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NORTH HERTFORDSHIRE DISTRICT COUNCIL

10 January 2020

Our Ref	Overview and Scrutiny Committee
Your Ref.	
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To: Members of the Committee: Councillors David Levett (Chairman), Kate Aspinwall (Vice-Chairman), 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

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

to be held in the

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

On

TUESDAY, 21ST JANUARY, 2020 AT 7.30 PM

Jeanette Thompson

Service Director – Legal and Community

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

Agenda

Part I

Item		Page
1.	**APOLOGIES FOR ABSENCE**	
2.	**MINUTES - 17 SEPTEMBER 2019** To take as read and approve as a true record the minutes of the meeting of the Committee held on the 17 September 2019.	(Pages 5 - 18)
3.	**MINUTES - 23 OCTOBER 2019** To take as read and approve as a true record the minutes of the meeting of the Committee held on the 23 October 2019.	(Pages 19 - 26)
4.	**NOTIFICATION OF OTHER BUSINESS** Members should notify the Chairman of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
5.	**CHAIRMAN'S ANNOUNCEMENTS** Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, 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.	
6.	**PUBLIC PARTICIPATION** To receive petitions, comments and questions from the public.	
7.	**URGENT AND GENERAL EXCEPTION ITEMS** The Chairman to report on any urgent or general exception items which required their agreement. At the time of printing the agenda, the Chairman had not agreed any urgent or general exception items.	
8.	**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.	

9. MEMBERS' QUESTIONS

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

10. CRIME AND DISORDER MATTERS

To receive a verbal presentation from Hertfordshire Constabulary supported by the Community Protection Manager in respect of Crime and Disorder Issues to discuss County Lines and Knife Crime.

11. FAIR COLLECTION POLICY AND PRESENTATION BY PENHAM EXCEL LTD (Pages 27 - 102)

REPORT OF THE SERVICE DIRECTOR - CUSTOMERS

To receive the Draft Fair Collection Policy for consideration. The Committee will be provided with a presentation by Penham Excel Ltd.

12. RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE (Pages 103 - 110)

REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER

To consider future actions required in respect of resolutions previously agreed.

13. OVERVIEW AND SCRUTINY WORK PROGRAMME FOR 2019-2020 (Pages 111 - 124)

REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER

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

14. PRIORITIES FOR THE DISTRICT - KEY PROJECTS HALF YEAR MONITORING (Pages 125 - 142)

REPORT OF THE SERVICE DIRECTOR – RESOURCES

To update the Committee on the Progress Against Key Projects.

15. 2ND QUARTER UPDATE ON PERFORMANCE AGAINST PERFORMANCE INDICATORS (Pages 143 - 148)

REPORT OF THE SERVICE DIRECTOR - RESOURCES

To receive the 2nd quarter update on PI's.

16. COMMENTS, COMPLIMENTS AND COMPLAINTS - HALF YEAR UPDATE (Pages 149 - 156)

INFORMATION NOTE OF THE CUSTOMER SERVICES MANAGER

To receive the half year update on Comments, Compliments and Compaints (3C's).

17. GARDEN WASTE SERVICE (Pages 157 - 166)

REPORT OF THE SERVICE DIRECTOR – PLACE

To Consider the Report on Garden Waste Concessionary Charges.

18. **DRAFT DEVELOPER CONTRIBUTIONS SPD** (Pages 167 - 232)
REPORT OF THE SERVICE DIRECTOR – REGULATORY

To receive the draft Developer Contributions SPD for consideration.

19. **UPDATE ON COMMERCIAL WORK PROGRAMME** (Pages 233 - 246)
REPORT OF THE SERVICE DIRECTOR - COMMERCIAL

To provide the Committee with an update on the work that the Commercial Directorate has undertaken in the last year and what it is planning to undertake in future years.

20. **EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following resolution:

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

21. **UPDATE ON COMMERCIAL WORK PROGRAMME** 247 - 288
REPORT OF THE SERVICE DIRECTOR - COMMERCIAL

To provide the Committee with an update on the work that the Commercial Directorate has undertaken in the last year and what it is planning to undertake in future years.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, GERNON ROAD, LETCHWORTH GARDEN CITY ