in exceptional hardship with their Council Tax Payments. These will generally be one-off payments to assist in specific circumstances and are not intended to address on-going liability. Such circumstances could include, but are not restricted to:
 - Where Collection Agents, Citizens Advice or Council Officers identify a customer in extreme hardship and a one-off payment will assist with long standing arrears
 - Where customers are required to move at short notice for reasons beyond their control and have a liability on two properties
 - Where a Discretionary Housing Payment has been awarded
- 6.2 In determining an award of a Discretionary Council Tax Payment, the Council will consider the following:
 - The amount of outstanding Council Tax liability and the length of time that the debt has accrued.
 - Reasonable steps have been taken by the Council Tax Payer to reduce their outgoings in order to meet their liability.
 - The general circumstances surrounding the application.
 - The financial and social health/medical circumstances of the applicant, their partner and any dependants and any other relevant occupants of the applicants home.
 - The income and essential expenditure of the applicant, their partner and dependants or other relevant occupants of their home to determine whether the applicant could reasonably afford to pay the Council Tax.
 - The savings or capital which is held by the applicant or their family, or could be made available to them.
 - The availability and any steps taken by the applicant to obtain extra income or to reduce expenditure of the applicant or their family.
 - The level of indebtedness of the applicant and their family.

• The exceptional nature of any circumstances surrounding the applicant and their family

7 <u>Collection Viability</u>

- 7.1 In some cases, it is unlikely that debts will be recovered within a reasonable time frame. This is particularly the case where a Liability Order is being collected by Attachment of Benefits and there are other multiple Liability Orders waiting to be attached.
- 7.2 Consequently, in cases where Attachment of Benefits are being collected, the Council will not retain Liability Orders for attachment that are older than the current year plus three.



Organisations that can help you

There are a number of debt charities that can provide advice and support to you and these include:



North Hertfordshire

National Advice Line:

03444 111 444

Open 9.00am - 4.00pm, Monday to Friday Letchworth 49 Station Road, Letchworth Garden City, SG6 3BQ

Open 9.30am - 12 noon, Monday to Friday

Web: www.citizensadvice.org.uk

Page :



Telephone: 0800 1381111 Web: www.stepchange.org



Telephone: 0808 808 4000 Web: www.nationaldebtline.org



Telephone: 0300 500 5000

Web: www.moneyadviceservice.org.uk



Charges for Enforcement Action

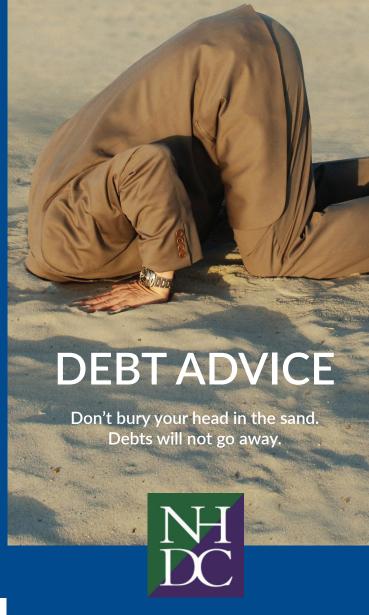
With effect from the 6th April 2014, in accordance with Section 4, paragraph 1 of the Taking Control or Goods Regulations, pursuant to S12 of the Tribunals, Courts and Enforcement Act 2007, the fees charged by Enforcement Agents, acting on behalf of your Local Authority in collecting outstanding Council Tax, Non Domestic Rates and Road Traffic Debt are as follows:

- Stage 1 Compliance Fees £75.00 for each outstanding Liability Order - This will be added to your arrears as soon as Penham Excel is instructed to collect the debt.
- Stage 2 Enforcement Fees £235 + 7.5% of the sum of the outstanding debt over £1500 incurred the first time the Enforcement Agent attends your property.
- Stage 3 Sale Fees £110 + 7.5% of the sum of the outstanding debt over £1500 - when the Enforcement Agent attends your property to remove your possessions.

Call us now, our team are waiting to assist you.

033 000 20705





We can help.





Penham Excel, Ashley House Siemens Road, Stafford ST17 4DT

Tel: 033 000 20705 Email: info@penhamexcel.co.uk www.penhamexcel.co.uk

Who are we?

Penham Excel Ltd is a professional Enforcement Agency working on behalf of Local Authorities in the collection of Council Tax, Business Rates, Parking Fines and General debts throughout England and Wales.



Advice Sector Approved

Although we have been commissioned to collect this debt in full on behalf our client we can help you by discussing your situation, providing an affordable re-payment plan and/or working with debt charities with you.

We pride ourselves on providing an ethical, respective and sensitive debt recovery service to our clients so please talk to us and we will hopefully be able to help you repay your debt with minimum costs.

Multiple debts

If you have multiple debts (with Penham Excel), these cases will be related and any payments received will be allocated across all debts.

Language difficulties

If you have language difficulties when an Enforcement Agent attends your property you can point to your language and an interpreter will be called.

	ing Service Language anguages listed. The message undernea		English English 103 Point to your language. An interpreter will be called.
EUR	OPE	PACIFIC ISLANDS	INDIA, PAKISTAN, SOUTHWEST ASIA
Albanian Shqip 🚱 Tregoni me gida gjuhën që fizni. Do të gjejmë një përkthyes për ja.	Icelandic Íslenska '@1 Benna á þin rungumil. Það verður hringt í tólk.	Aklan Aklanon 'SEB Intro mo ro stong hambur. Magawag kani et mag-interprete.	Hengali/Sylheti বাংলা ভ্রম জনী লো চামে কর বান কলে। জনা চামে কর একা ভ্রমণ বাংলা।
Armenian Ong units n'n stij jacmi in jacajo' muluqi pungdushi in hasiyi mulu.	Italian Facia vedere qual è la sua lingua. Un interprete sarà chiamato.	Fijian Kuiviti 1923 Dusta na nomu vosa. Ena qai kacivi edua mi vakavaka dewa.	Bhojpuri tust upu u : tust upun u u : tust upun u u :
Basque Euzkera "EQ Zease izkuntza atzamarragaz erakutzi. Euzkerazzail bateri dekuko deutsagu.	Lithuanian Lietuvių Kalbu "1523 Parodyk tuvo šulbumą kalbą. Ventijas bus pakviestas.	Hocano Hokano "Ell Indon ili saon. Umayab kam iti interprete.	Gujarati જુન્યતે જુટ્ટ લપાટે ખામ પ્રસાવાદી મહાવેદ લપાટે માટે ભાગીલ કરતા મોતાની સ્પાર્ટેદ
Bulgarian Български език "@g Посочете Вишки език. Ние пре изинсаме преводич за Вас.	Macedonian Makedonski '63 Posočete molim Vaš jezik. Ke vikame prevoditu: Vas da doide.	Indonesian Bahasa Indonesia "@ll Tunjukkan bahasarsa. Jumbahasa akan disediakan.	Hindi हिन्दी १५८३ जर्म एक प्रति हे विकास । जर्म हिन्दु पूर्वरिक कुल्य करेश ।
Catalan Català "@g Assenyali amb el dit el seu idioma. Es micarà a un insèrpret.	Norwegian Norsk %3 Pek på där spelk. En tolk vil bli tilkalt.	Malay Tunjukkan yang mana bahasa anda. Seorang jurubahasa akan diberitahu.	Malayalam Generala എ ന്നാര്യ വായത്തിലൂട്ട അർത് വായത്തിലൂട്ടെ അർത് വായത്തി
Croatian Hrvatski "gq Molim Vas, pokažbe nam Vaš jezik. Zvat čemo tamača za Vas.	Polish Polski "gg Polski "gg Prosep wskazać na swój język ojczysty. Tromecz zostanie poproszogy do telefosu.	Samoan Gagana Samoa "📺 Tusi lou 'a'ao i lau gagana. O le a vula'asina se tasi e fa'amatala 'ugu mo 'oe.	Nepali केरले क्या केरले क्या करने व्यक्त करने कर विश्व करने क्या करने करने क्या करने करने क्या करने करने करने करने करने करने करने करने
Czech Česky "gill Ukado, který je vši jazyk. Zavoláme diamočnika.	Portuguese Português 😭 Aposte seu idioma. Providenciaremos um intérprete.	Tagalog Tagalog '63 Pakitaco mo nga ang iyong wika. Magaupatawag ako ng interprete.	Punjabi sind on of a series over a series over a
Danish Dunsk "@0 Peg på dit sprog. En tolk vil blive tilkaldt.	Romanian Indicați limba pe cate o vorbiți. Veți îi pas în legătată cu un interpret.	Tongan Yonga 'Ell Tuhu kihe lea 'oku ke lea 'aki. 'E fenrusaki kihe fakazonalea.	Sinhalese Bide 1929 and send coddets are oblidening storing sin
Dutch Nederlands 'Ell Wijs uw taal zan. Wij zullen u een tolk geven.	Russian Русский Язык 📆 Укажите, на каком изыке Вы голорите. Сойчас Вам вызонут переводчика.		Tamil 13 in file polarina hawking 14 in polarina and file 15 in polarina and file 16 in pola
Estonian Eesti Keel 'En Näidake ossa emakeelele. Me maretseme telle tõlgi.	Serbian Српски Жа Молям Вас, покажите вам Ваш језик. Зваћове тумича за Вас.	LanguageLine Solutions	160 أرور أن كروس زيار جوديات كرنا بستة كرينكي! أب كن من كري لين أن روسان كريات علي كا
Finnish Suomi "@B Osolitskus seidlin kleienne. Tulkki kutestuan autumaan tehk.	Slovak Slovensky %3 Ukáže na valu reč. Zavoláme dmočníka.		
French Français 163 Montrer-nous quelle langue vous pudez. Nous vous fournitons un/e interpréte.	Spanish Español 'Español 'Espa	Tel: 033 000 20705 Ema	Siemens Road, Stafford, ST17 4DT. il: info@penhamexcel.co.uk
German Deutsch 163 Zeigen Nie auf Thre Sprache. Wie nufen einen Dobnetseher an.	Swedish Svenska 983 Peka at Ert spekk. En telk kommer att tillkallas.	Website: www.p	enhamexcel.co.uk
Greek Ellippost 'Sill drifte nost platon plate sos to sintel ivez bequeving.	Ukrainian Українська Мова "@q Покажіть, часно мовоно на говорите. Зараз пекличуть рам перекладача.	*- Inonh	omeyee
Hungarian Magyar '@3 Vilossza ki az ön által beszélt nyelvet. Kapcsolitak a tolmácsot.	צ'iddish פאר יחדים איני ארים איני עודים מערים איני עודים מערים איני ארים איני ארים איני ארים איני ארים איני ארים איני ארים אינים אי		amexce

Frequently Asked Questions

Are you in difficultly with paying this and other debts?

If you are finding it difficult to manage debts please do get in touch with the advice sector, they will guide and advise you on how to manage your debts with a view to clearing them and not getting into debt in the future.

What about the Enforcement Action?

Do not ignore the communication from any collection letter / notification. Make contact and talk to the debt collection company they will help and explain the process. If you cant pay in full they will where possible set an arrangement however this will be in line with client requirements. If you cant make the required arrangement then you will be advised to seek help from the Citizens Advice or any other recognised advice organisation.

What will happen when I visit the advice organisation?

They will talk through your debts, your current employment / income position and advise from there. You may be required to provide evidence of your circumstances by way of bills and bank statements to help clarify and advise the best route to deal with your debts.

The future

Not only do we / the advice sector wish to clear your debt issues but we also wish to help and advise where possible on not getting into debt.

Income maximisation

Talk to your Council, they are there to help and guide you. For example, are you on the correct benefits package or do you get the support you are entitled to. The Council will review your case and make changes where required.

How to pay your debt



Secure Automated Telephone Payments

Please call our Automated Payment line to pay your Debt: You will need your client Reference Number and also your Penham Excel reference number to complete your payment: Penham Ref:

Client Reference:

Call: 033 000 81623 Automated Payment Line



Secure Web Payments

Please visit **www.penhamexcel.co.uk** to make your payment via our secure online payment solution.

You will need your council reference number and also your. Penham Excel reference number to complete your payment.

These will both be found on any correspondence from ourselves



Secure Allpay Payments

When entering into an Arrangement you can opt to pay via an Allpay Swipe Card, this can be requested upon setting your arrangement with one of our support team.

To Contact our support team please call: 033 000 20705 (option 6)



Payment by Post - Cheque

If you pay by post, please make your cheque payable to "Penham Excel Ltd"

Please send your cheque to:

Penham Excel Ltd, Ashley House Siemens Road, Stafford. ST17 4DT

Please ensure to write clearly on the reverse of the cheque your High Court reference number and also your Penham

Excel reference number.



Vulnerability Policy / Training

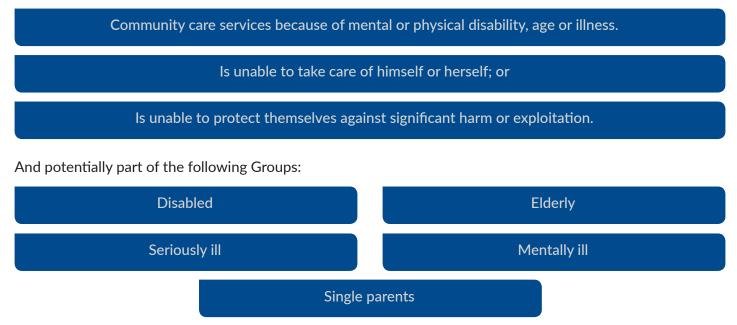


Vulnerability Policy / Training

Identifying & Training

Training is provided to all staff both internally and externally on the important issue of dealing with debtors who may be Vulnerable.

A 'Vulnerable Person' is anyone who needs:



(the above is not an exhaustive list)

Each member of staff goes through a Course for Safeguarding Vulnerable adults. The course covers all areas that are required to identify where possible vulnerability. Each member of staff isn't just trained on this area but also has to take a written multiple-choice examination to be awarded a certification of training and understanding.

The examination and certification is provided by an external organisation to ensure the highest of standards in this area, Utilising a specialist in this field provides the assurance that our staff have the best possible training to help anyone who is possibly in the category of vulnerable.

We pride ourselves in always safeguarding vulnerability in all our operations and have done so since our conception. We understand it is a very delicate issue and not always easily identifiable so our staff are highly trained to identify debtors who may fall into this category.

Our internal training programme for adult safeguarding follows the government's policy, however it focuses on the job we have to do and what stages we can identify a person who is vulnerable.

We also fully understand that people who are ill, in debt or are permanently on medication do not always fall under the category of vulnerable. Each case therefore if raised is looked into carefully with managerial involvement.

Refresher training is undertaken with both Head Office staff and at Enforcement Agent meetings. Any cases encountered are talked through as part of our practical training policy (excluding data that is protected under data protection).

Linked to our vulnerable adult policy we provide our staff with additional training on identifying child protection issues, human trafficking, animal cruelty and illegal substances as it fits with our Enforcement Agents attending people's property.



Dealing with Vulnerable Debtors

If a debtor is noted and recorded by ourselves as a vulnerable person this data is shared immediately with the local authority together with any evidence gained.

We may then discuss the case with the Local Authority in order to decide what action should be taken and how we proceed.

With regard to dealing with the vulnerable person to collect payment we could offer, subject to the Local Authorities approval, the following options:

Instant access to our welfare team for support and advice.

A meeting at the Local Authority or Penham Excel's Offices between the vulnerable debtor, the Local Authority and us to discuss the situation in a comfortable stress free surrounding.

A conference call between the Local Authority, the vulnerable debtor and our welfare team to discuss the situation.

Issue a different type of letter clearly explaining the situation.

Take the collection stage back a stage (remove the enforcement fee).

Cease all enforcement action.

Offer to deal with a family member, close friend or representative from a Debt Advisory Service subject to authority from the Local Authority in order to not break any data protection.

Since the changes in the regulations in April 2014 an emphasis has been made on Vulnerability, and ensuring adequate training and identification takes place. However this is not a change to Penham Excel and its staff; we have always encountered people throughout our work as enforcement agents who are vulnerable. We have always dealt with any case carefully and discussed them with our clients.

Identifying Vulnerability is key part of the training all our staff go through, asking tactful questions to obtain the needed evidence to support that person(s) with the enforcement process. Looking for traits that (potentially) point to vulnerability, such as:

A change of telephone conversation email or letter

Behavior of a person

Language difficulties

Paperwork evidence

History / family background

Information gathered by others / the instructing client

Language

Dealing with Debtors who may not speak English can also be deemed as being Vulnerable. At Penham Excel we ensure every effort is made to communicate with the debtors, including those who may not be able to speak or understand English written content. To this end we ensure the following practices are in place:



Letters

With the issue of our Notice of Enforcement will also send out a debt advice leaflet, talking through the process of enforcement, providing the advice agencies that can be visited / talked to and also flags for languages to try and assist with identifying language barriers.

To translate this letter to your language please visit Google Translate here: www.translate.google.co.uk and type in the contents.

Our system can also flag different languages per case and can then translate any letters produced into that language for posting out and door step attendances. In our offices we use Babylon Translator – This covers 77 different languages – This software does not just translate word for word which can then be deemed unreadable. This software contextually translates and to a very high level of accuracy. We also use type talk which again translates over 200 language but which also uses accents to help further with understanding.

Website

Our website www.penhamexcel.co.uk displays a visible panel on the home page of nationalities flags which links through to a page on the Debtor Information page which directs the debtor in their own language to Google Translate.

We are also currently working with a company to have the web site translated (only the debtor information part) into a talking site varied in a number of different languages – this is in progress and will be live and tested by the middle of 2019.

Enforcement Agents

All of our Enforcement Agents carry Language Line cards with them. If a debtor does not understand English our agents will show them the card and ask to point to the language they understand. At this point the agent will contact Language Line by telephone and request an Interpreter who will then speak to the debtor and explain why the agent is there and what the debtor must do or agree to.

The agents' handheld devices (*IPADs*) have the letters in a variety of different languages to help alongside the Language Line person who would be assisting. The data is removed with regards to figures but the wording is translated. These letters can be emailed to the helpline person upon acceptance by the debtor. Additionally the EA's can use Google translate and Google documents translate on their IPADs.

All agents have Voice Translate Pro as an application that translates the spoken voice of the agent to the language required. This is one of three applications operated by our enforcement agents that does not just translate into text but also with the required accents.

How we make a difference:

If vulnerability is identified we can:

Take the enforcement back a stage

Advise the local advice agencies and client of the situation to gain help

Ensure they are getting the correct support and financial benefits they should be

Remove fees where applicable

Provide a free of charge welfare visit to assist with understanding and provide support

Attending Citizens Advice and all advice sector meetings to work with them on the latest understanding of vulnerability and how to deal with it

Penham Excel Ltd

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Web: www.penhamexcel.co.uk

High Court Enforcement (HMO) Ltd trading as Penham Excel High Court Enforcement Officers

Ashley House, Siemens Road, Stafford, ST17 4DT

Tel: 033 000 20700

Email: info@highcourtenforcementofficers.com Web: www.highcourtenforcementofficers.com

Vulnerability

All Penham Excel staff are trained to a high standard on how to identify and deal with the important issue of vulnerable debtors. Penham Excel has a **Welfare Team consisting of two Directors and two Managers**, with direct email contact for debtors and Clients.

Each member of staff both internal and external undertakes the Safeguarding Vulnerable adults Course, which covers identifying possible vulnerability and how to deal with vulnerable people.

Staff also undertake Level 2 in Behavioural Detection Training, Modern-Day Slavery (delivered by the Police and sponsored by North Hertfordshire District Council) and Mental Health Awareness.

It is important that vulnerability is **identified at the earliest point in the recovery process** and our computer system flags vulnerable cases and places warnings and holds on vulnerable cases. The warnings and holds are carried across all associated cases and even after cases are closed and new accounts received.

Our leaflet. Penham Debt Advice which is enclosed with the Notice of Enforcement covers vulnerability and signposts the debtor to the various agencies that are able to assist and to the debt advice agencies.

The Penham Excel call centre team and administrative staff are trained to identify the **following traits which may indicate vulnerability** and this list is by no means exhaustive.

- Change in tone of a telephone conversation, email or letter
- Behaviour of others present with the possible vulnerable person during the call
- Language difficulties and others talking on their behalf
- Paperwork evidence indicating vulnerability
- History of the family or background
- Background information from Local Authority, Carers, Social Workers or Debt Advice Agencies

The staff will **tactfully and sensitively obtain as much evidence as possible** and where necessary contact the Local Authority to discuss the case and take further instruction on how to proceed or return the case, if requested to do so. The computer system will be updated and flagged to identify vulnerability and **the screen will change colour in order that the case stands** out to all users and the case is automatically placed on hold.

Sometimes vulnerability is not identified until a visit is made to the property and the Enforcement Agents are trained to not only identify the traits as listed above, but also

- The appearance of an individual
- Physical difficulties
- Body Language
- Clothing and general cleanliness of a property, individual or household
- Houses in poor state of repair
- Homes without carpeting
- No Winter heating
- Communication difficulties

- Signs of debtor being on medication, taking alcohol or drugs
- Third parties in attendance at time of visit
- Recent bereavement
- Long term sickness
- Pregnancy
- The Elderly
- Those with learning difficulties and mental health issues

List is not exhaustive.

The Enforcement Agents' iPads have a vulnerability button to immediately alert the Welfare Team/Vulnerability Team to review cases, video footage, letters and emails, scanned to the system and if necessary, contact is made with the Local Authority to discuss the case and take further instruction. The Agents' iPads are also programmed to prompt questions for the Agents to ask, whilst in attendance, to aid in identifying vulnerability and allowing "breathing space" and for the cases to be placed on hold. Documents and letters can be provided in large font or Braille.

All staff are trained to signpost vulnerable debtors to

- Citizens Advice
- Stepchange
- Christians Against Poverty
- Money Advice
- MIND for mental health assistance
- Ethnos For ethnic
- Scope Equal Opportunities for disabled people
- Royal National Institute of Blind People
- Sense for people with complex difficulties

Vulnerable debtors are often not confident in talking to our call centre team about their condition or circumstances and do not respond well to letters, therefore it is of the utmost importance that the Agents in the field identify these cases and react according to their training. We have experienced cases where suicide has been threatened to an Agent in the evening over the telephone and the Agent has responded promptly by calling the emergency services, attending the premises himself to assist, referring to the Welfare Team and Local Authority.

Penham Excel monitors the staff by viewing the **Agents' Body Worn Cameras** and this is carried out for all Agents on a quarterly basis. If a case is referred to the Welfare Team, then the video footage is viewed immediately. Cases are discussed and reviewed at the Agents' Review Meetings. Management will listen to telephone recordings, on a weekly basis, from the call centre calls and check against the notes made on the computer system. These cases are selected randomly and for all staff and discussed at our monthly Staff Meetings. The recordings are checked immediately if a case is referred to the Welfare Team.

Penham Excel's Welfare Team offers vulnerability visits to debtor's premises, without charge to the debtor or Local Authority. This enables the Team to collate further information and evidence from the debtor and to aid in signposting to the relevant organisation for further advice and assistance. Medical records may be obtained if appropriate and details of medication which may affect the debtor's ability to function.

The Welfare Team also attend cases with the Enforcement Agent, on a regular basis, to assess how each Enforcement Agent is identifying potential vulnerability and to ensure that the **Agent is acting with diplomacy and sensitivity** in the debtor's home.

If vulnerability has been established and confirmed and following consultation with the Local Authority it may be agreed that we return the case to the Council or move a case back a Stage and waive costs, or allow some "breathing space" for the debtor to take advice and organise their finances.

In some cases where vehicles have actually been removed for sale, Penham Excel has returned the vehicle back to the debtor. One example, not in North Hertfordshire. was reviewed by the Welfare Team and discussed with the Council. There had been long argumentative telephone calls with the debtor throughout the case, however, following the removal of the vehicle, the tone of the debtor's emails changed and the Team reviewed the case. It transpired that the debtor not only had personal problems and mental health issues but was also caring for elderly parents who lived some distance away and transport was required for this purpose. Suicide threats had also been mentioned. Therefore, from the tone of the last emails that we received, the Team were concerned and discussed all aspects of the case with the Local Authority, resulting in Penham Excel suggesting that the vehicle be returned and the debtor entered into a sustainable payment arrangement. The Council agreed that this was the best course of action. Charges were met by Penham Excel Limited.

Communication difficulties often cause vulnerability and to assist the debtor, the Agent has a mobile phone application called **Type Talk**, which translates to over **200** languages and accents.

We use this in conjunction with Language Line, where an independent interpreter is available 24 hours a day 7 days a week. This is regularly used by our call centre staff. The Agents will also take note of friends and family who may be in attendance and can help with translation. Our leaflets have country flags included which point the debtor towards their language and links for assistance. Please see our web site: https://penhamexcel.co.uk/debtors/translations/

Penham Excel is currently holding meetings with Stepchange to set industry standards and accreditations for Companies such as Penham, who operate ethically and sensitively. Stepchange have only received one notice of dissatisfaction against Penham Excel, which is the lowest on their system.



Equality Analysis Template

Equality Analysis Template					
1. Name of activity:	Fair Colle	Fair Collection Policy			
2. Main purpose of activity:	To ensure that the Council operates a fair approach towards the collection of debts, provides all concerned with the opportunity to make payment arrangements and protects our vulnerable customers				
3. List the information, data or evidence used in this assessment:	Fair Collection Policy, Service Level Agreements with Collection Agents and many years of practical experience in debt collection				
4. Assessment					
Characteristics	Neutral (x)	Negative (x)	Positive (x)	Describe the person you are assessing the impact on, including identifying: community member or employee, details of the characteristic if relevant, e.g. mobility problems/particular religion and why and how they might be negatively or positively affected. Negative: What are the risks?	
				Positive: What are the benefits?	
Community considerations (i.e. applying across communities or associated with rural living or Human Rights)			x	Positive A person who is recently bereaved, with a disability, registered with a mental illness, dependent on drugs, alcohol or other addictive substances, experiencing severe financial hardship, appearing frail, confused or ill or terminally ill will be considered as vulnerable if they have limited means and will be referred for additional assistance	
A person living with a disability			х	Positive Any household that has a person with a disability will be considered as vulnerable if they have limited means and will be referred for additional assistance	
A person of a particular race	х			Positive Positive	
A person of a gay, lesbian or bisexual sexual orientation	х			Negative Positive	
A person of a particular sex, male or female, including issues around pregnancy and maternity			x	Positive A person who is pregnant or has responsibility for young children will be	
		Da	nge 87	100ponoionity for young officien will be	

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				considered as vulnerable if they have limited means and will be referred for additional assistance		
				Negative		
A person of a particular						
religion or belief	X			Positive		
				Negative		
A person of a particular				-		
age	Х			Positive		
				1 35.1175		
				Negative		
				Negative		
Transgender	X			Positive		
				1 0011170		
5 Results						
	Yes	No				
Were positive impacts identified?	X					
Are some people benefiting more than others? If so explain who and why.	x		for all Council. will be r recovery custome	The policy intention is to make it as easy as possible for all customers to pay any money owed to the Council. It is however, recognised that some customers will be more vulnerable and the policy provides for the recovery processes to be suspended for these customers to be offered additional assistance with debt and money management.		
Were negative impacts identified (what actions were taken)		Х				
6. Consultation, decisions and actions If High or very high range results were identified who was consulted and what recommendations were given?						
Not applicable in this case						
Describe the decision on this	s activity					
List all actions identified to a	ıddress/miti	gate negative	impact c	or promote positively		
Action			R	esponsible person Completion due date		
When, how and by whom wi	When, how and by whom will these actions be monitored?					
7. Signatures						
Assessor						

Name: Geraldine Goodwin Signatur		e** G Goodwin		
Validated by				
Name: Howard Crompton	Signature** H Crompton			
Forward to the Corporate Policy Team				
Signature** Reuben Ayavoo				
Assessment date: 19/06/2019		Review date: September 2021		

^{**} Please type your name to allow forms to be sent electronically.

A copy of this form should be forwarded to the corporate policy team and duplicate filed on the council's report system alongside any report proposing a decision on policy or service change.



OVERVIEW AND SCRUTINY COMMITTEE 16 JULY 2019

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: DRAFT DEVELOPER CONTRIBUTIONS SPD

REPORT OF: SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY: ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

- 1.1 The Council is currently preparing a new Local Plan containing planning policies and site allocations, which will shape development in the District to 2031. To provide additional detail on planning policies and sites, the Council can produce Supplementary Planning Documents (SPD) to provide clarity to applicants and case officers when determining planning applications.
- 1.2 The purpose of this report is to provide the Overview & Scrutiny committee with the opportunity to review and provide any comment or recommendation upon the draft Developer Contributions SPD, prior to its consideration by Cabinet on July 30 2019.

2. RECOMMENDATIONS

2.1 That the Committee receive and provide any comment or recommendation upon the working draft Developer Contributions SPD.

3. REASONS FOR RECOMMENDATIONS

3.1 To enable Overview & Scrutiny Committee the opportunity to consider the draft SPD prior its presentation to Cabinet on July 30 2019.

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 proposed Local Plan sites for the reasons summarised below and set out in the 18 December 2018 Cabinet report (see paragraph 17.2). Although following a Countywide series of workshops, officers will explore the opportunity to use CIL for smaller developments in 2020.
- 4.2 The Council could determine to produce a different suite of Supplementary Planning Documents to support the new Local Plan. This approach is not recommended for the reasons set out in the 25 July 2017 Cabinet report (see paragraph 17.1).

- 4.3 The Council could retain the existing Planning Obligations SPD or delay consultation upon this draft. However, the current SPD dates from 2006 and is not reflective of the emerging Local Plan policies or national planning policy and guidance. Officers therefore consider it important that a revised SPD is prepared.
- 4.4 Any of the above alternates would require new Cabinet resolutions to instruct officers and countermand the existing Cabinet resolutions on these matters. Any alternate decision would need to have regard to its consistency with the measures included in the Housing Delivery Test Action Plan which was approved for publication by Cabinet in June 2019.

5. CONSULTATION WITH RELEVANT MEMBERS AND **EXTERNAL ORGANISATIONS**

- 5.1 The Executive Member for Planning and Transport has been briefed on the matters set out above. All Members were invited to a workshop held on 13 February 2019 to discuss 'Making the most of developer contributions' and to feed back on current processes and issues to enable development of the new SPD. Two members of each Parish Council were invited to a planning training session on 27 February 2019 where the Council's proposed approach to developer contributions was explained and discussed.
- 5.2 Relevant officers across Council departments, Hertfordshire County Council and NHS England have been involved in developing the draft SPD.

6. **FORWARD PLAN**

6.1 This report relates to a key decision to be taken by Cabinet on 30 July 2019. This was first notified to the public in the Forward Plan on 18 January 2019.

7. **BACKGROUND**

- 7.1 Developer contributions can be used to make a development acceptable but should only be used where unacceptable impacts cannot be dealt with by planning conditions. Legal tests must be applied to any planning obligations sought, and this is outlined in Community Infrastructure Levy Regulations 2010 (as amended) and in paragraph 56 of the NPPF. Any contributions must be:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 7.2 The National Planning Policy Framework (NPPF)¹ defines Supplementary Planning Documents (SPDs) as documents which add further detail to the policies in the development plan. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory Development Plan.
- 7.3 SPDs do not have the same status as the policies within the Development Plan (in North Hertfordshire's case, the Local Plan) and are not subject to an independent Examination. However, SPDs have to undergo public consultation and are taken into account as material considerations when determining planning applications.

¹ Annex 2: Glossary

- 7.4 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) dating from 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.
- 7.5 The Council has previously considered whether some contributions from new development might instead be secured by introducing a Community Infrastructure Levy (CIL). CIL effectively operates as a flat-rate 'tax' levied upon qualifying development based on the amount of floorspace being provided. It is collected on an authority-wide basis. CIL can be spent on any matters or projects defined by the Council on its 'Regulation 123' list. However, unlike site-specific legal agreements, there is no guarantee at the point of determining applications that monies will be spent on any particular matter or project.
- 7.6 In December 2018, Cabinet reaffirmed its resolution of 30th July 2013: "That a Community Infrastructure Levy for North Hertfordshire be not pursued for the time being", and that developer contributions would continue to be collected through the use of Section 106 legal agreements. In the Cabinet report it was also recommended that work would be expedited on the review and adoption of a revised Planning Obligations SPD to reflect the Governments' recent strengthening of viability matters in Planning Practice Guidance; and, to address the full range of potential contributions that might be sought through s106 in the absence of CIL.
- 7.7 Subsequent to that Cabinet decision, the Government laid draft regulations confirming 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.
- 7.8 In June 2019, the Cabinet approved the Council's Housing Delivery Test Action Plan for publication. This contains a range of measures to boost the delivery of new homes in the District. The Action Plan reiterates this Council's intention to prepare a Developer Contributions SPD to be adopted alongside, or shortly after, any adoption of the new Local Plan with a target date of July 2019 for approval of the draft document..

8. RELEVANT CONSIDERATIONS

- 8.1 The emerging Local Plan contains a series of policies with implications for affordable housing and other infrastructure requirements, which will be secured via planning conditions or legal agreements. The main policy 'hook' that links to the ability for the Council to seek developer contributions is in emerging Local Plan Policy SP7: Infrastructure requirements and developer contributions.
- 8.2 To align the Council's approach to developer contributions with the emerging Local Plan policies and proposed Government reforms to the CIL Regulations, work has been undertaken by Council officers to draft a new Developer Contributions SPD. The SPD will establish a framework for seeking contributions and will replace the current Planning Obligations SPD.

- 8.3 The draft SPD has been informed by research on SPDs adopted by other local authorities relating to developer contributions, as well as liaison with relevant Council departments, Members, Hertfordshire County Council (HCC) and NHS England to better understand the most appropriate scope and content for the SPD.
- 8.4 It has also been critical to consider the scale of infrastructure that will be required to support the delivery of the Local Plan policies and development sites. In particular, the delivery of the Strategic Sites will be contingent on the use of Section 106 agreements to secure on-site infrastructure as well as mitigation measures.
- 8.5 The current draft of the SPD is attached as Appendix A. This is the 'working draft' at the time it was necessary to prepare this report. Some further changes may be made in finalising the draft SPD for presentation to Cabinet. However, it is not presently anticipated that any further changes would be substantive.
- 8.6 The SPD is drafted based upon the current progress of the new Local Plan as it proceeds through Examination. Any significant changes to the Plan may lead to a requirement to update the draft SPD prior to its adoption.
- 8.7 Subject to approval by Cabinet, the draft SPD will be made available for public consultation for a period of six weeks. Any comments received will inform the final version of the SPD which would then be re-presented to Cabinet for approval and adoption.
- 8.8 It is proposed to bring forward the draft SPD for consultation in advance of the Inspector's report on the new Local Plan for three main reasons:
 - To seek the views of key stakeholders and the community upon the proposals developed to date;
 - So that the preparation of the SPD can be completed so as to allow for its adoption as close to any adoption of the new Local Plan as practicable; and
 - To enable use of the draft SPD as a material consideration in the determination of planning applications, or in providing pre-application advice, at the earliest opportunity given the age of the current guidance.

9. LEGAL IMPLICATIONS

- 9.1 The Overview and Scrutiny Committee has various powers to consider reports and make recommendations to Cabinet, including commenting as appropriate on items on the Forward Plan prior to any decision being made.
- 9.2 The statutory basis for Supplementary Planning Documents and their preparation is set out by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. Detailed requirements for the preparation of SPDs, including requirements for consultation, are stipulated in the Town and Country Planning (Local Planning) (England) Regulations 2012).

10. FINANCIAL IMPLICATIONS

10.1 The general costs of preparing Supplementary Planning Documents are met through existing revenue budgets. Any specific costs or requirements for additional work in relation to the production of the Developer Contributions SPD could be met through an existing revenue budget for CIL/Planning Obligations.

11. RISK IMPLICATIONS

- 11.1 There are no new risk implications arising from this report. Sustainable Development of the District and the Local Plan are both Cabinet Top Risks. However, as SPDs clarify policies which are subject to their own separate approval processes, this report is not considered to present a corporate risk in itself.
- 11.2 Nonetheless, the risks associated with not producing an updated Developer Contributions SPD include: lack of clarity and uncertainty to case officers and applicants when determining planning applications, and lack of consistency with the emerging Local Plan as well as national planning policy and guidance.

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 The Social Value Act and "go local" policy do not apply to this report.

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 - Developer Contributions Supplementary Planning Document – Working Draft as at June 2019

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Developer Contributions Supplementary Planning Document

Working Draft for Overview & Scrutiny Committee

July 2019

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Note

This draft Supplementary Planning Document (SPD) has been written on the assumption that the emerging Local Plan will be adopted, incorporating the proposed Main Modifications. It also anticipates that the Government will legislate to remove the Section 106 pooling restrictions currently in place. The Council will monitor progress on both of these matters and will reflect any changes as necessary in any future iterations of this document.

References to the Local Plan in this version of the SPD are to the Plan as proposed to be modified. Should the Plan proceed to adoption some paragraphs, policies and / or criteria in any final version of the Plan may have different numbers or notations to those shown in this document.



1 INTRODUCTION

1.1 Overview

- 1.1.1 North Hertfordshire District Council (NHDC) is committed to ensuring that the necessary infrastructure, services and facilities are provided to support growth and development in the District.
- 1.1.2 This Supplementary Planning Document (SPD) sets out detailed guidance on the type and scale of developer contributions that will be sought to support new development in our area.
- 1.1.3 The aim of the document is to assist Council Officers, applicants and Members through the planning application process in a fair, transparent and consistent way.

1.2 Background and status of the SPD

- 1.2.1 This document has been produced by North Hertfordshire District Council to provide further information on requirements set out in our next Local Plan. In particular, it expands upon proposed Local Plan Policy SP7: Infrastructure Requirements and Developer Contributions.
- 1.2.2 This draft SPD will be widely consulted upon, including with developers and members of the public, before a final document is produced.
- 1.2.3 This SPD will be a material consideration when determining planning applications in the District and will be used when securing Section 106 agreements and unilateral undertakings.

1.3 Legislative context

- 1.3.1 SPDs are documents which add further details to policies in a Local Plan. They can be used to provide further guidance on particular issues, but they cannot introduce new policies. SPDs are a form of Local Development Document produced under the 2004 Planning and Compulsory Purchase Act (as amended). Government regulations set out the requirements for producing SPDs¹.
- 1.3.2 Section 106 of the Town and Country Planning Act 1990 allows local planning authorities to enter into agreements with persons with an interest in land. These agreements can be used (but are not necessarily limited) to:
 - Restrict the development or use of the land;
 - Require (parts of) the land to be used in a specific way:
 - Require the payment of a sum to the local authority.
- 1.3.3 The Community Infrastructure Levy Regulations 2010, as amended, set out the requirements that Section 106 planning obligations must fulfil. Planning obligations can only be used:

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

- ➤ To make the development acceptable in planning terms
- > Where they are directly related to the development; and
- Are fairly and reasonably related in scale and kind to the development.
- 1.3.4 The Government has recently consulted on reforms to the above Regulations². As part of the consultation, it was proposed that the current pooling restrictions are lifted. This change would allow more than five Section 106 obligations to fund a single infrastructure project. The proposed reforms also relate to improving transparency through the introduction of Infrastructure Funding Statements and by allowing local authorities to collect fees to monitor Section 106 agreements.

1.4 National policy context

- 1.4.1 The National Planning Policy Framework (NPPF) says that Local Plans should set out the contributions expected from development. This should include the levels and types of affordable housing and other infrastructure requirements. These policies should not undermine the deliverability of the plan³.
- 1.4.2 Local Planning authorities should consider whether other unacceptable development can be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition⁴.
- 1.4.3 Where up-to-date policies set out the contributions expect from development, planning applications that comply with them should be assumed to be viable⁵.
- 1.4.4 The Government has already introduced changes by reforming the approach to viability, which is set out in the revised National Planning Policy Framework and in associated national planning practice guidance. This new approach ensures that local plans clearly set out the contributions that developers are expected to make towards infrastructure and affordable housing; introduces a standard approach to establishing land value; and increases transparency and accountability through the publication of viability assessments and through improvements to the monitoring and reporting of Section 106 planning obligations⁶.

1.5 The Local Plan and Neighbourhood Plans

1.5.1 The North Hertfordshire District Council Local Plan was submitted to the Secretary of State in June 2017 for Examination in Public. The initial hearing sessions for the Examination concluded in March 2018. Proposed Main Modifications were issued in November 2018 and consulted upon between January and April 2019. The Inspector will determine the next steps in the Examination.

² Ministry of Housing, Communities and Local Government, December 2018, Reforming developer contributions: Technical consultation on draft regulations

³ NPPF Paragraph 34

⁴ NPPF Paragraph 54

⁵ NPPF Paragraph 57

⁶ https://www.gov.uk/guidance/viability, accessed May 2019

- 1.5.2 Emerging policy SP7 of the Local Plan provides the main policy 'hook' for this SPD while other Local Plan policies have further requirements for developer contributions. Policy SP7 (as proposed to be modified) is shown on the following page. This document has been structured to broadly follow the chapters and topics set out in the emerging Plan.
- 1.5.3 Developer contributions may also be required by policies set out in Neighbourhood Plans and applicants should have regard to such policies when formulating development proposals.
- 1.5.4 Should the new Local Plan not proceed for any reason or be subject to substantial delay, the Council will determine the most appropriate way forward. In particular, it will give consideration as to whether it is practicable for this SPD to be adopted in support of Saved Policy 51: Development Effects and Planning Gain of the District Plan No.2 with Alterations as an interim or transitional measure.

1.6 Developer contributions, planning obligations and S106

- 1.6.1 Developer contributions are normally secured through planning obligation agreements under Section 106 of the Town and Country Planning Act 1990.
- 1.6.2 The terms 'developer contributions', 'planning obligations' and 'Section 106' (s106) are used interchangeably but generally refer to the same things. Agreements may be used to ensure that the impacts arising as a result of a new development can be addressed. They are also a valuable way of ensuring that a development complies with planning policies contained in the Local Plan and any Neighbourhood Plans.
- 1.6.3 Planning obligations may be set out in an agreement between the Council and the developer (and any other relevant parties) or in a unilateral undertaking offered by the developer. Either is an individual, scheme-specific legal document. These documents are used to ensure developments are acceptable in planning terms. Such agreements or undertakings can contain a number of planning covenants or obligations and can relate to both financial and non-financial contributions.

1.7 Sustainability Appraisal

1.7.1 Reference to screening exercise and outcomes to be added.

Policy SP7: Infrastructure requirements and developer contributions

The Council will require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development. We will:

- a. Require developers to provide, finance and / or contribute towards provision which is fairly and reasonably related in scale and kind to the development, including:
 - On-site and/or off-site improvements and infrastructure necessary as a result of the development in order to:
 - ensure appropriate provision of facilities and infrastructure for new residents;
 - contribute toward help addressing cumulative impacts that might arise across multiple developments;
 - avoid placing unreasonable additional burdens on the existing community or existing infrastructure;
 - mitigate any adverse impacts where appropriate; and/or
 - enhance critical assets or make good their loss or damage;
 and
 - Maintenance and/or operating costs of any such new provision;
- b. Ensure essential new infrastructure to support new development is will be operational no later than the completion of development or during the phase in which it is needed, whichever is earliest unless otherwise agreed with relevant providers:
- Refuse planning permission where appropriate agreements or processes ensuring criteria (a) and (b) can be met are not in place;
- d. Have regard to any relevant national guidance or requirements in relation to planning obligations and any Community Infrastructure Levy or successor funding tariff which may be introduced by the Council;
- Work with landowners, developers and other agencies in facilitating the delivery of sites identified in the Local Plan and associated infrastructure and seek to overcome known obstacles; and
- f. Take a stringent approach Need robust evidence to be provided where developers consider that viability issues impact upon the delivery of key infrastructure and/or mitigation measures. This evidence will be used to determine whether an appropriate and acceptable level of contribution and / or mitigation can be secured.

1.8 Cross-boundary issues

- 1.8.1 There may be instances where the impacts of development that lie within other local authority areas may affect areas within the District. When notified of developments that could potentially have an effect on the delivery of services by North Hertfordshire District Council, the authority will discuss these with the relevant local authority and seek obligations from the developer accordingly. In these cases, the Council would expect a clause enabling money to be transferred for spending in the District if necessary.
- 1.8.2 The Council will make reciprocal arrangements to those set out above should a development falling within the North Hertfordshire administrative boundary have cross-boundary impacts affecting another authority area(s).
- 1.8.3 The above approaches will also apply, having regard to the general principles in this document, in relation to any Nationally Significant Infrastructure projects (NSIPs) in or affecting the District.

1.9 Other providers that may seek S106 contributions

- 1.9.1 A range of infrastructure providers may seek contributions from new development. This includes, but is not limited to, Hertfordshire County Council, the NHS and local Parish, Town or Community Councils. These are indicated under the relevant topic areas below.
- 1.9.2 Where appropriate, these providers may also be signatories to the s106 agreement.

1.10 Infrastructure Planning

- 1.10.1 An Infrastructure Delivery Plan (IDP) is part of the Local Plan evidence base and sets out the requirements for infrastructure over the plan period. The IDP will need to be updated over time to take into account the infrastructure needs of the District, including any updating of costs that is required.
- 1.10.2 The IDP examines the supply and demand for infrastructure based on forecasts of population growth.
- 1.10.3 Individual Council departments have priority projects that are set out in relevant strategies and action plans. These are identified under specific topics elsewhere in this SPD. Applicants should also have regard to other plans and strategies prepared by other service providers.

1.11 Strategic sites

- 1.11.1 The Local Plan identifies six Strategic Sites, for which there are detailed policies. For these sites a masterplan should be provided for the whole allocation to ensure that infrastructure provision fully reflects the demands arising from development. The Strategic Sites are:
 - Policy SP14: Site BA1 North of Baldock

- Policy SP15: Site LG1 North of Letchworth Garden City
- Policy SP16: Site NS1 North of Stevenage
- Policy SP17: Site HT1 Highover Farm, Hitchin
- Policy SP18: Site GA2 Land off Mendip Way, Great Ashby
- Policy SP19: Sites EL1, EL2 & EL3 East of Luton
- 1.11.2 The Strategic Sites will need to address any specific contribution requirements set out in their individual policies, in the Plan as a whole and in this document.

1.12 Nationally Significant Infrastructure Projects (NSIPs)

- 1.12.1 Since the production of the Local Plan, work to expand Luton Airport has commenced. The District Council has been involved in ongoing engagement regarding this project. The project has been registered with the National Infrastructure Commission and a Development Consent Order is anticipated in 2020. The expansion of Luton Airport and any further NSIPs will be dealt with by the Planning Inspectorate, as set out in the Planning Act 2008.
- 1.12.2 The Council may seek appropriate contributions from any part of any NSIP in or affecting the District in line with the advice and principles in this document.

2 PROCESS, PROCEDURE & MANAGEMENT

2.1 Pre-application stage

- 2.1.1 Pre-application discussions offer the opportunity for the council to clarify the planning policies and material considerations that will be relevant to determining an application, as well as enabling issues to be resolved through a collaborative process.
- 2.1.2 Discussions regarding the type and level of developer contributions should take place at the pre-application stage. Draft S106 Heads of Terms should also be considered at this stage. The level of detail included will depend on the specific issues relating to the proposed development, as well as whether an Outline or Full planning permission to be is sought. Where proposals are general in nature, for instance unit mixes are not yet specified, indicative S106 contributions will be calculated on the assumption that any future scheme would be full policy-compliant.
- 2.1.3 Where an application triggers developer contributions that would be delivered by an organisation other than the Council or the applicant, pre-application discussions will be required with that organisation also. This may include, but is not limited to, discussions with: Registered Providers, Hertfordshire County Council, utility providers and the NHS. Applicants should be aware that as well as the Council's preapplication fees, other consultees may charge pre-application fees.
- 2.1.4 For schemes where viability is raised as an issue by the applicant, a draft viability appraisal will be required at pre-application stage. This will enable the Council to provide feedback at an early stage to assist with the preparation of the planning application. This viability appraisal will be independently assessed by consultants acting on behalf of the Council and the cost of this will be covered by the applicant.

2.2 Application stage

- 2.2.1 Where pre-application discussions have identified that developer contributions will be required, applicants should submit heads of terms with their planning application.
- 2.2.2 Any developer contributions required will be considered at application stage by the case officer, other Council directorates, Hertfordshire County Council and any other external service providers and statutory consultees as relevant to the application. All developer contribution requests and requirements will be coordinated by the relevant case officer. This is to ensure that
 - correct processes are followed;
 - > applications can be dealt with in a fair and consistent way; and
 - > schemes are considering in the round having regard to all relevant policy requirements.
- 2.2.3 This holistic approach may require compromise between competing interests (for example the preferred approach of the highway authority vs urban design and place-

- making considerations). For this reason, applicants are advised not to coordinate or otherwise seek to agree developer contributions directly with those involved in infrastructure delivery without the involvement of the Council.
- 2.2.4 The case officer will discuss the required developer contributions with the applicant, ensuring conformity with CIL Regulations 2010(as amended). Where agreement cannot be reached between the applicant and the Council regarding the required obligations, or the applicant does not sign the S106 legal agreement ('legal agreement) within the required timescales, the planning application may be refused by the Council⁷. For this reason, close dialogue between case officers and specific Council service areas and applicants is recommended from an early stage.
- 2.2.5 Planning applications that require S106 Obligations and that are determined by the Council's Planning Control Committee will not be recommended favourably to the Planning Control Committee until all parties to the agreement have agreed the content of the document.
- 2.2.6 Standard templates for the legal agreements and Unilateral Undertakings can be found on the Councils webpage at: https://www.north-herts.gov.uk/home/planning/apply-planning-permission/planning-obligations/.
- 2.2.7 Developers / applicants will need to produce satisfactory proof of title for their particular site and all persons with an interest in the development site including owners, mortgagees, tenants and option holders must be party to the agreement.
- 2.2.8 Applicants will be required to pay legal fees for drafting and checking legal agreements and will need to provide a solicitor's undertaking to do so. Applicants should also be aware that a solicitor's undertaking and proof of title will be required by Hertfordshire County Council where applicable.
- 2.2.9 Where an applicant challenges the contributions required at application stage, a viability appraisal will be required. Any viability appraisal submitted to the Council will be made publically available in accordance with Planning Practice Guidance. This viability appraisal will be independently assessed by consultants acting on behalf of the Council and the cost of this will be covered by the applicant.

2.3 Policy priorities and planning obligations

2.3.1 This SPD outlines in further detail the type of planning obligations that may be required. The coverage of likely obligations is not exhaustive, and each application will be considered on its merits on a case-by-case basis. Nonetheless, in every instance, the obligations sought will be in line with the CIL Regulations 2010 (as amended or subsequently replaced).

⁷ Where planning applications are refused in this way on the advice of a consultee, that consultee will be responsible for defending their advice to the Council at any future appeal by the applicant. Consultees can have costs awarded against them at appeal in specified circumstances. *See* https://www.gov.uk/guidance/appeals, accessed May 2019

- 2.3.2 Paragraph 4.83 of the Local Plan identifies that there may be instances whereby policy requirements are prioritised. This refers to situations where the received requests for s106 contributions exceed the general levels of contribution tested through the Local Plan process and / or the ability of the development to viably support them. In these instances, and where an agreed viability study has been produced in accordance with relevant policies, the Council will consider the requirements most critical to securing development and meeting the overall objectives of the Local Plan. In doing so, viability and whether appropriate levels of developer contributions and/or mitigation can be achieved will be fully taken into account.
- 2.3.3 The Council will normally prioritise those contributions that have been properly tested through the Local Plan, in accordance with Planning Practice Guidance. Discussions with the relevant parties will be coordinated by the case officer. The Council will have regard to potential alternative sources of funding and / or the likelihood of direct funding (in whole or part) of infrastructure for which s106 requests have been received.
- 2.3.4 Where applicants seek to reduce affordable housing requirements through viability appraisal or require viability review mechanisms within a S106 agreement the Council will consider S106 contributions in the round. Where it appears that contributions that have not been subject to appropriate levels of consultation, examination and / or testing, are a significant factor in the viability of a scheme, the Council reserves the right to continue to require fully policy-compliant affordable housing provision (and other forms of properly tested contributions) at the expense of those requests.
- 2.3.5 In such instances, the Council will seek to work with the relevant infrastructure provider to understand other potential forms of funding to fill any shortfall and negotiate an appropriately reduced level of contribution from the applicant.

2.4 Deeds of variation

2.4.1 In some cases, it may be necessary to change the contents of an agreement after it has been completed and signed. In such instances, the variation would need to be agreed by all parties affected by the variation. This will result in additional costs to the applicant to take into account the negotiation, preparation and drafting of the variation.

2.5 Monitoring, enforcement and allocation

2.5.1 The Council monitors all agreements, taking into account the trigger points and the different obligations included. Monitoring fees will be sought through S106 agreements and will be proportionate and reasonable as set out in the Governments' recent consultation on developer contributions⁸. Fees may be required to cover the cost of land transfer, where applicable. The Council's current list of fees can be found

⁸ Ministry of Housing, Communities and Local Government, December 2018, Reforming developer contributions: Technical consultation on draft regulations

- at: https://www.north-herts.gov.uk/home/planning/planning-applications/planning-application-fees-and-charges.
- 2.5.2 The Town and Country Planning Act 1990 (as amended) outlines provisions for local authorities to enforce planning obligations. Due to this, the applicant may be required to provide evidence as the development progresses that all financial and non-financial obligations have been met.
- 2.5.3 The Council will charge interest on any payment that is paid late, and this will be payable from the date that the payment was due to the date of payment. Interest will be applied at two percentage points above the base lending rate of Lloyds Bank, as varied from time to time.
- 2.5.4 A S106 agreement and Unilateral Undertaking report is produced by the Planning Department and the information is reported to the Area Committees annually. This information can be found on the following webpage: https://democracy.north-herts.gov.uk/mgListCommittees.aspx?bcr=1
- 2.5.5 The Government has recently consulted on a proposal to introduce Infrastructure Funding Statements, which would be produced on an annual basis and would set out developer contributions received and anticipated to be collected⁹.

2.6 Pooled contributions

2.6.1 Contributions will be pooled in line with relevant regulations. The Government has recently consulted on removing the S106 pooling restrictions that came into force in 2015. If taken forward, this will enable more than five S106 agreements to be collected towards a single piece of infrastructure¹⁰.

2.7 Indexation

- 2.7.1 Commuted sums will be indexed linked from the date of the agreement to the date when the contribution is requested. Where the contribution relates to a commuted maintenance payment, this will be index linked from when maintenance costs are agreed. [Reference to indexing approach to be added]. This is to ensure that the value of an obligation does not reduce over time.
- 2.7.2 For contributions required by Hertfordshire County Council, indexation will be calculated having regard to any relevant requirements in their own planning obligations guidance¹¹.

⁹ Ministry of Housing, Communities and Local Government, Reforming developer contributions: technical consultation on draft regulations (December 2018)

¹⁰ Ministry of Housing, Communities and Local Government, Reforming developer contributions: technical consultation on draft regulations (December 2018)

¹¹ Hyperlink to be updated pending release of HCC Toolkit consultation

2.8 Bonds

- 2.8.1 A bond may be used in cases where a developer will be delivering the work or where payments are phased. For instance, where the contribution relates to Highway infrastructure works, a bond may be used to provide a guarantee to the Council that the infrastructure can be delivered and to required standards.
- 2.8.2 Bonds may also be requested by the Council to hold for future decommissioning works, such as a solar farm subject to a temporary planning permission or in other circumstances deemed appropriate.

2.9 Viability

- 2.9.1 Applicants should ensure that development proposals adhere to Local Plan and Neighbourhood Plan policies and that these requirements are factored into land value. The Local Plan should be treated as the starting point, with the underlying viability evidence demonstrating overall viability. This reflects Planning Practice Guidance, which states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is therefore up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage and where needed, provide evidence of what has changed since then.
- 2.9.2 Where viability is likely to be a consideration in determining an application, it is advised that a draft viability appraisal is provided to the Council at pre-application stage. This is to enable early discussions to avoid the likelihood of delays at planning application stage. The appraisal should cover and consider whether viability enhancements could improve the situation, for example deferring triggers for contribution payments. It should be an 'open book' assessment which should include information covering (but not necessarily limited to) the following:
 - Existing use values;
 - Proposed use values (sales and rental);
 - Demolition and construction costs;
 - Finance and marketing costs;
 - Assumed vield:
 - Construction site abnormals;
 - Development phasing/timetable.
- 2.9.3 At application stage, a viability appraisal should be submitted for any planning application where viability is a factor in determining the application. This should cover the factors above and any additional matters the case officer believes would be appropriate in the site specific circumstances. As set out above, the viability appraisal will be independently assessed by consultants acting on behalf of the Council and the cost of this will be covered by the applicant.
- 2.9.4 A revised viability appraisal will be required where material changes are made following the submission of the planning application, or where there are delays where issues have not been resolved within the timescales originally envisaged.

- 2.9.5 Planning Practice Guidance provides further information on the expected requirements in relation to viability appraisals, including but not limited to: assessment of land value, inputs and assumptions as well as an open book approach and ensuring accountability. The viability assessment shall be treated as a public document and made available on the Council's planning portal.
- 2.9.6 In the event that the S106 is altered on viability grounds, the agreement shall include a clause requiring a review of viability, unless the development is completed within a defined timeframe. Further information is provided below.
- 2.9.7 In conducting the appraisal, the Council will have regard to whether a land transaction is required. Overpayment for land will not be accepted as a reason for reducing contributions.

2.10 Viability review mechanisms

- 2.10.1 The Council will consider using a viability review mechanism where affordable housing or other developer contributions are agreed at lower than policy compliant levels on viability grounds. A viability review mechanism can trigger a review of the originally agreed contributions where there is an improvement in viability and/or broader economic conditions since the original viability appraisal was undertaken.
- 2.10.2 A viability review mechanism may be used for multi-phased or long-term development schemes. The trigger point(s) for review will be set out at application stage. Further developer contributions will only be required if a surplus is identified during the review over and above the returns necessary to be deemed viable.
- 2.10.3 The applicant will be expected to pay for the full cost of a viability appraisal required by a viability review mechanism. The appraisal should meet the requirements set out above.
- 2.10.4 The viability review mechanism would be included in the S106 agreement.

3 ECONOMY AND TOWN CENTRES

Local Plan Policies		Other relevant Strategies & Guidance		
>	SP3: Employment	>	Hertfordshire LEP Strategic	
>	SP4: Town Centres, Local Centres		Economic Plan	
	and Community Shops	>	Hertfordshire Skills Strategy	
>	SP9: Design and sustainability	>	NHDC Economic Development	
>	ETC3: New retail, leisure and		Strategy	
	other main town centre	>	Town Centre Strategies for Baldock,	
	development		Hitchin, Letchworth Garden City and	
>	ETC6: Local Centres		Royston	
>	D1: Sustainable design			
>	Site-specific policy criteria			

3.1 Policy context

- 3.1.1 The NPPF seeks to support economic growth and support the role that town centres play at the heart of local communities¹².
- 3.1.2 The Local Plan sets out our aspiration to provide an appropriate balance between skills, housing and economic development. It recognises the contribution of 'footloose' careers in sectors such as construction and the trades in the overall employment balance of the District.
- 3.1.3 The retail policies of the Plan seek to maintain the vibrancy and vitality of key centres within the District. This includes the main town centres of our largest settlements as well as smaller parades of shops serving a local function.
- 3.1.4 The Hertfordshire Local Enterprise Partnership (LEP) provides the strategic framework for economic growth within the county. This is supported by local strategies for economic development and our town centres.

3.2 Business, economic development, local employment and training

3.2.1 We will support and promote the use of local people and businesses through the construction and delivery phases of new developments. We will particularly encourage these on our larger and strategic sites. These will have build-out periods lasting a number of years and will deliver significant employment and supply-chain opportunities over a prolonged period. Once implemented they will provide ongoing employment opportunities in shops, schools and other facilities. On longer-running schemes we will also encourage the creation of apprenticeship programmes providing the opportunity for local people to develop skills and put these into practice. These approaches will help to deliver social value through the planning system.

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¹² NPPF Paragraphs 80 and 85

- 3.2.2 Where these measures are pursued, we will incorporate a (commitment to the production of a) Local Labour Agreement within the S106 agreement. The detail of the Local Labour Agreement should be informed having regard to recognised resources and toolkits such as the <u>Construction Industry Training Board's client based approach</u>.
- 3.2.3 Where requirements for new, expanded and / or refurbished neighbourhood centres (see below) or community facilities (see Section 7.8) are identified, we will consider whether such schemes should incorporate local business facilities. These might include flexible small office or hot-desking space, community live-work facilities, free wifi access, centralised reception / mail-handling facilities, hireable meeting room(s) or similar. Such facilities can provide convenient and sociable alternate working places for residents and address wider policy aspirations, such as managing the need to travel. The provision of Ofsted registered childcare facilities can also help facilitate work within walking distance of a family home.
- 3.2.4 The provision of broadband for residential premises is covered in Section 7.10.
- 3.2.5 Any specific requirements relating to built development for B-class employment uses are set out in relevant policies and site criteria. Where appropriate and necessary, relevant measures may be secured in any legal agreement relating to the relevant planning application(s) for those schemes.

3.3 Local and Neighbourhood Centres

- 3.3.1 The policies for our Strategic Housing Sites all require the provision of local centre or neighbourhood centre facilities. The most appropriate detailed mix of uses (within the parameters set by the individual policies) will be determined on a case-by-case basis.
- 3.3.2 The centre(s) should be located so as to maximise the opportunity for linked trips for both the occupiers of the planned development and, where relevant, existing residents in surrounding areas. In many instances it will be preferable for retail facilities to be either co-located with or otherwise sited within a short walk of other key 'attractors' within each site, such as schools and community or GP facilities. This approach is also supported by the Local Transport Plan (See also Chapter 4).
- 3.3.3 These centres should enable a wide range of daily activities to be undertaken by residents without resort to car-use. In determining an appropriate mix of units and uses, applicants should consider the currently availability of facilities in the wider area and the likely demographic profile of future occupants.
- 3.3.4 The broad location for these facilities should be identified within the masterplan which will be secured through condition and / or a legal agreement. Schemes will need to demonstrate that long-term, sustainable management arrangements for these centres have or will be secured.

3.4 Regeneration, town centres and streetscapes

- 3.4.1 Considering the space between buildings, and how it is used, is equally as important as considering the likely impact of new buildings.
- 3.4.2 Each of the District's four main towns has a recognisable town centre. Over time a range of enhancement works have been carried out to maintain their distinctive characters and vibrancy. Contributions towards future town centre public realm enhancements will be sought from relevant schemes potentially including (but not necessarily limited to):
 - Schemes for development within existing town centres;
 - Schemes for out-of-centre development where such contributions may help preserve the vitality and / or viability of the existing centre(s); and
 - > Schemes elsewhere that may result in a substantive increase in footfall in existing town centres.
- 3.4.3 Contributions may be sought for improvements to the wider public realm, the installation of specific facilities such as bike racks or street furniture or features such as public art. Specific projects for which contributions may be sought will be identified in an updated suite of <u>Town Centre Strategies</u>. Work on these is due to commence during 2019.
- 3.4.4 Where potential improvements are identified adjacent or otherwise in close proximity to a development site it may be appropriate for the applicant to carry out works directly with the approval of any other relevant bodies (such as the freeholder of the land affected). Alternately financial contributions may be sought.
- 3.4.5 Improvements to public realm will not necessarily be confined to the main town centres. Where appropriate, we will seek contributions towards public realm improvements in smaller centres and other areas which play an important role in defining place and supporting the day-to-day function of the built environment. Priorities for public realm enhancements may be identified in Neighbourhood Plans or other locally-led strategies or initiatives, such as Parish Plans. Applicants should have regard to any relevant policies or requirements applicable to their scheme.
- 3.4.6 In all instances, the Council may seek contributions towards the ongoing maintenance of any public realm improvements to be provided.
- 3.4.7 Our approach to parks and open space including those found in the central areas of our towns is set out Section 8.4 of this document.

4 TRANSPORT

Local Plan Policies		Other relevant Strategies & Guidance		
AAAAAA	SP6: Sustainable transport SP9: Design and sustainability SP10: Healthy communities T1: Assessment of transport matters T2: Parking D1: Sustainable design D4: Air quality Site-specific policy criteria	 Vehicle Parking at New Developments SPD Transport and Parking SPD* Design SPD* NHDC Transport Strategy* NHDC Local Cycling and Walking Infrastructure Plan (LCWIP)* NHDC Parking Strategy* Planning obligations guidance – 		
A	Appendix 4: Car Parking Standards	toolkit for Hertfordshire ¹³ Hertfordshire Local Transport Plan The North Central Hertfordshire Growth & Transport Plan* Roads in Hertfordshire: A Design Guide		

^{*}Forthcoming

4.1 Policy context

- 4.1.1 The levels of growth and development envisaged in the plan will place additional demands on transport and highway networks and planning obligations can be used to mitigate against these effects.
- 4.1.2 The NPPF asks that transport issues be considered from the earliest stages to allow development impacts to be addressed and so that opportunities to promote more sustainable modes of travel can be identified and pursued¹⁴.
- 4.1.3 Hertfordshire County Council is the local highway authority and has the primary responsibility for delivering transport provision in the District. Hertfordshire County Council as Highway Authority is consulted on all applications and is a statutory consultee.
- 4.1.4 The County Council's Local Transport Plan (LTP4) states that sustainable transport modes such as walking, cycling and improving access to public transport are to be prioritised while working to reduce need for journeys overall. LTP4 is supported by a range of strategies. These are both topic-specific (e.g. rail strategy) and geographically based (e.g. area growth and transport plans).
- 4.1.5 The Local Plan sets out policies that align with LTP4 to ensure that transport provision across the District is sustainable, efficient and safe and that environmental

¹³ Hyperlink to be updated pending release of HCC Toolkit consultation

¹⁴ NPPF Paragraph 102

- impacts, such as noise and air quality impacts, can be avoided and mitigated against.
- 4.1.6 Local Plan Policy T1: Assessment of transport matters requires Transport Statements, Transport Assessments and/or Travel Plans along with supporting documents where required. These documents provide an assessment of the likely transport impacts of the development in question. Where impacts cannot be fully mitigated, sustainable transport and highways planning obligations will be sought.
- 4.1.7 The Plan is supported by a proposed Transport Strategy. This identifies a number of potential projects, recognising that these will be reviewed and refined on an on-going basis.
- 4.1.8 The District Council also deals with the management and enforcement of parking
- 4.1.9 In addition to the two local authorities, Highways England is responsible for the strategic road network. In some instances, private landowners may be responsible where the provision is not on public highway.

4.2 Financial and non-financial obligations

- 4.2.1 The District Council will be guided by the response(s) of Hertfordshire County Council in determining measures required to mitigate transport impacts. The County Council's toolkit provides an indication of the scale of requests they are likely to make in response to planning application consultations. We will have regard to these requests in accordance with the general approach set out in Section 2 of this document.
- 4.2.2 (Prospective) applicants should review the relevant strategies and guidance documents to identify potentially relevant and suitable projects for which contributions may reasonably be sought. In particular, regard should be had to promoting modal shift as endorsed in LTP4, the Roads in Hertfordshire design guide, as well as the management of highway impacts arising from the Local Plan.
- 4.2.3 Roads in Hertfordshire should be referred to for detailed specification of highways within the application site. The Council's Design and Parking SPDs provide further guidance.
- 4.2.4 In addition to S106 agreements, Section 278 (S278) agreements can be used as a mechanism to secure highway measures that cannot be addressed through the design of the proposed development. S278 agreements are used when the proposed works relate to the existing highway network, and Section 38 of the Highways Act is used where new highways are to be created and this can be provided by way of commuted sum where necessary.
- 4.2.5 The applicant should discuss with the Council and other relevant service providers whether the developer is best placed to deliver the works on-site, or to provide a financial contribution for another party to deliver the infrastructure required.

- 4.2.6 The cumulative transport impact of development proposals will also be taken into account as set out in the Local Plan, which may mean that smaller schemes may be requested to make appropriate contributions towards schemes which are required to address the combined impacts of future growth.
- 4.2.7 Non-financial contributions towards sustainable transport may also be required and may include establishing car clubs, providing electric vehicle infrastructure, land for Rights of Way improvements, controlled parking zones and safe cycle storage. Where Travel Plans are required for a development, contributions will be sought for monitoring, where needed.



5 HOUSING

Local Plan Policies	Other relevant Strategies & Guidance		
 SP8: Housing HS2: Affordable housing HS3: Housing mix HS4: Supported, sheltered and older persons housing HS5: Accessible and adaptable housing Site-specific development criteria 	 Housing Strategy Homelessness Strategy Tenancy Strategy 		

5.1 Policy context

- 5.1.1 The NPPF stresses the importance of addressing the needs of groups with specific requirements for housing 15.
- 5.1.2 Affordable Housing is provided for those who cannot access open market housing. It includes social rented and affordable rented housing, intermediate housing, such as shared ownership schemes, or other models where they meet the definition of Affordable Housing set in national policy.
- 5.1.3 The Council's overall planning approach to Affordable Housing is set out in Policy HS2 of the Local Plan. This sets out a tiered approach to Affordable Housing provision and a range of other policy criteria. This section of the SPD provides additional information to aid interpretation of these requirements.
- 5.1.4 Policy CGB2a and CGB2b set out our approach to rural exception schemes in Green Belt and Rural Area locations respectively. The additional requirements in these policies mainly relate to site-selection and qualitative matters such as visual and landscape impacts. This SPD does not expand on these requirements as these are general planning considerations that will not normally need to be reflected in a legal agreement.
- 5.1.5 Further information on the Council's approach to Affordable Housing is set out in our Housing Strategy and Tenancy Strategy. These, and other relevant documents, including the latest Strategic Housing Market Assessment, are provided on our website. Where relevant, this section of the SPD makes reference to the latest findings from these reports. However, these documents may be updated over the lifetime of this SPD and should always be referred to for the most up-to-date information.
- 5.1.6 Policies HS4 and HS5 contain specific requirements relating to housing for older persons and accessibility respectively.

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¹⁵ NPPF Paragraph 59

5.2 Affordable Housing

Demonstrating compliance with Affordable Housing requirements

- 5.2.1 We encourage the submission of an Affordable Housing Statement alongside any relevant planning applications to demonstrate how the requirements of Policy HS2, Policies CGB2a&b (where applicable) and this SPD have been met. Alternately, the approach to Affordable Housing should be clearly set out as a distinct section within one or more of the following documents (as applicable):
 - Design & Access Statement
 - Planning Statement
 - Environmental Statement

Calculating the Affordable Housing requirement (Policy HS2(a)(i))

5.2.2 Policy HS2 sets the following target percentages of dwellings to be affordable:

Size of site (gross dwellings)	Target % of Affordable Housing
11-14 dwellings	25%
15-24 dwellings	35%
25+	40%

- 5.2.3 When calculating the number of affordable units, the general approach will be to round the requirement to the nearest whole number. Where the requirement is subject to rounding up, the target levels of Policy HS2 may be slightly exceeded. As a general principle, and having regard to the findings of our evidence¹⁶, this approach is unlikely to affect scheme viability. Subject to the exceptions below, the Council will not entertain viability appraisals or attempts to reduce the Affordable Housing contribution on this ground alone.
- 5.2.4 The impact of rounding the requirement can be more significant for smaller sites given the low numbers of units involved. We specifically recognise the potential impact upon schemes of 11, 14, 16 and 19 units. In these instances we will determine the most appropriate approach having regard to:
 - > The nature of the scheme;
 - > The tenure of any proposed Affordable Housing products; and
 - > The proposed / potential Affordable Housing floorspace as a proportion of the overall development, particularly where larger units are proposed for private sale with smaller units proposed as the Affordable Housing contribution.
- 5.2.5 These factors will also be considered in other instances where the proposed Affordable Housing contribution does not comply with policy.

¹⁶ North Hertfordshire District Council Local Plan Viability Assessment Update 2016 (Dixon Searle Partnership (DSP))

Off-site provision of Affordable Housing

- 5.2.6 Where the off-site provision of Affordable Housing or a financial contribution is agreed in principle (see below), the requirements of Policy HS2 should be met when viewing the application site and the 'donor' site(s) (or other agreed alternate form(s) of contribution) as a single entity.
- 5.2.7 A scheme for 100 units would normally generate an on-site requirement for 40 affordable homes, with the remaining 60 homes available for market sale (40 / 100 = 40%).
- 5.2.8 However, a scheme of 100 market sale homes with no on-site Affordable Housing would require off-site provision or a financial contribution equivalent to 67 affordable units to make the same contribution: (67 / (67+100) = 40%).
- 5.2.9 The table below summarises the equivalent percentages required to meet the targets in Policy HS2 where fully off-site provision or a commuted payment is to be made.

Size of site (gross dwellings)	Target % of Affordable Housing (on-site)	Off-site equivalent
11-14 dwellings	25% of all dwellings	33% of market homes
15-24 dwellings	35% of all dwellings	54% of market homes
25+	40% of all dwellings	67% of market homes

5.2.10 We will use bespoke calculations where it is agreed that the Affordable Housing is to be split between on-site and off-site provision.

Provision involving existing Affordable Housing

- 5.2.11 Where existing Affordable Housing is to be demolished or otherwise lost, we will normally expect that existing units will be replaced on a one-for-one basis with the targets of Policy HS2 then applied to any net additional units.
- 5.2.12 Exceptions to this approach will be considered on a case-by-case basis, for example when a scheme proposes replacement units that better meet identified Affordable Housing needs or where private sale units will cross-subsidise the scheme.

Vacant Building Credit

- 5.2.13 National policy provides an incentive for brownfield development on sites containing vacant buildings. This requires Affordable Housing requirements to be reduced based on the quantity of floorspace being brought back into use or replaced.
- 5.2.14 Vacant Building Credit is intended to incentivise the re-use of buildings or sites that would otherwise remain vacant or become derelict. It is not intended as a back-door means of reducing Affordable Housing contributions on otherwise viable sites.
- 5.2.15 Where Vacant Building Credit is applied for, the applicant should follow the principles set out for employment uses in Local Plan Policy ETC2(i) and provide evidence that

the building has been actively marketed for its current use for a period of at least twelve months without success prior to submission of a planning application. This should demonstrate that the marketing has been conducted appropriately given the terms and rental / sales values compared to other similar properties.

5.2.16 Vacant Building Credit will not be applied where the above conditions are not met.

Viability

- 5.2.17 Our overall approach to viability is set out in Policy SP7 of the Local Plan and Section 2 of this SPD. Where a developer seeks to reduce Affordable Housing below target levels on viability grounds, the appraisal should demonstrate the impact of full compliance with the Affordable Housing Requirements in the Local Plan and this SPD on a 'nil grant' basis.
- 5.2.18 Any departure from policy compliant Affordable Housing provision on viability grounds will be negotiated on a case-by-case basis having regards to the findings of the viability study, scheme-specific circumstances and the potential for any alternate and / or reduced forms of contribution towards Affordable Housing.

On-site vs. off-site provision (Policy HS2(a)(ii))

- 5.2.19 Our presumption is strongly in favour of Affordable Housing provision being made on site. Although some sites will deliver relatively low numbers of affordable homes, Registered Providers operating in the District are normally willing to take these on as part of their wider portfolio.
- 5.2.20 We recognise that there can be specific circumstances where it is not possible or appropriate to make Affordable Housing provision on site. This might include in some smaller flatted developments or where specialised accommodation within Use Class C3 is being provided.
- 5.2.21 Any (proposed) departures from on-site provision will be considered on a case-by-case basis. Where it is accepted that on-site provision is not feasible, we will first seek provision on an alternate site. If this is not possible, we will seek a commuted sum in lieu of provision.

Approach to off-site provision

- 5.2.22 Off-site provision may be an appropriate alternative where an alternate site is in possession of, or can be reasonably acquired or otherwise accessed by, the applicant who can then deliver affordable homes upon it in partnership with a Registered Provider in the normal way. The Affordable Housing provision on the 'donor' site will need to comply with relevant planning policies and the requirements of this SPD. It will normally be secured with an appropriate clause(s) in the legal agreement and / or Grampian condition on the principal site to ensure delivery of both schemes.
- 5.2.23 The 'donor' site should be reasonably related to the application site. In considering the acceptability of potential alternate sites, we will have regard to the approach

taken by the Local Plan to Rural Exception sites. Alternate sites should normally be located within both a 15-minute drive time and a 30-minute journey time using passenger transport of the principal application site.

Commuted sums

- 5.2.24 Where it is accepted that a commuted sum is required, the starting point for negotiation will be an equivalent payment sufficient to deliver the Affordable Housing requirement on an alternate site:
 - ➤ The Affordable Housing requirement will be calculated in line with the requirements set out in this section of the SPD;
 - The cost per required affordable unit (the unit cost) will be based upon the provision of a 2-bed house (including land);
 - > The unit cost will be derived from the costs set out in the Council's most recent District-wide viability assessment.
- 5.2.25 At the time of writing this approach gives a unit cost of £123,000 ¹⁷.

C2 Uses and affordable housing

- 5.2.26 For the purposes of the new Plan, the Council has treated the need for and provision of housing within use-class C3 separately from the need for and provision of more specialist accommodation within use-class C2. The overall housing target of 15,950 homes and references to dwelling estimates for the Strategic Housing Sites and Local Housing Allocations are for C3 uses only. The Plan relies on delivery of the housing allocations with policy-compliant affordable housing to meet future market and affordable housing needs in full.
- 5.2.27 Requirements for C2 uses are set out separately and in addition. A minimum target for the overall provision of C2 bedspaces is set in Policy SP8(g).
- 5.2.28 The Council will not normally seek the provision of affordable housing or affordable housing contributions from:
 - > C2 uses where they satisfy a specific policy requirement on Strategic Sites; or
 - > C2 uses on windfall sites not identified in the Plan
- 5.2.29 However, where a C2 use is otherwise proposed on a site allocated in the Plan for housing, the Council will seek a commuted sum for affordable housing that compensates for any loss of affordable housing units that might otherwise have been provided if the site had been fully developed for C3 use in accordance with the Plan.
- 5.2.30 The relevant sum will be calculated on a case-by-case basis.

¹⁷ Taken from North Hertfordshire District Council Local Plan Viability Assessment Update 2016 (DSP). Figure based upon: a base build cost for a 79m² 2-bed home at £1,190/m2; £4,500 site prep and survey costs; a 17% uplift on the base build cost for contingencies, fees and sustainable design & construction standards; £2,447 to achieve M4(2) accessibility compliance; and £9,250 to purchase 1/40th hectare of land at assumed greenfield enhancement values. Total rounded to nearest £1,000.

5.2.31 Other contributions may still be sought from all C2 proposals.

Expenditure of commuted sums for Affordable Housing

- 5.2.32 Any specific provisions relating to the expenditure of the commuted sum, including time limits, will be set out in the s106 agreement. In general terms, commuted sums for Affordable Housing might reasonably be spent upon (but is not necessarily limited to):
 - > The delivery of additional affordable units on other s106 schemes;
 - ➤ The provision of new affordable homes on (up to) 100% Affordable Housing schemes by the Council or a Registered Provider;
 - > The acquisition of (serviced) land to facilitate such schemes;
 - ➤ The adaptation or modification of existing stock to meet standards and / or specific identified housing needs;
 - > The acquisition of homes on the open market for Affordable Housing; or
 - > The provision of other forms of housing providing homeless or temporary accommodation;
- 5.2.33 Specific projects may be identified in our Housing Strategy or other relevant documents and expenditure can take place anywhere in the District regardless of the location of the development to which the commuted sum relates.

Ensuring affordability (Policy HS2(a)(iii))

- 5.2.34 Housing affordability is a significant issue in the District. The ratios of house prices to earnings are at the highest levels ever recorded. Even with discounts applied, rents and purchase requirements for intermediate products remain difficult to afford for many households.
- 5.2.35 The Local Plan recognises that it will be necessary to introduce rental caps at below 80% of market rates to ensure affordability, particularly for larger units. Our approach to rents, and seeking to ensure the affordability of all Affordable Housing products, is set out in our Housing Strategy and Tenancy Strategy. We currently require the following rental levels:
 - > 1 & 2 bed properties: 80% of market rents
 - > 3 bed properties: 70% of market rents
 - > 4 bed properties: social rents
- 5.2.36 All rents are to be within Local Housing Allowance Rates. Rents for 1-, 2- and 3-bed properties should achieve the percentages above inclusive of any service charges, management fees or similar.
- 5.2.37 The requirements in the Plan are based upon households allocating 35% of their gross income to housing. Applicants should demonstrate that any intermediate products, including the initial purchase percentage(s), will be affordable on this basis having regard to local income and house price data. House prices vary significantly across North Hertfordshire and district-wide price averages will generally not be

- considered an appropriate basis for making these calculations. In determining the affordability of products, any service charges, management fees or similar which may be applied should be included.
- 5.2.38 For shared ownership units, applicants should be able to purchase an initial equity share in the property of between 25% and 75%. The rent on unsold equity will be capped at 2.75% in accordance with Homes England requirements.
- 5.2.39 Due to the high cost of housing throughout the District, some forms of intermediate tenure products are considered unlikely to meet the affordability requirements of the Plan. This includes, but is not necessarily limited to, discounted market sales housing and Starter Homes.
- 5.2.40 The Government recognises that shared ownership products can be hard to replace, particularly in rural areas. To address this issue, regulations identify Designated Protection Areas¹⁸. Within these, any shared ownership products will be required to restrict 'staircasing' to a maximum 80% equity share in the property.
- 5.2.41 Where applicable, these requirements will be incorporated into the legal agreement.

 The following parishes within North Hertfordshire are currently Designated Protection Areas:
 - Ashwell
 - Barkway
 - Barley
 - Bygrave
 - Caldecote
 - Clothall
 - Codicote
 - Graveley
 - Hexton
 - Hinxworth
 - Holwell
 - Ickleford
 - Kelshall
 - Kimpton
 - Kings Walden
 - Langley

- Lilley
- Newnham
- Nuthampstead
- Offley
- Pirton
- Preston
- Radwell
- Reed
- Rushden
- Sandon
- St Pauls Walden
- > Therfield
- Wallington
- Weston
- Wymondley

Affordable Housing tenures (Policy HS2(b)(i))

5.2.42 Local Plan policy requires 65% of Affordable Housing units to be for rent with the remaining 35% other forms of Affordable Housing. The definition of the various housing types considered to be Affordable Housing is set out in Annex 2 of the NPPF.

¹⁸ The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009

- 5.2.43 When calculating the required tenure split, the number of rented units will normally be rounded to the nearest whole number. The number of intermediate units will normally represent the balance of the overall requirement.
- 5.2.44 On schemes of 25 units or more it should be possible to deliver the tenure split required by Policy HS2.
- 5.2.45 On schemes of less than 25 units, or in other instances where less than 10 Affordable Housing units are proposed or agreed, we will consider the most appropriate approach to tenure mix on a case-by-case basis having regard to the above advice. It may not, for example, be desirable for a scheme to deliver a single intermediate unit. Equally, it may not be practical to deliver affordable rented units within a small block of flats.
- 5.2.46 The most appropriate mix of intermediate products will be negotiated on a case-bycase basis having regard to relevant evidence (including upon affordability) and the type and size of Affordable Housing product(s) proposed by the applicant or otherwise considered realistic in the context of the site and overall scheme.
- 5.2.47 The NPPF allows for self-build housing to be Affordable Housing. For this to be the case, the self-build must fall within one of the Affordable Housing types contained in the NPPF definition. Where any self-build housing is accepted as being a form of Affordable Housing (and vice versa) it will count towards any relevant policy targets or requirements for both forms of provision. Self build not falling within the NPPF definition of Affordable Housing will not count towards, or otherwise be offset against, the Affordable Housing requirement.

Evidence of housing need (Policy HS2(b)(ii))

- 5.2.48 The starting point for evidencing Affordable Housing need is the Council's latest Strategic Housing Market Assessment. This provides advice on overall requirements and advised tenure and mix requirements for the whole District (see sections below). We supplement data from district-wide studies, with more localised information.
- 5.2.49 Prospective applicants should contact the Council's Housing team for up-to-date housing register data. We work with Hertfordshire County Council's Adults Supported Accommodation Strategic Board to identify and address specific housing needs. Surveys for individual parishes are conducted in partnership with Parish Councils and Community Development Action's Rural Housing Enabler. Applicants should have regard to the findings for any up-to-date Parish surveys relevant to their site. Where a prospective applicant is considering bringing forward a significant scheme in a parish where there is no survey, or the survey is out of date, they should liaise with the Council at the earliest opportunity to determine whether it is practicable to produce or update a survey in advance of the submission of an application.
- 5.2.50 Where an applicant is considering gathering their own evidence to inform the assessment of housing needs for their own project(s), we encourage early engagement with the Council's Housing Team to ensure any survey is appropriately defined.

- 5.2.51 Any findings from the above will help inform whether there is justification to depart from the general tenure and mix requirements set out in the Local Plan and this SPD on a case-by-case basis.
- 5.2.52 Applicants will need to demonstrate compliance with any additional or alternate requirements in Neighbourhood Plans that are brought forward following adoption of the Local Plan¹⁹.

Affordable Housing Mix (Policy HS2(b)(v))

- 5.2.53 The aim of the Plan is to meet assessed district-wide needs for Affordable Housing over the period to 2031. The starting point for consideration of appropriate housing mix will therefore be our most recent Strategic Housing Market Assessment.
- 5.2.54 The current SHMA concludes that the requirements for Affordable Housing are split on an almost 50% / 50% basis between smaller (1- and 2-bed) and larger (3+bed) units. However, in calculating these requirements, it is assumed that current patterns of occupation will continue. Our Housing Strategy recognises there is evidence of 'under-occupation' of the existing Affordable Housing stock within the District. This is a particular issue with 3-bed homes given their prevalence across North Hertfordshire. The Local Plan recognises that increasing the proportion of smaller homes may, in particular, provide additional opportunities for older households to downsize. Most households in the top preference bands of the Council's Housing Register require smaller homes.
- 5.2.55 Reflecting these facts, we may seek a slightly higher proportion of smaller (1- or 2-bed) Affordable Housing units and a slightly lower proportion of 3-bed Affordable Housing units than suggested by a straight reading of the SHMA.
- 5.2.56 As set out above, we will consider whether any specific, local evidence justifies a departure from this general guidance on a case-by-case basis.
- 5.2.57 In considering the suitability of the proposed Affordable Housing mix, we will also have regard to other relevant policies of the Plan. Please refer to the following sections of this chapter in relation to self-build, older persons housing and housing accessibility.

Affordable Housing Design

5.2.58 Wherever practicable, affordable housing design should be tenure blind. It should be physically indistinguishable from the market housing and on larger sites be distributed across the site in small clusters, rather than concentrated on one of two parts of the site. Affordable Housing should be distributed in a way which ensures that access to key facilities such as schools, local shops and open space is equivalent to that provided for market homes.

¹⁹ If policies in an adopted Local Plan conflict with policies in an adopted Neighbourhood Plan (or vice versa) the most recent plan policy takes precedence.

5.2.59 Policy D1 of the Local Plan states that new homes must meet the Government's minimum nationally described space standards. In some instances, space requirements for Affordable Housing may be set at a higher level. Where there is conflict between two (or more) standards, the highest (most spacious) will be applied to the Affordable Housing.

Registered Providers

- 5.2.60 There are a large number of Registered Providers operating within the District. We do not have a preferred partner, nor do we recommend partners. We are able to provide contacts and facilitate introductions where required. The transfer of the Affordable Housing to the Registered Provider will normally be subject to a separate agreement with the applicant / developer. The Registered Provider will not normally be a signatory to the legal agreement.
- 5.2.61 Some forms of Affordable Housing do not need to be delivered by a Registered Provider. Where this is the case, we will consider whether it is appropriate to secure a bond or other form of guarantee in the legal agreement. Where the Council cannot secure nomination rights in accordance with the guidance below, we may request that the legal agreement restricts occupancy to households who cannot compete in the housing market.

Content of the legal agreement in relation to Affordable Housing

- 5.2.62 The key provisions relating to Affordable Housing will be secured through the S106 legal agreement and, to the extent that is appropriate, any associated Nomination Agreement. It is expected that the legal agreement will normally contain (but is not necessarily limited to) the following information:
 - > The overall amount of Affordable Housing to be provided;
 - Details of the tenure and type of Affordable Housing to be provided;
 - Details of any specific standards to be met by the Affordable Housing
 - Details of any trigger points for the construction and / or transfer of the Affordable Housing;
 - Any Mortgagee in possession (or other similar) clauses to safeguard the provision of Affordable Housing;
 - Any specific requirements in relation to nomination rights, lettings and cascades including qualifying persons and local connection criteria (see below); and
 - > Details of any applicable staircasing restrictions.
- 5.2.63 Where development is anticipated to occur over a number of phases, the provision of Affordable Housing should not normally be backloaded into later phases. This will be addressed through the inclusion of appropriate trigger points in the legal agreement.
- 5.2.64 Where outline permission is sought on an "up to..." basis, we may seek to secure a guaranteed minimum number of Affordable Housing units within the legal agreement. This is to ensure that the anticipated provision of Affordable Housing is not

subsequently undermined (for example by submission of a detailed application for an alternate use on part of the same site).

Nomination rights, lettings and cascades

- 5.2.65 The District Council will normally seek to secure 100% of initial nomination rights and at least 75% of nomination rights for subsequent re-lets. Nominations will be made in accordance with the Common Housing Allocations Scheme or any successor.
- 5.2.66 For development East of Luton (Local Plan Policy SP19), we will take this approach to a number of Affordable Housing units which will be calculated as follows:

Agreed site-wide Affordable Housing provision (%) x 150

- 5.2.67 This reflects the amount of that development required to meet the District's own housing needs. Initial nomination rights for the balance of the secured Affordable Housing will be reserved for applicants on Luton Borough Council's Housing Register or joint housing register as may be agreed. Any subsequent nominations will return to North Hertfordshire District Council.
- 5.2.68 Insofar as is practicable, the units designated to each authority will contain a proportionate mix of tenures, unit sizes and accessibility adaptation consistent with the overall requirements of our policies and this SPD.
- 5.2.69 In the event of any future developments that are specifically intended to meet the unmet housing requirements of another Local Planning Authority, a similar approach will be taken.
- 5.2.70 In the rural Designated Protection Areas, we normally operate the following cascade to prioritise the allocation of affordable housing:
 - Applicants from within the Parish;
 - Applicants from adjoining Parishes;
 - Applicants from other rural parishes in North Hertfordshire;
 - Applicants from elsewhere in the District.
- 5.2.71 This approach will normally be continued on smaller rural sites. However, some rural parishes have relatively significant development allocations in the new Local Plan either because they physically adjoin larger towns or because they have been identified as locations capable of meeting a wider-than-local need. In the following parishes and for the following developments we will determine the most appropriate cascade mechanism on a case-by-case basis:
 - Barkway Site BK3
 - Bygrave Site BA1
 - Clothall Sites BA2 and BA3
 - Graveley Site NS1
 - ➤ Ickleford Site IC3
 - ➤ Offley Sites EL1, EL2 & EL3

- Weston Site GA2
- Wymondley Site WY1

Subsequent occupiers

- 5.2.72 The measures above will normally secure the Affordable Housing provision on new development sites for subsequent occupiers. However, it is recognised that some units may eventually be lost from the Affordable Housing stock through Right to Buy, by achieving 100% ownership of intermediate products through 'staircasing' or through any additional or successor arrangements.
- 5.2.73 Presently, these rights and the recycling of monies received through these events are subject to their own regulation and will not normally need to be reflected in the legal agreement.

Deeds of variation

- 5.2.74 We sometimes receive applications to vary the conditions of the legal agreement following completion of the scheme and / or its transfer to the Registered Provider. In the past, these have mainly related to shared ownership units and / or the cascade mechanism where it has not been possible to allocate the Affordable Housing within the terms of the original agreement. In turn, this is often linked to the (un)affordability of the products.
- 5.2.75 By following the requirements of our Local Plan policies and the guidance in this SPD and other relevant strategies, the need to vary the legal agreement should only arise in exceptional circumstances.
- 5.2.76 Any Deed of Variation applications should be accompanied by robust evidence, including upon viability where relevant and follow the principles set out Section 2 of this document.

Review mechanisms (Policy HS2(c)(ii))

5.2.77 The general approach to review mechanisms for legal agreements is set out in Section 2 of this SPD. Where viability improves such as to trigger a review, we will take a fair and proportionate approach. Affordable Housing targets will be applied to the remaining phases or quanta of development at the point of review in line with the requirements of Policy HS2 and this SPD. We will not normally use review mechanisms to seek above target levels of Affordable Housing provision on future phases of development in order to make up for previous shortfalls.

5.3 Self-build

5.3.1 For the purposes of planning policy, Custom and Self-build dwellings share the same definition and the terms can be used interchangeably. Custom Build is where a person appoints a specialist developer to help build their own home. Self-build is where a person is more directly involved in organising and constructing their own home.

- 5.3.2 Our policies require that 1% of plots on Strategic Housing Sites are reserved for self-build. We will have regard to the self-build register and encourage the provision of self-build plots on other sites where there is proven evidence of demand. Neighbourhood Plans may set requirements for self-build. Councils may additionally need to have regard to statutory requirements relating to self-build in other, non-planning functions such as land disposal.
- 5.3.3 Where self-build plots are to be delivered we will secure, by legal agreement or condition as appropriate in each instance:
 - > The number and location of plots to be delivered for self-build;
 - ➤ The trigger point(s) for the provision and / or marketing of the serviced plots;
 - The transfer of the plots where the developer does not wish to retain or market them for self-build;
 - > The means by which detailed permission(s) for the self-build plots shall be obtained:
 - Reversion clauses or similar allowing for the return of the plot to the developer and / or the use of any unsold self-build plots for other forms of housing; and / or
 - > Time limits for the commencement and / or completion of development on any self-build plots.
- 5.3.4 The Council maintains a Self-Build and Custom Housebuilding Register in accordance with relevant regulations. This contains details of persons interested in acquiring plots of land for self-build.
- 5.3.5 The Council's preference is that developers will conduct the marketing and sale of any self-build plots themselves. In these instances, those on the Register will be asked to give their consent to be contacted by the developer. The Council will not be directly involved in disposing of the plots.
- 5.3.6 Where the developer does not wish to market self-build plots themselves, the freehold of the area that will contain the serviced plots should be transferred to the Council for a nominal sum. This sum may include the recovery of a reasonable proportion of the S106 costs attached to the site as a whole and / or the costs of providing services to those plots where this occurs prior to, or as a condition of, the transfer. The Council will then undertake the marketing and sale of the plots.
- 5.3.7 Prior to the marketing of any self-build plots, the body responsible for their disposal shall secure an appropriate permission or planning framework for the whole of the self-build area detailing:
 - The highway layout
 - > The provision of services;
 - > Any incidental or communal landscaping, open space or similar;
 - The extent of the individual self-build plots
 - The unit type of the individual self-build plots
 - Vehicular access and parking provision

- Key design parameters including
 - Fixed positions or zones for front and rear facades
 - Maximum building heights
 - Maximum internal floor areas
- A palette of materials
- 5.3.8 This approach strikes a reasonable balance between individuality and ensuring the site as a whole remains coherent in design terms. The permission should be sufficiently flexible to allow for innovative design and methods of construction. It should also ensure sufficient scope remains for future plot owners to have a meaningful input into the final design of their home. The factors above may be identified and / or secured through a design code (or similar) attached to a hybrid application²⁰.
- 5.3.9 The Council will consider whether it is expedient to introduce a Local Development Order, or other form of simplified planning framework, for self-build areas on a case-by-case basis.
- 5.3.10 Any marketing period should be of sufficient length to give interested parties reasonable opportunity to investigate likely acquisition and build costs and draw together appropriate funding. This may include securing in principle agreements for finance and / or quotes or expressions of interest from builders or developers to deliver the scheme where they will seek assistance in building their home. Plots should be made available at a reasonable market value so as to encourage, rather than deter, their uptake.
- 5.3.11 Our expectation is that any reversion clause will allow for a minimum two-year marketing period for self-build. Shorter periods will only be entertained when the applicant expects the remainder of the site to be completed more quickly. On Strategic sites, or other schemes where development is to be phased, it may be appropriate to seek longer clauses to maximise the opportunity for self-build plots to be taken up.
- 5.3.12 In all instances, self-build plots should be delivered in a timeframe that is compatible with the delivery of the site as a whole. Equally it is necessary to ensure that the site can be fully built out in the absence of interest in (all of) the self-build plots; unbuilt or incomplete plots on an otherwise completed scheme would detract from the Government's aim to create high quality places.

5.4 Older persons housing and accessibility

5.4.1 Policy HS4 requires larger residential developments of 100 units or more to provide an element of accommodation for older persons housing, subject to criteria. This policy aims to better meet the needs of older people by providing choice in the

²⁰ In this instance, the final, detailed design of individual homes may be secured through a discharge of condition application (or similar) by the intended occupier upon, or prior to, acquisition of the plot.

- housing market generally. We will not normally require the imposition of age-related occupancy restrictions (or similar) on market homes that address this requirement.
- 5.4.2 The overall requirements of Policy HS4, in relation to older persons housing apply across both affordable and market products. As set out in the Local Plan, some of these requirements may be met through the provision of smaller units meeting suitable accessibility standards (see below). However, it may be appropriate to seek sheltered housing or other, more formal forms of provision for older people as part of the Affordable Housing offer. On the largest sites in particular we will expect a wide range of Affordable Housing products that will assist in addressing the anticipated future housing needs of an aging population.
- 5.4.3 Policy HS5(a) relates to accessible and adaptable housing. Our current SHMA presents no specific evidence to suggest that the requirement for M4(2) adaptation is likely to be more or less prevalent for affordable homes compared to market housing. The requirement of Policy HS5(a) should be applied equally across both market and affordable homes. At least 50% of affordable units should be designed to M4(2) accessible and adaptable dwelling standard.
- 5.4.4 The Local Plan requires that, where more than 10 Affordable Housing units are to be provided, 10% of these should be to the higher M4(3) wheelchair user standard. This requirement is in addition to the M4(2) standards above. The 10% requirement will be rounded to the nearest whole number based upon the Affordable Housing requirement. These should be provided within rented tenure units and to wheelchair accessible standards wherever possible. Where this approach is not considered viable (and subject to the general guidance on viability in the Local Plan and this SPD), we will consider whether provision of units to the wheelchair adaptable standard is an appropriate alternative.
- 5.4.5 The requirements of Policy HS5 will normally be secured by condition.

6 DESIGN

Local Plan Policies		Oth	Other relevant Strategies & Guidance		
>	SP9: Design and	>	Design SPD*		
	sustainability	>	Transport and Parking SPD*		
>	D1: Sustainable Design	>	Baldock Air Quality Paper		
>	D3: Protecting living conditions	>	NHDC Note to Local Plan Inspector on Air Quality		
>	D4: Air quality	>	Hertfordshire Waste Strategy 2002- 2024		

^{*}Forthcoming

6.1 Policy context

6.1.1 National policy recognises that good design is a key aspect of sustainable development²¹. The Local Plan contains policies focused on ensuring that design responds positively to local context and that suitable mitigation measures can be delivered through the planning process.

6.2 Design

6.2.1 The general design requirements of the Plan will normally be met through consideration of detailed Plan and, where appropriate, the use of planning conditions. However, there may be some instances where contributions are sought towards schemes which delivery upon the design aspirations of the Plan (see, for example, Section 3.4 on public realm).

6.3 Sustainable construction methods

6.3.1 Local Plan Policy D1 Sustainable design outlines that development proposals are required to consider the potential to minimise the impact on the environment during both construction and throughout the lifetime of the development. The Council may require planning conditions and/or legal agreements to achieve this.

6.4 Protecting living conditions

- 6.4.1 Policy D3 seeks to secure protection against potential statutory nuisances and other impacts which may adversely impact upon living conditions.
- 6.4.2 There may be requirement for reciprocal measures to be secured from proposed development in adjoining authorities under the arrangements set out in Section 1.8. This may include, but is not necessarily limited to, any future schemes at London Luton Airport.

²¹ NPPF Paragraph 124

6.5 Air quality monitoring

- 6.5.1 Legal agreements may be used to ensure that there are appropriate levels of mitigation to minimise development impacts in line with Local Plan Policy D4 Air quality. This is particularly relevant where development proposals are likely to create additional road traffic.
- 6.5.2 Policy D4 sets out the circumstances in which an air quality impact assessment will be required. Methods to reduce emissions may include: design of development, encouraging the use of public transport and car sharing, promoting low emission vehicle use, road and traffic management schemes as well as appropriate parking standards. These methods may be secured at planning application stage via planning conditions and/ or legal agreement.
- 6.5.3 Where air quality impact assessments are required and where those assessments predict that an adverse impact on local air quality will occur there will be a requirement for the Defra 'air pollution damage costs' approach to be applied. This air pollution economic analysis damage costs approach is founded upon the application of Defra's Emission Factor Toolkit and Central Government's Interdepartmental Group on Costs and Benefits (IGCB) guidance. Further information can be found in the NHDC Air Quality Planning Guidance Document and at www.gov.uk/guidance/air-quality-economic -analysis.
- 6.5.4 The financial contributions calculated by the 'air pollution damage costs' approach will need to be targeted to air pollution mitigation measures that are relevant to the development in question and of specific benefit to the local areas that have been identified as being adversely impacted by that development.
- 6.5.5 Identified measures or contributions will be secured by condition or legal agreement as appropriate in each instance.

6.6 Waste collection and recycling

- 6.6.1 A waste collection and recycling programme for North Hertfordshire is contained within the Hertfordshire Joint Municipal Waste Management Strategy 2007²². This has been modified since it was published and in September 2005 the Council agreed a programme that would ensure additional kerbside recycling facilities for all properties by September 2007.
- 6.6.2 Properties with no immediate access to the rear, together with flats may have no obvious means for storage of waste and recycling containers. This results in containers being permanently left in front gardens or by the roadside. Therefore, development schemes will be required to ensure appropriate arrangement for the storage of waste collection and recycling containers at the outset. This may be through communal shelters. This is to ensure conformity with Local Plan Policy D1 Sustainable design to reduce waste and consider the visual impacts of a development.

²² Hertfordshire Joint Municipal Waste Management Strategy 2007

- 6.6.3 The revenue costs of waste collection are covered through Council Tax. However, in the case of large-scale residential development, implementation costs may be required to cover the purchase of additional vehicles and setting up new or extended rounds. Contributions towards the provision of recycling banks and land to accommodate these will also be required for large development schemes.
- 6.6.4 Under the Environmental Protection Act 1990, Hertfordshire County Council is required to perform the statutory functions of the Waste Disposal Authority (WDA) for Hertfordshire. The WDA is also required to provide facilities in its area where residents may deposit their own household waste free of charge. In Hertfordshire, these facilities are known as Hertfordshire Waste Recycling Centres (HWRCs).
- 6.6.5 As WDA, Hertfordshire County Council is responsible for the disposal of Local Authority Collected Waste (LACW) arising in the county. LACW consists of household waste and commercial waste collected by the ten Borough and District Councils in their role as the Waste Collection Authorities (WCA's) for Hertfordshire and waste collected at the county's HWRCs.
- 6.6.6 To support this disposal function, the County Council manages a network of 17 Household Waste Recycling Centres (HWRC). An increase in population within Hertfordshire as a result of new residential development is likely to require increased investment in waste disposal infrastructure.
- 6.6.7 The impact of additional dwellings on waste management infrastructure will vary depending on the size of the development and its location. Therefore it may be necessary to develop new infrastructure or improve existing infrastructure. For example, should an existing HWRC be identified as having insufficient capacity to accommodate increased usage due to additional dwellings, financial contributions will be identified towards increasing the capacity of the local service provision. This may be achieved through improvements to existing facilities or the development of a new HWRC.

7 HEALTHY COMMUNITIES

Local Plan Policies		Other	relevant	Strategies	&
		Guida	ance		
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	SP4: Town Centres, Local Centres and Community Shops SP10: Healthy communities ETC3: New retail, leisure and other	A A	Facilities Stra Community H North Hertford		n Plan or
A A	main town centre development ETC8: Tourism CGB2b: Community facilities, services and affordable housing in the Rural Area beyond the Green Belt	*	Planning obliq toolkit for Her	gations guidan tfordshire ²³	ce –
A	HE4: Archaeology Site-specific policy criteria				

7.1 Policy context

- 7.1.1 The NPPF requires us to plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments²⁴.
- 7.1.2 The Local Plan recognises that the provision of adequate social infrastructure is essential to the successful delivery of the levels of growth planned over the plan period. Social infrastructure encompasses a range of facilities, including but not limited to: health services, educational facilities, libraries, arts and cultural facilities, community facilities, and indoor sports and leisure facilities.
- 7.1.3 Local Plan Policy SP10 Healthy communities states that the Council will work with
 - ➤ Hertfordshire County Council as the Local Education Authority, as well as other education providers to ensure sufficient school places to meet the needs of the population. This includes nursery, primary, secondary and sixthform education along with special needs services and facilities;
 - the NHS Trust and Clinical Commissioning Groups (CCGs) and other relevant providers to ensure that adequate healthcare facilities are available; and
 - Other providers to deliver appropriate levels of new community, cultural, leisure and built sport and recreational facilities.

²³ Hyperlink to be updated pending release of HCC Toolkit consultation

²⁴ NPPF Paragraph 92

- 7.1.4 Policy ETC8 Tourism sets out that planning permission will be granted where development increases attractiveness of the District as a tourist destination and delivers sustainable tourist and visitor attractions in appropriate locations.
- 7.1.5 Hertfordshire County Council is responsible for collecting contributions towards a number of the facilities identified in this section. The District Council will be guided by their response(s) in determining measures required to mitigate impacts upon relevant social infrastructure. The County Council's toolkit provides an indication of the scale of requests they are likely to make in response to planning application consultations, along with the associated justification.
- 7.1.6 Taken together, requests for social infrastructure are normally the largest single 'ask' of applicants on new development schemes. We will have regard to these requests in accordance with the general approach set out in Section 2 of this document. The Council will consider potential for other sources of funding, such as direct funding from Government departments or agencies, when planning new social infrastructure provision.

7.2 Education and early childcare facilities

- 7.2.1 Section 6 of the Childcare Act 2006 places a duty on all local authorities to secure sufficient childcare for working parents or parent who are studying or training for employment for children aged 0-14 (19 for disabled children). The county council has also a statutory responsibility to provide universal Free Early Education (FEE) for 3-and 4-year olds. Since September 2013 the county council also has a statutory responsibility to provide 15hrs free early education (FEE) to eligible vulnerable 2-year-old children across Hertfordshire.
- 7.2.2 Since September 2017 a new extended entitlement of an additional 15 hours free childcare was introduced for working parents in Hertfordshire and the local authority has a statutory responsibility secure sufficient childcare for these working parents.
- 7.2.3 Planning applications, especially those relating to the largest developments will be expected to contribute to education provision serving the development. This may include serviced land as well as financial contributions. Discussions should be undertaken at an early stage with Hertfordshire County Council to ensure appropriate and well located facilities²⁵ can be delivered in a timely way. This includes having regard to the toolkit for Hertfordshire²⁶ to determine the demand for school and nursery places based on forecasted child yield.
- 7.2.4 Where education mitigation is required, the financial contributions from the development will be based on the proposed education project. In some cases, this may require contributions from smaller-scale developments towards new school provision, which will be based on the costs of new school provision. Where a

²⁵ Hertfordshire County Council will require a full consideration of the land needed for any proposed school provision, taking into account a range of criteria including flood risk and the gradient of the development site.

²⁶ Hyperlink to be updated pending release of HCC Toolkit consultation

- development site includes new education provision on-site, be it expansion to an existing school or a new school then serviced land will also be required.
- 7.2.5 A number of sites in the Local Plan contain policy requirements to provide land for education requirements arising from (planned developments in) the wider area. In these instances, requests for financial contributions towards the construction of built facilities on this land will be proportionate having regard to the likely pupil yield of the individual development(s). The balance of funding to deliver the facilities will be derived from other developments in the area (subject to any pooling restrictions) or other sources.

7.3 Youth Provision

7.3.1 Given that youth work provided by YC Hertfordshire is predominantly delivered from locally accessible buildings and tailored to youth projects, developments may be required to contribute to increasing the services and capacity to accommodate the needs of any additional young people brought about through housing development. This is most likely to create a need for additional buildings or enhancing / improving / developing an existing centre or space. Please also refer to sections in this SPD relating to provision for children and young people in open spaces and community facilities.

7.4 Health

- 7.4.1 The largest development sites should make provision for new, on-site healthcare facilities and this will be secured through legal agreements. The East and North Hertfordshire NHS Trust deliver hospital services and GP surgeries and other secondary facilities are primarily managed by the East and North Hertfordshire Clinical Commissioning Group.
- 7.4.2 Requests for health contributions are normally based upon the following standard formula (correct at the time of writing):

Acute healthcare	£2,214,46 per residential unit	
Mental healthcare	£194.46 per residential unit	
Community healthcare	£182.03 per residential unit	
GP / GMS costs	Multiply number of residential units by 2.4 to	
	calculate number of new patients;	
	Divide number of patients by 2000 to determine	
	number of GPs required;	
	Multiply number of GPs required by 199 to	
	determine m ² of additional space required	
	Require m2 of additional space required by £2,964	
	to calculate build cost including fit out and fees	

7.4.3 Providers have identified that many practices still retain extensive paper records at their premises. This is space which could, subject to various considerations, be used to help provide additional patient capacity. Contributions may therefore be sought in

future towards the digitising of records and / or offsite storage as a means of releasing additional capacity to meet demands generated by new development. It must however be demonstrated that the space saved can be meaningfully used as additional clinical space and how this new space can be secured through the digitisation project. If internal or external permanent alterations are also required it would be more appropriate for S106 contributions to fund the physical building works rather than the digitisation project itself.

7.4.4 For health contributions of less than £300,000 the Council will not require the NHS to be signatories to planning obligations. For strategic sites and any contributions greater than £300,000 the Council will require the NHS to be direct recipients of any funds from developers at payment stage, either as signatories to associated legal agreements or recipients of funds from unilateral undertakings from developers.

7.5 Indoor sports facilities

- 7.5.1 In line with Local Plan policy SP10: Healthy communities the Council will support the retention of existing leisure facilities and require appropriate levels of leisure and sport and recreation facilities to be provided in new development. Where replacement facilities are required by Policy HC1: Community facilities, these will be secured by legal agreement and / or Grampian condition upon the site which is to be redeveloped.
- 7.5.2 New developments will be expected to contribute proportionately towards the provision of additional facilities to meet future demands. The most up to date Indoor Sports Facilities Strategy and Action Plan sets out a series of management and programming actions and this should be used to identify projects for future developer contributions.

7.6 Arts, culture and public realm

- 7.6.1 Arts and culture contributions may relate to museums, arts or heritage assets. Contributions may also be sought for public realm improvements that improve the attractiveness and character of the District (see Section 3.4).
- 7.6.2 It is recognised that a number of the proposed allocations in the Local Plan are extensive greenfield sites. These may yield a significant quantity of archaeological material when they are explored in compliance with Policy HE4 of the plan. This is particularly the case in areas of known historic importance such as the land around Baldock.
- 7.6.3 Contributions may be sought towards new public facilities that allow the preservation and display of archaeological remains, or to deliver improvements to a heritage asset in situ.
- 7.6.4 The Council will seek contributions towards other public realm and public facilities, including public conveniences, where necessary. This is underpinned by policy D1 Sustainable Design that seeks to create or enhance public realm and design-out opportunities for crime and anti-social behaviour.

7.7 Libraries

- 7.7.1 Library provision can range from large central libraries within towns to community libraries, resource centres providing electronic access to services within multi-use buildings and mobile facilities.
- 7.7.2 Hertfordshire County Council has a statutory duty to provide a library service and applicants should have regard to the toolkit for Hertfordshire²⁷ to inform the contributions required.

7.8 Community facilities including Town and Village Halls

- 7.8.1 The Plan's policies seek that appropriate community hall facilities are available and that new facilities are provided where needed as a result of development proposals.
- 7.8.2 The Council will encourage the development and use of such facilities as multifunctional community centres. These can act as 'hubs', offering a range of facilities to support the creation of sustainable communities (See Section 3.2).
- 7.8.3 The most up to date Community Halls Strategy for North Hertfordshire includes an Action Plan that can be used to inform required developer contributions. Further projects may be set out in Neighbourhood Plans, Parish Council strategies or similar. Engagement with the appropriate Parish, Town or Community Councils should be undertaken.
- 7.8.4 Where new community centres are to be provided within new development, the Council will expect the freehold of the new centre to be transferred to the Council for a nominal fee and for appropriate ongoing management arrangements to be demonstrated.

7.9 Fire and rescue services and community safety

- 7.9.1 Hertfordshire County Council is the Fire Authority and has a statutory duty to ensure that all developments are provided with adequate water supplies for fire fighting as well as provision is made for emergency response arrangements under the Fire and Rescue Services Act 2004²⁸.
- 7.9.2 Legal agreements will be used to ensure that the developer provides fire hydrants based on one hydrant within 90 metres of each property.
- 7.9.3 The provision of adequate water supplies for firefighting purposes e.g. suitable and sufficient water mains and hydrants should be determined at the same time as the water services are planned in detail. This is usually following planning consent.
- 7.9.4 The ability for large-scale developments to be adequately served by fire and rescue services will be assessed on an individual basis. Any impacts will need to be

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²⁷ Hyperlink to be updated pending release of HCC Toolkit consultation

²⁸ Fire and Rescue Services Act 2004

- addressed through planning conditions and/ or obligations. This may be through the provision a new fire station or an extension to an existing facility.
- 7.9.5 Hertfordshire Fire & Rescue Service on behalf of the Fire Authority would always recommend consideration for the placement of sprinkler systems in all buildings and new developments to form part of an integrated fire safety provision.
- 7.9.6 In line with Local Plan Policy D1 Sustainable Design applicants, should demonstrate that opportunities for crime and anti-social behaviour have been designed-out. Hertfordshire Constabulary will be consulted on planning applications where it is considered that there may be an impact in terms of community safety.
- 7.9.7 Where it is expected that the proposed development will generate a need for extra policing, resources and extensions to or new police buildings, this will be sought through legal agreements.
- 7.9.8 Contributions towards CCTV will be sought on a case by case basis where needed to cover the cost of equipment, installation, maintenance and running costs.

7.10 Information Technology

- 7.10.1 Internet and mobile coverage across the District is generally quite good, though there are pockets where this is not the case, particularly in more rural areas.
- 7.10.2 Most large new developments should be able to plan-in the provision of high quality (superfast) communication infrastructure in consultation with providers. Early engagement is recommended. This avoids the need to retrofit cabling or other required facilities in recently completed schemes. It also increases the saleability of new properties. Where appropriate, we will secure the provision of high-speed connectivity with new development, normally by condition.
- 7.10.3 Hertfordshire County Council have a programme to deliver connectivity to harder to reach areas²⁹. Where development is proposed in an area that currently has a lower quality of coverage, the Council may additionally seek contributions towards wider projects aimed at boosting high-speed communications coverage. This will help to ensure that North Hertfordshire residents have the best possible access.
- 7.10.4 This approach supports the rise in homeworking and the need to manage private vehicle use in accordance with local and county transport policy.

²⁹ https://www.connectedcounties.org/

8 NATURAL ENVIRONMENT

Local Plan Policies		Other relevant Strategies &		
		Guidance		
>	SP11: Natural resources and sustainability	>	North Hertfordshire Playing Pitch Strategy and Action Plan	
>	SP12: Green Infrastructure, landscape and biodiversity	>	A Green Space Management Strategy for North Hertfordshire	
>	D1: Sustainable design	>	Hertfordshire Rights of Way	
>	Policy NEx: Strategic green		Improvement Plan	
	infrastructure	>	NHDC Local Cycling and Walking	
>	NEx: Biodiversity and geological		Infrastructure Plan (LCWIP)*	
	sites		Planning for biodiversity and the	
>	NE4: Protecting open space		natural environment in	
>	NEx: New and improved open		Hertfordshire: guiding principles	
	space	>	Hertfordshire Biodiversity Action	
>	NE7: Reducing flood risk		Plan	
>	Policy	>	Planning obligations guidance –	
>	NE8: Sustainable drainage systems		toolkit for Hertfordshire ³⁰	
>	NE9: Water quality and	>	Therfield Heath SSSI Mitigation	
	environment		Strategy*	
>	NE10: Water conservation and	>	North Hertfordshire Green	
	wastewater infrastructure		Infrastructure Strategy	
>	NE11: Contaminated land	>	NHDC Green Space Action Plans	
>	NE12: Renewable and low carbon		(various)	
	energy development		Strategic Flood Risk Assessment	
	Site-specific policy criteria		• ,	
		>	,	
			•	
		>		
			3,	
		~		
			basın ıvlanagement Plan	
>	Site-specific policy criteria	AAA	Update (2016) Affinity Water Draft Drought Management Plan 2017 Hertfordshire Renewable and Low Carbon Energy Technical Study Thames and Great Ouse River Basin Management Plan	

^{*}Forthcoming

8.1 Policy context

8.1.1 The NPPF identifies that access to a network of high quality open spaces is important for the health and well-being of communities³¹. It also seeks to minimise

³⁰ Hyperlink to be updated pending release of HCC Toolkit consultation

³¹ NPPF Paragraph 96

- impacts on, and provide net gains for, biodiversity and advocates a proactive approach to mitigating and adapting to climate change³².
- 8.1.2 Open spaces are a defining feature of North Hertfordshire and provide a valuable resource for recreation, sports and culture. The quality of the open spaces is critical to ensure that active lifestyles can be promoted.
- 8.1.3 The Local Plan contains a range of policy requirements relating to open space and the natural environment which, collectively, seek the provision and retention of a network of quality spaces.
- 8.1.4 These policy requirements are supported by a breadth of supporting strategies produced by the District Council, County Council and other bodies.

8.2 Biodiversity

- 8.2.1 Where biodiversity measures are provided in, or otherwise associated with, a development (e.g. through the provision of natural or semi-natural greenspace), a long-term maintenance and management plan will be required having regard to the advice provided in relation to open spaces above.
- 8.2.2 Similarly, planning conditions and legal agreements will be used to set out the required biodiversity mitigation measures (including during the construction phase) or as a last resort, compensation, as required by Policy NEx Biodiversity and geological sites.

8.3 Therfield Heath SSSI Mitigation Strategy

- 8.3.1 Therfield Heath is a popular destination for recreational walkers at the west of Royston. This site is also a Site of Special Scientific Interest (SSSI). It is necessary to manage recreational disturbance to protect the notified features of the site.
- 8.3.2 The Council is working with Natural England and the heath's Conservators to develop a planning mitigation strategy to inform new developments within the SSSI's identified Zone of Influence (ZOI). Sites within the ZOI may be required to make appropriate contributions towards projects or approaches identified in the Strategy, or any other management strategy (or equivalent) produced for this area.
- 8.3.3 This approach may require schemes to make provision for and / or contributions towards:
 - Enhanced open space provision within the development scheme;
 - Contributions towards provision or projects within the SSSI to be delivered in agreement with Natural England and / or the Conservators of Therfield Heath;
 - Alternate recreation provision or projects within Royston and the surrounding area that provide alternate open space, leisure routes and / or recreational opportunities.

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³² NPPF Paragraphs 149 and 170

8.4 Open Spaces

General principles and standards

- 8.4.1 Contributions towards new or improved open space are required by the Local Plan. The priority is to secure on-site provision, however the policy recognises that financial contributions may be accepted in certain instances. The policy identifies that long term maintenance and management plans are needed and planning obligations may be used to secure such arrangements. Engagement with the appropriate Parish, Town or Community Council(s) should be undertaken in relevant areas.
- 8.4.2 In determining the amount of open space required on development sites, applicants should have regard to the Council's open space standards. The current standards for on-site open space provision are outlined below. These standards may be updated over time.

2016 Open Space Standards

Type of oper	Standard (per 1,000 persons)	
Multi-	Amenity Greenspace &	2
functional	Recreation	
Open	Natural and Semi-Natural	
Space	Greenspace	
Provision for	0.57 ²⁹	
Outdoor Spo	1.60	
Allotments		0.25

8.4.3 For developments where the anticipated unit mix is known, the Council will have regard to the following household sizes when determining the level of open space provision in a particular development. These household sizes have been derived from average household sizes taken from the 2011 Census. Where the unit mix is not known (e.g. at pre-application or outline application stage), an overall occupancy level of 2.4 persons per home will be used.

	1	2	3	4+
	bedroom	bedrooms	bedrooms	bedrooms
Affordable housing	1.3	2.1	2.9	4.0
Private housing	1.4	1.8	2.5	3.0

8.4.4 All schemes should have regard to these standards as a guide when proposals are developed. The open space standards should not be treated as a cap for open space provision. We will encourage provision at above minimum standards wherever possible.

Qualitative criteria: determining the type of open space provided

- 8.4.5 The Council will take a pragmatic approach to the application of the standards and the delivery of new open space. To streamline the open space standards, and to recognise the need to respond to specific site circumstances, the general 'Multifunctional Open Space' category is used. This category includes Amenity Greenspace & Recreation as well as Natural and Semi-Natural Greenspace. Provision can therefore be adapted depending on the site in question, taking into account deficiencies, surpluses and priorities, which will be variable over the plan period and in different locations.
- 8.4.6 It is acknowledged that some types of open spaces can only be delivered at a strategic scale due to the amount of space that would be required and that they may need to be grouped together to ensure the long term management.
- 8.4.7 No standards have been set for the on-site provision of the following types of open space. These are often either strategic in nature, more likely to be provided as standalone facilities and/or provided as part of other forms of open space or landscaping:
 - Parks and Gardens
 - Cemeteries and Churchyards
 - Green Corridors
- 8.4.8 Provision towards these forms of open space will be considered on a case-by-case basis having regard to:
 - ➤ The generated needs arising from the scheme suggested by recognised benchmark guidelines, such as the Fields in Trust standards;
 - Any specific requirements set out in other adopted plans or strategies (such as the Green Space Management Strategy and any associated Action Plans); and
 - > The advice in this document

Parks and gardens

- 8.4.9 Parks and gardens includes urban parks (normally with formally laid out paths, planting and / or areas of maintained grass for general amenity and recreation), formal gardens and country parks.
- 8.4.10 Most proposed sites will not be large enough to accommodate a meaningful park or garden on-site or would be served by an existing facility or other strategic-scale open space provision. For this reason, we have not identified a specific standard for new developments. On non-strategic sites, contributions my be sought towards existing facilities having regard to specific projects identified in green space strategies or action plans, Neighbourhood Plans or other relevant documents.
- 8.4.11 Of the largest, strategic sites in the Local Plan, the proposed North of Baldock and East of Luton sites would each generate a requirement of five hectares or more open

space provision when considering the Fields in Trust recommended standards and expected occupancy figures. The most appropriate approach to parks and gardens provision on these sites will be negotiated as applications are brought forward having regard to the standards mentioned above and other relevant information.

- 8.4.12 In relation to the remaining proposed strategic sites, provision for this type of open space may be dealt with as set out below and appropriate contributions may be sought towards relevant projects:
 - The site North of Letchworth Garden City is located adjacent to the existing recreation ground which could provide opportunities for some more formal provision.
 - ➤ The site North of Stevenage would have access to the proposed Forster Country Park (within Stevenage Borough), which would provide strategic scale open space provision.
 - ➤ The Land off Mendip Way site in Great Ashby would have access to Great Ashby District Park.
 - The Highover Farm site in Hitchin is smaller in size and residents are likely to make use of existing strategic facilities in Hitchin or Letchworth Garden City.

Provision for children and young people

8.4.13 The Council will expect on-site provision for children and young People where application of the standards generates a requirement equal to or exceeding 0.8 facilities. In determining the size of facilities provided on-site, the Fields in Trust recommended facilities sizes should be used. These are as follows:

Туре	Minimum size	Minimum dimensions	Buffer zones
LAP*	0.01ha	10x10m (minimum activity zone of 100sqm)	5m (minimum separation between activity zone and the boundary of dwellings)
LEAP	0.04ha	20x20m (minimum activity zone of 400sqm)	20m (minimum separation between activity zone and the habitable room façade of dwellings)
NEAP	0.1ha	31.6x31.6m (minimum activity zone of 1,000sqm comprising an area for play equipment and structures & a hard surfaced area of at least 465sqm (the minimum needed to play five-a-side football))	30m (minimum separation between activity zone and the boundary of dwellings)

^{*}Due to the limited play value of equipped LAPS, the Green Space Management Strategy recommends a provision of amenity green space to the same size.

Outdoor sports facilities and allotments

- 8.4.14 In relation to Outdoor Sports Facilities and allotments, the Council will only seek onsite provision where this would generate a usable quantity of open space for a form of provision for which there is an identified requirement.
- 8.4.15 On strategic sites, where contributions towards sports facilities are provided, the Council will expect the inclusion of Community Use Agreements to ensure that the use of the facilities can be maximised.
- 8.4.16 The most up to date Playing Pitch Strategy and Action Plan sets out a series of management and programming actions and this should be used to identify projects for future developer contributions.
- 8.4.17 For allotments, the Council may accept provision in the form of informal community gardens or landscaping with space for residents to grow food rather than towards the provision of formalised plots, which tend to be grouped together in larger numbers. Where this is the case, a maintenance and management plan should be provided to ensure the long-term quality of such sites.
- 8.4.18 Where on-site provision is not deemed appropriate, financial contributions may be sought towards identified projects.

Design of open spaces

8.4.19 All development proposals will be expected to accord with other Local Plan policies and design guidance, including policy D1 'Sustainable Design', which promote good design (including, for example, landscaping and public realm enhancements). To accord with these requirements, the Council may expect a range of different types of 'Multi-functional Open Space' including landscaping, other forms of incidental green space, buffers or Sustainable Urban Drainage systems (SuDS) are provided in any scheme.

Payments in lieu towards any type of open space

8.4.20 Payments in lieu may be considered where the full amount of required open space cannot be realistically delivered on-site. Financial contributions may be directed towards the creation of new, or improvements to existing open spaces. This may apply to any type of open space sought.

Management of open spaces

8.4.21 Long term management regimes should be demonstrated (such as private management companies secured through S106 Obligations), or arrangements made for a commuted sum to cover the cost of long term maintenance. This is important in light of the Council's current Medium Term Financial Strategy (MTFS), which recognises that significant savings in revenue expenditure in green spaces is required over the coming years. It should also be noted that the Countryside Management Service provides management support to deliver maintenance at many of the countryside sites through 'friends of...' or groups of volunteers.

- 8.4.22 The Council's approach will generally be to <u>not</u> adopt open spaces which are considered a long-term liability to the organisation. In un-parished areas, the Council will normally expect the applicant to make arrangements for a management company to take on responsibility for the ongoing maintenance of areas of open space within the development.
- 8.4.23 In parished areas, applicants should approach the relevant Parish, Town or Community Council(s) at an early stage in the process to determine whether they may wish to adopt any of the open spaces that are planned. If this approach is unsuccessful, a management company will be required as above.
- 8.4.24 Where any open spaces are to be transferred to the District, Parish, Town and / or Community Council(s), the developer will maintain ownership and management responsibilities throughout the construction phase. Upon completion of the development, the space(s) should be transferred. A payment to cover at least ten years maintenance costs will be required. For larger or strategic sites, the ten-year timeframe may be extended.
- 8.4.25 In the event of a legal agreement seeking a transfer or open space to the District Council, the Council will also seek to ensure that the legal / administrative costs of the transfer are secured through the S106 agreement as well as the on-going maintenance charge.

8.5 Flood risk and management

- 8.5.1 Policy SP11 Natural resources and sustainability expects that development is directed at areas of lowest risk of flooding and that Sustainable Drainage Systems (SuDS) and other appropriate measures are in place. Applicants are required to work with the Lead Local Flood Authority (Hertfordshire County Council), the Environment Agency and Internal Drainage Boards at the earliest opportunity.
- 8.5.2 It is expected that any necessary flood mitigation measures are to be provided by the developer through on or off site provisions to make the proposed development acceptable and this will be secured by planning conditions and/or legal agreement.
- 8.5.3 SuDS can encompass a range of methods, such as swales, retention ponds and green roofs. SuDS can serve multiple functions and contribute to the wider green infrastructure network, which in turn promotes health and wellbeing.
- 8.5.4 As recognised in Policy D1 Sustainable design, SuDS also provide benefits in terms of landscape and biodiversity. When considering planning applications, the Council will discuss the most appropriate sustainable drainage solution with the applicant, taking into account technical, viability and design issues as stipulated by Policy NE8 Sustainable drainage systems.
- 8.5.5 Where SuDS are required, on-going management and maintenance arrangements will need to be demonstrated. All management and maintenance arrangements for SUDs will be at nil cost to the Council and in no circumstances will the Council seek to adopt SUDs schemes as part of a wider open space transfer.

8.6 Waterways

- 8.6.1 Policy NE9 Water quality and environment requires river restoration and resilience improvements where proposals are situated close to a river or considered to affect nearby watercourses. In some instances contributions will be required towards these measures. These may also form part of a programme to deliver biodiversity gains associated with new development (see Section 8.2 above)
- 8.6.2 In particular there are a number of rare chalk streams in Hertfordshire. There are only around 200 such streams in the world of which 85% are found in the UK. The Environment Agency has been working with water companies and key partners to improve and restore chalk streams in the area. Contributions may be sought towards appropriate projects.
- 8.6.3 Developments may also need to incorporate improvements in the efficiency of water use, surface drainage systems and pollution prevention measures and such measures will be secured via planning conditions or legal agreement.
- 8.6.4 Applicants should work with the Council, the Internal Drainage Board and the Environment Agency where proposals affect water resources.

8.7 Other forms of Green Infrastructure

- 8.7.1 The subsections above refer to various forms of green infrastructure. However, these are not exhaustive. The provision of open space (in the context of Section 8.4), for example, relates to more formal, and mainly publically accessible, opportunities within settlements or proposed developments.
- 8.7.2 The definition of Green Infrastructure is much broader than this. It includes green spaces outside of settlement boundaries such as areas of woodland, other key habitats or species-rich areas. These may or may not be publically accessible. It also encompasses access links such as the rights of way network, long-distance paths and cycle routes and the broader setting of all of these assets in the landscape.
- 8.7.3 The District's Green Infrastructure Plan identifies a range of potential measures. Where it is reasonable to do so, the Council may also seek contributions towards identified projects in this or any equivalent successor document.

8.8 Water supply and waste-water infrastructure

- 8.8.1 Local Plan Policy SP11 Natural resources and sustainability requires that the water environment is protected, enhanced and managed. The Water Cycle Studies for both the Rye Meads catchment area and Royston identify technical solutions that will be secured via planning conditions and/or legal agreement.
- 8.8.2 The Environment Agency's Catchment Data Explorer should be used to identify contributions that may be required by development proposals towards improvements to water resources.

- 8.8.3 Residential schemes are required by Policy D1 Sustainable design to meet or exceed the optional water efficiency standards. This will be secured by planning conditions and/or legal agreement.
- 8.8.4 Mechanisms for delivering any necessary new or improved water and/ or wastewater infrastructure, including foul water treatment and disposal, may be required via planning conditions and/or legal agreement in accordance with Local Plan Policy NE10 Water Conservation and wastewater infrastructure.

8.9 Development on contaminated land

- 8.9.1 The Council will support proposals that involve the remediation of contaminated land in line with Local Plan Policy SP11 Natural resources and sustainability.
- 8.9.2 Where a contaminated land study/contaminated land risk assessment identifies required remediation works in accordance with Local Plan Policy NE11 Contaminated land, these will be secured through planning conditions and/or legal agreement. Remediation works may include measures to safely manage land contamination before, during and after development.

8.10 Climate change and renewable and decentralised energy

- 8.10.1 Local Plan policy SP11 Natural resources and sustainability supports proposals for low carbon energy and Policy D1 Sustainable design requires development proposals to reduce energy consumption and future proof for changes in technology and lifestyle. In securing such measures relating to design (including materials used) and the use of technology, the Council will use planning conditions and/or legal agreements.
- 8.10.2 Policy NE12 Renewable and low carbon energy development refers to renewable and low carbon energy development comprising wind, wave, tidal, hydro or solar power and biomass fuels. On larger schemes, there may be opportunities for decentralised energy. In line with the National Planning Policy Framework, any impacts of this type of development should be addressed. This may include the use of planning conditions and/or legal agreement to secure any mitigation measures.
- 8.10.3 The Hertfordshire Renewable and Low Carbon Energy Technical Study should be used when considering energy opportunity areas in the District.

Appendix A: S106 process flow-chart

Proposal development and early engagement

Development proposal designed in accordance with Council policy and early engagement with Council officers to determine if planning obligations will be required

Pre-application stage

Where planning obligations are required, and a pre-application is submitted to the Council, the Council will consider the impacts of the proposal and provide indicative S106 Heads of Terms to the applicant Other organisations may run their own pre-application services

Heads of Terms

Discussion and agreement of Heads of Terms between applicant and Council

Planning application stage

Application submitted alongside planning obligations statement and draft Heads of Terms, solicitors contact details and land title information

Consultation

Application validated and public consultation on the application and any revision to Heads of Terms if needed

All obligations will be coordinated by the case officer. Applications will be recommended for refusal if necessary obligations are not agreed

Committee

Heads of Terms included in the report to planning committee and decision made to approve or refuse subject to completion of the S106 agreement.

Positive recommendations will be presented to the Planning Control Committee only following the completion of an agreed S106 Obligation document by all parties (not signed) to avoid unacceptable delays between Committee resolution and completion of a S106 Obligation.

The application will be refused if the legal agreement is not signed within the agreed timescale

Completion of legal agreement

Legal agreement signed and planning permission issued

Agenda Item 16

OVERVIEW AND SCRUTINY COMMITTEE 16 JULY 2019

*PART 1 - PUBLIC DOCUMENT

TITLE OF REPORT: RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

REPORT OF THE ACTING SCRUTINY OFFICER

Please refer to the attached schedule detailing the outcomes of the resolutions of the Overview and Scrutiny Committee.



RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE: AS AT 02 JULY 2019

SECTION 1: COMMITTEE RESOLUTIONS

Ref	Resolution	Response/Outcome	Status as at 02.07.19
Jul 18 Min 28 (3)	Work Programme That the Waste Contract Scope be finalised and agreed by the scoping group in consultation with the Chairman of the Overview and Scrutiny Committee;	The timing and process for agreeing the Waste Contract Scope to be agreed by the Committee, following publication of the SIAS review.	Pending following the SIAS review
Jul 18 Min 28 (4) Pagel 18	Work Programme That, in place of the proposed Task and Finish Group on Consultation, the Temporary Scrutiny Officer be requested to facilitate a meeting of Councillors Sam Collins, Steve Deakin - Davies and Sue Ngwala and the Communications Manager to discuss the Consultation Strategy and the Citizens Panel and that those Councillors be requested to report back to the Overview and Scrutiny Committee once the work is completed.	Meeting arrangements in progress with the Members confirmed in the June committee.	In progress
94 18 195 28 195 28	That the group considering the Consultation Strategy and Citizens Panel (see 4 above), be requested to take into consideration the Interim Review of that Strategy (see Minute 25(3))	This will be included in the above meeting.	In progress
Sept 18 Min 37 (4)	Waste Contract (1) That a Task and Finish type review of the waste contract be undertaken shortly following the publication of the SIAS review of the service;	(1) The SIAS report will be available mid July.	In progress
	 (2) That the following issues be referred to the Task and Finish review mentioned in (1) above: (i) Why a decision was made to mobilise the contract in an unreasonable timescale; (ii) Why, when there was such a short mobilisation period, was a decision made to make major changes to the service in what were already challenging circumstances, rather than delay the implementation of changes to the 	(2) To be included within the Task & Finish Scope, see Jul 18 Min 28 (3).	In progress

Ref	Resolution	Response/Outcome	Status as at 02.07.19
	service for one year; (iii) Why sufficient staff resources were not made available prior to implementation of the contract;		
	(iv) What happened when high volumes of calls were received in terms of systems and staff;		
	(v) Consider the differences between area where the service worked well and those where the service was poor.		
	(3) That the Service Manager- Waste be requested to publish details of the statistics regarding reports of missed bins and calls made regarding this and communicate the details publicly;	(3) A Waste Project Update is now included within the Controls, Risk & Performance Manager's Performance monitoring reports	Complete – Dec 18
Page 156	(4) That the Service Manager Waste be requested to develop a communication strategy that includes Members that ensures they are kept updated on a regular basis and enables them to bring issues to the attention of Urbaser and/or the waste team;	(4) The Service Manager- Waste is planning on issuing out regular updates via the MIS. Advised the first update will be in 05/07/19 issue.	In progress
Jan 19 Min	(3) That Members inset a new section of the forthcoming revision to the Council's Statement of Community Involvement (SCI) which advised developers of major development sites to consider the issue of construction management and to engage with the wide community at the earliest possible stage in their development plans and preparations.	This will be incorporated by officers in the revised SCI. The statement is expected to go to Cabinet in December 19.	In progress
Mar 19 Min 10 (2)	That the Service Director – Customers be requested to present the planned policy on debt collection to this Committee at an early stage of development.	Report, "Fair Collection Policy", being brought to July's committee.	Complete – July 19
Mar 19 Min 10 (3)	That the Service Director - Customers be requested to present a report regarding the impact of Universal Credit, the Council Tax Reduction Scheme and other benefits to this Committee.	The Service Director – Customers has confirmed this will be brought to the December committee. Further clarification is sought from the committee on the report content requirements.	In progress

Ref	Resolution	Response/Outcome	Status as at 02.07.19	
Mar 19 Min 11 (2)	That the Scrutiny Officer be requested to ask Group Leaders for nomination to a Task and Finish Group review of the Waste Contract.	Pending following the committee's decision on In progr		
Mar 19 Min 11 (3)	That the Scrutiny Officer be requested to identify which Group should chair the next Task and Finish Group review.	Pending following the committee's decision on when the review into the Waste contract will begin.	In progress	
Mar 19 Min 13 (2)	That the Scrutiny Officer be requested to schedule a review of the Waste Contract Implementation and draw up a draft scope upon completion of the SIAS audit.	Awaiting a copy of final SIAS audit report. See minute Sept 18 Min 37 (4).	In progress	
Mar 19 Min 13 (3) D o	That the Service Manager- Waste be requested to send details of the waste collection routes to all Members of the Committee.	Resolution duplicated - see Jun 19 Min 12 (3).	In progress.	
Min 13	That the Communications Manager be requested to continue to arrange the planned meeting to discuss the Consultation Strategy.	Meeting arrangements in progress with the Members confirmed in the June committee.	In progress	
Mar 19 Min 13 (5)	That the Service Manager – Waste be requested to complete the actions in respect of a Communications Strategy for Waste as detailed in Resolution 37 (4) – September 2018	The Service Manager- Waste is planning on issuing out regular updates via the MIS. Advised the first update is anticipated to be in 05/07/19 issue.	In progress	
Mar 19 Min 14 (5)	That, the proposed Crematorium be placed o the Committee's Work Programme.	Service Manager Greenspace will attend the September Committee to provide an update. The Legal Commercial Team Manager will also attend this committee with details on why the Council proceeded with the planning application to Central Beds.	In progress	
Jun 19 Min 10 (2)	That the Controls, Risk and Performance Manager be requested to circulate the link to the full Waste Performance breakdown to all Members and Substitutes of the Committee	This link is available at the top of the Performance report.	Complete – July 19	

Ref	Resolution	Response/Outcome	Status as at 02.07.19	
Jun 19 Min 10 (3)	That the Controls, Risk and Performance Manager be requested to identify a date when data will be available for REG 1 and 2;	Awaiting response from manager. In progress		
Jun 19 Min 10 (4)	That a target must be set regarding REG 1 and 2, based on the data available and the direction of travel at the next target setting review	Awaiting response from manager.	In progress	
Jun 19 Min 10 (5)	That the Chairman be requested to discuss sickness data with the Head of Paid Service with the aim of identifying what breakdown of figures would be available to the Committee and to identify any problem areas and the reasons for those issues	Update pending.	In progress	
Jun 19 Min 11 OO OO	That the Service Director – Regulatory be requested to present a report to this Committee regarding the proposed crematorium	This resolution is proposed to be covered by the Legal Commercial Team Manager at his attendance at September's Committee, following his involvement with the submitted planning application.	In progress	
Sh 19 Min 11 (3)	That the Service Director – Commercial be requested to present a report to this Committee regarding the proposed new trading company	Update circulated from Commercial Director on 05.07.19	In progress	
Jun 19 Min 12 (2)	That the Scrutiny Officer be requested to ascertain when the SIAS audit report will be available.	The SIAS report will be available mid July.	In progress	
Jun 19 Min 12 (3)	That the Service Director – Place be requested to supply Ward Councillors with details of changes to waste collection routes by email;	Details on the impact of route changes for ward Councillors being prepared under the instruction of the Service Director – Place.	In progress	
Jun 19 Min 12 (4)	That the Overview and Scrutiny Committee expresses concern regarding resources available to the Committee and other areas of the Council seem stretched. Therefore the Leader of the Council is requested to speak to the Chief Executive regarding these concerns.	Discussion held - awaiting update on outcome.	In progress	

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Ref	Resolution	Response/Outcome	Status as at 02.07.19
Jun 19 Min 13 (2)	That the Service Director – Commercial be requested to make regular presentations to this Committee regarding commercial activities.	The Service Director – Commercial has provided an update on activities which is provided as an appendix to the Work Programme report. He has additionally advised that the Commercial team was only fully established at the start of May 2019 and are therefore in the early days of the strategy implementation. He is happy to attend the committee to do a presentation if this is sought.	In progress

SECTION 2: RECOMMENDATIONS OF TASK AND FINISH GROUPS

Ref	Resolution	Response/Outcome	Status as at 06.03.19
Min 50 Sept 15	Task and Finish Group on the Commercialisation of Council Services		
Page 160	The Task and Finish Group made 9 recommendations which were considered by Cabinet on 10 November 2015. Its recommendations were: 1. The Council should appoint a senior commercial manager to lead and coordinate its commercial activities; and to identify and develop new commercial opportunities. 2. The Council should appoint a high level commercial board comprised of councillors, officers and others with commercial experience. The board can advise the Cabinet about the feasibility of commercial opportunities and review the performance of existing ones. 3. The Council should pursue income generation opportunities where it has the skills, experience and resources to do so. These should be compatible with the Council's strategic objectives, and at a level of risk which would not threaten the Council's core services in the event of an enterprise's failure. 4. The Council should explore the possibilities of property investment as a means of generating revenue. 5. The Council should use the expertise of its strategic partners to help manage its property portfolio. 6. The Council should review its assets register to understand whether any of them could be used for property development or other commercial purposes. 7. Commercial activities should bear the true cost - but no more than that — of any support they receive from the Council. 8. The Council should review its training programmes for senior and other key staff to include more commercial training, networking and mentoring activities. 9. The Council should have a scheme that recognises officers who make useful commercialisation proposals or make significant contributions to their success.	The newly appointed Service Director Commercialisation has been tasked with developing a Commercialisation Strategy. It is suggested that Members of the Overview and Scrutiny Committee consider adding the scrutiny of this Strategy to their work programme.	Complete - 12 June 2018 Presentation of strategy from Commercial Director at Jan 19 Committee

OVERVIEW AND SCRUTINY COMMITTEE 16 JULY 2019

*PART 1 - PUBLIC DOCUMENT

TITLE OF REPORT: OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME FOR 2019/20

REPORT OF THE ACTING SCRUTINY OFFICER

EXECUTIVE MEMBER: NOT APPLICABLE

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 This report highlights items scheduled in the Overview and Scrutiny Committee's work programme for 2019/20 and includes details of those that have yet to be assigned to a specific meeting.
- 1.2 The work programme includes both items previously agreed by the Committee and those that the Committee is required by the Constitution to consider.

2. **RECOMMENDATIONS**

- 2.1 That the Committee prioritises proposed topics for inclusion in the work programme and where appropriate, determines the high level form and timing of scrutiny input.
- 2.2 That the Committee agrees the list of items to be considered at its meeting of 16 July 2019.

3. REASONS FOR RECOMMENDATIONS

3.1 To allow the Committee to set a work programme which provides focussed Member oversight, encourages open debate and seeks to achieve service improvement through effective policy development and meaningful policy and service change.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee has varied its approach to overview and scrutiny activity over recent years. Currently it seeks to enter the process of policy development at an early stage and consequently may consider items associated with service action plans.
- 4.2 The need to observe Constitutional requirements and monitor the Forward Plan for appropriate items to scrutinise remains a key aspect of work programming.
- 4.3 The Committee may wish to review and adjust its approach following delivery of the agreed training event.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Each Committee meeting includes the opportunity for Members to comment on and input to the Committee's work programme.
- 5.2 Attendance from external bodies is encouraged, with Hertfordshire Constabulary attending the January 2019 Committee to assist Members in considering the local and crime disorder matters that may adversely affect its residents.
- 5.3 Work has also been undertaken with the Centre for Public Scrutiny in running two training sessions; the first held in December 2018 covering the essentials of Scrutiny and a second session held in February 2019.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.
- 6.2 The Committee is asked to review the Forward Plan at each regular meeting to identify potential issues for inclusion in the work programme. Identification of a focus for the Committee's future activity should be identified at this stage wherever possible.

7. BACKGROUND

- 7.1 Executive Members no longer deliver regular general presentations on a rotational basis. Rather they are invited to either speak on an issue of specific interest or present a report being considered for constitutional reasons.
- 7.2 The Committee now considers a wide range of issues, where appropriate, commencing its reviews early in the policy development process. By doing this it seeks to ensure assumptions are challenged at an early stage, mistakes are avoided and eventual outcomes provide optimal benefit to the community.
- 7.3 The Committee seeks to ensure that consideration of agenda items minimises additional burdens on staff resources. Wherever possible, requests are made for the presentation of documents already in existence rather than the production of new documents specifically for the Committee.

8. RELEVANT CONSIDERATIONS

Work Programme

8.1 A work programme is set out at Appendix A for the Committee's consideration.

Forward Plan

8.2 The Forward Plan for 01 July is attached at Appendix B.

Other Topics for Consideration

8.3 Potential topics for consideration and inclusion in the Committee's work programme will be considered as part of this meeting. When considering additional topics, their risk assessment and prioritisation will ensure that the most appropriate items are taken forward to the work programme.

Work Programme

8.4 The Committee's work programme for the year requires reviewing and direction is sought from the Committee on the items they wish adding; Appendix A contains the current work programme.

Hitchin Town Hall Review / North Hertfordshire Museum Project

8.5 The panel for the scrutiny review into this topic is currently reviewing the witness statements submitted by external organisations and individuals; a total of 14 statements were received. Witness invites are being issued to all those who submitted statements to attend a panel hearing. The panel hearings will be public meetings and there are currently 2 dates scheduled for the 17 and 18 July 2019.

Universal Credit Impact Report - Council Tax Reduction Scheme

8.6 The Service Director – Customers has advised he will attend the December Committee in order to present a report on the impact of Universal Credit. By this point in the year the Council will have one year's data on Universal Credit and will therefore be more aware of the changes being considered to the Council Tax Reduction Scheme.

Commercial Strategy Update

8.7 The Service Director – Commercial has provided a progress update against the Commercial Strategy Programme 2019 -2023; this is contained within Appendix C. He has additionally advised that the Commercial team was only fully established at the start of May 2019 and are therefore in the early days of the strategy implementation. He is happy to attend the committee to do a presentation if this is sought.

An updated on the status of the proposed new trading company has also been provided by the Service Director – Commercial and this was circulated by the Scrutiny Officer to the members of the committee on 05 July 2019.

9. LEGAL IMPLICATIONS

- 9.1 Under Section 6.2.5 of the Constitution, the Committee is responsible for setting its own work programme. However, it must ensure it retains sufficient capacity within the programme to meet its statutory obligations.
- 9.2 Section 6.2.7 (u) of the Constitution allows the Committee "to appoint time limited task and finish Topic Groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet."

10. FINANCIAL IMPLICATIONS

- 10.1 Dependent on how they are applied in practice, the scope of the options presented in Sections 7 and 8 have the potential to be wide reaching. As detailed Section 14, Human Resource Implications, the wider the reach, the more significant the impact on officer time in terms of report writing, data analysis and committee meeting attendance. Given recent funding pressures and the consequent reduction in officer numbers, significant requests to support scrutiny work will limit officer time available to spend on activities such as identifying and delivering cost reductions, income generation and project management.
- 10.2 Although not significant, a committee attendance allowance of £24.68 per officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu, or overtime as an alternative.

11. RISK IMPLICATIONS

11.1 Effective overview and scrutiny of policy, administrative, service delivery and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and time frame for scrutiny interventions should be considered in the light of the potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at the right time.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, and victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no direct equality implications arising from the report. Effective scrutiny is an essential part of ensuring that local government remains transparent, accountable and open which ensures that the delivery of public services benefits all aspects of the community, where practical.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

14.1 The widening of the reach of scrutiny reviews has the potential to significantly impact on officer time in terms of the reprioritisation of already agreed projects, their scope or timetabling and resources. There is also the potential for additional resource requirements in relation to report writing, information collection and analysis and committee attendance. Delivery of service plans to achieve the Council's agreed Corporate Plan objectives might, therefore, be potentially negatively impacted.

15. APPENDICES

- 15.1 Appendix A Work Programme for future Committee meetings
- 15.2 Appendix B Forward Plan for 01 July 2019
- 15.3 Appendix C Commercial Strategy Programme update

16. CONTACT OFFICERS

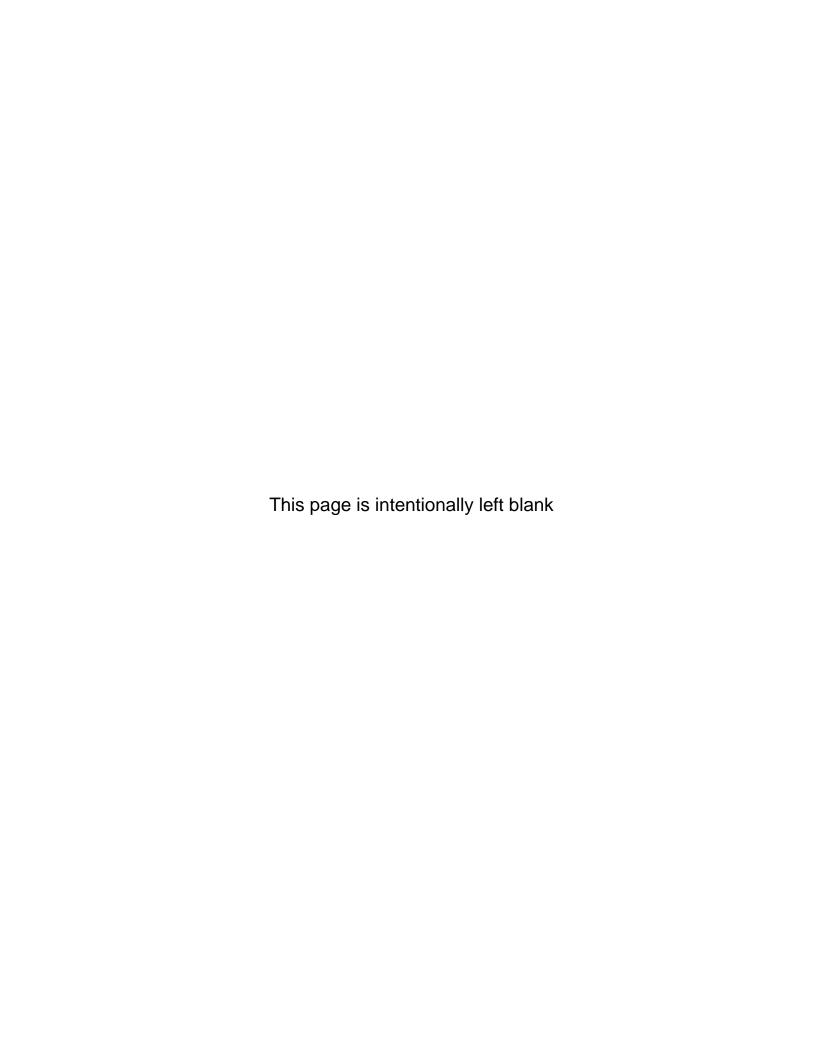
- 16.1 Acting Scrutiny Officer: (Kirstie Wilson) <u>ScrutinyOfficer@north-herts.gov.uk</u>
- 16.2 Jeanette Thompson Service Director Legal and Community 01462 474370 jeanette.thompson@north-herts.gov.uk

Reuben Ayavoo, Senior Policy Officer, 01462 474212 reuben.ayavoo@north-herts.gov.uk

Human Resources: HRhelp@north-herts.gov.uk

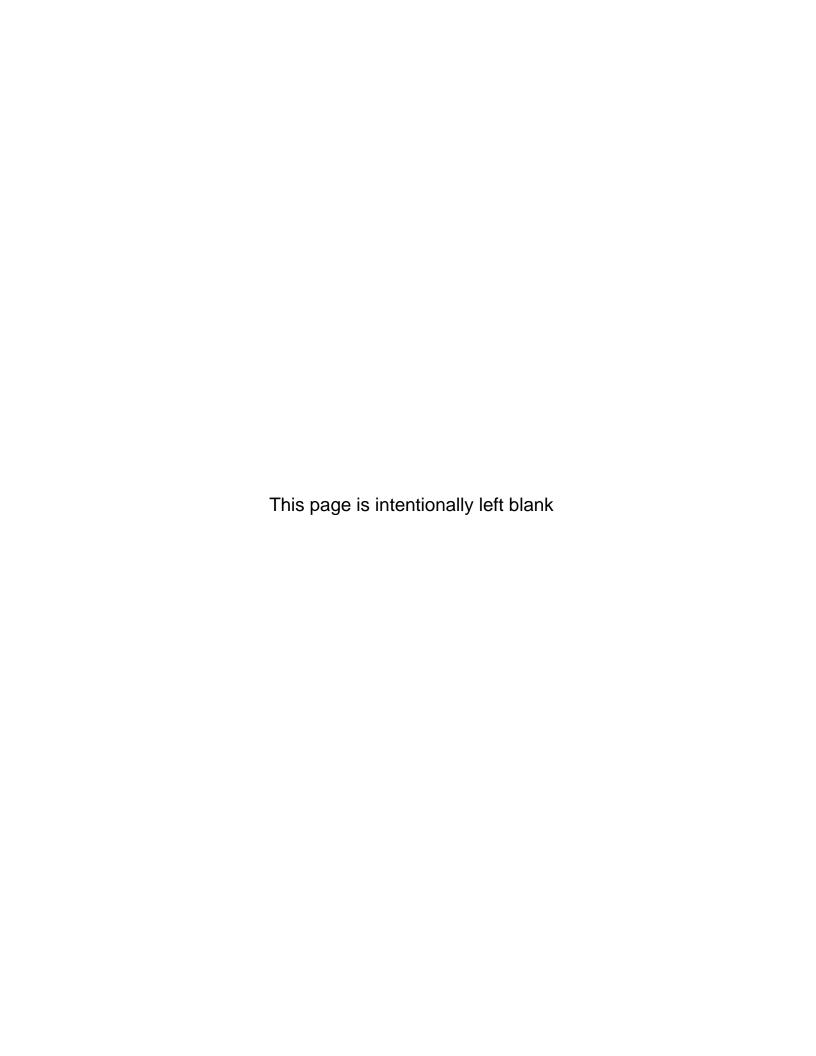
17. BACKGROUND PAPERS

17.1 Previous reports to the Overview and Scrutiny Committee and forward plans.



PROGRAMME FOR FUTURE COMMITTEE MEETINGS 2019-20

17 September 2019	Crematorium Report
	RIPA Annual Review & update
	1st Quarter Performance against PIs
	1st Quarter Key Projects
	Resolutions Report
	Work Programme
10 December 2019	Crime and Disorder Issues
	Annual review of Safeguarding
	Priorities for the District – Key Projects Half Year Monitoring
	2nd Quarterly Performance against PIs
	3Cs Half Year Report
	Universal Credit and Council Tax Reduction Scheme report
	Resolutions Report
	Work Programme
21 January 2020	Resolutions Report
	Work Programme
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17 March 2020	Annual Report
	Priorities For The District – Key Projects 2020/21
	3rd Quarter Pls
	3rd Quarter Key projects
	District Wide Survey
	New Pls for 2020/21
	Resolutions Report
	Work Programme
	To be Scheduled.



NORTH HERTFORDSHIRE DISTRICT COUNCIL

Forward Plan of Key Decisions - 1 July 2019

The Forward Plan contains brief details of Key Decisions that the Council is likely to take over the next four month period and beyond. You will also find details of contacts who can provide further information and hear your views. Please note that the dates of some of the decisions may change from month to month, please check with Committee Services on 01462 474353 before deciding to attend a meeting.

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
CORPORATE PLAN AND CORPORATE OBJECTIVES (27.06.19)		Cabinet	30 Jul 2019		Reuben Ayavoo, Policy and Community Engagement Manager reuben.ayavoo@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
RAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING OCUMENT (16.01.19)		Cabinet	30 Jul 2019		Nigel Smith, Strategic Planning Manager nigel.smith@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
THE DEVELOPMENT AGREEMENT FOR THE JOHN BARKER PLACE AREA OF HITCHIN (13.06.19)		Cabinet	30 Jul 2019		Martin Lawrence, Strategic Housing Manager martin.lawrence@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
INVESTMENT STRATEGY (CAPITAL AND TREASURY) FIRST QUARTER REVIEW 2019/20 (07.06.19)		Cabinet	30 Jul 2019		Ian Couper, Service Director - Resources ian.couper@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
FIRST QUARTER REVENUE MONITORING 0019/20 007.06.19)		Cabinet	30 Jul 2019		Ian Couper, Service Director - Resources ian.couper@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
RISK MANAGEMENT OPDATE (07.06.19)		Cabinet	30 Jul 2019		Rachel Cooper, Controls, Risk and Performance Manager rachel.cooper@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
ANNUAL REPORT ON RISK MANAGEMENT 2018/2019 (07.06.19)		Cabinet	30 Jul 2019	Annual Report on Risk Management 2018/2019	Rachel Cooper, Controls, Risk and Performance Manager rachel.cooper@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
WASTE COLLECTION FOM MULTI OCCUPANCY PROPERTIES (MOP) (13.06.19)		Cabinet	30 Jul 2019		Jamie Sells, Service Manager- Waste and Recycling jamie.sells@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6

Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision Maker	Procedure for requesting details of other documents
SCRAP METAL LICENSING POLICY (25.07.18)		Cabinet	30 Jul 2019		Steve Cobb, Licensing Manager steven.cobb@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
PLAY GROUND POLICY (01.07.19)		Cabinet	30 Jul 2019		Andrew Mills, Service Manager - Greenspace andrew.mills@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
MEDIUM TERM FINANCIAL STRATEGY 47.06.19)		Council	12 Sep 2019		Ian Couper, Service Director - Resources ian.couper@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
PAIR COLLECTION POLICY 43.06.19)		Cabinet	24 Sep 2019		Howard Crompton, Service Director - Customers howard.crompton@nort h-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
APPROVAL OF A NEW DEVELOPMENT AGREEMENT FOR THE JOHN BARKER PLACE AREA OF HITCHIN (01.07.19)		Cabinet	17 Dec 2019		Martin Lawrence, Strategic Housing Manager martin.lawrence@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6
DRAFT BUDGET 2020/21 (01.07.19)		Cabinet	17 Dec 2019		Ian Couper, Service Director - Resources ian.couper@north- herts.gov.uk	Yes	Via the Contact Officer named in Column 6

Maker	Decision required	Overview and Scrutiny	Decision Maker	Date of Decision	Documents to be submitted to Decision Maker	Contact Officer from whom documents can be requested	Confirmation that other documents may be submitted to the Decision	Procedure for requesting details of other documents
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APPENDIX C

COMMERCIAL STRATEGY PROGRAMME 2019 – 2023

			April 2019
	propose new ideas. (Complete)	Commercial	
	Establish a framework and campaign for development of new		
	proposals in order to create a shortlist of new opportunities.		
	(Complete)		
	Establish Commercial Group (Work in progress)		
		Service Director –	March 2019
Holding Company	Set up a trading company and subsidiary companies	Commercial	
	as agreed by Cabinet (March 2018). (Delayed, see		
	email from Service Director – Commercial circulated		
1	on 05.07.19)		

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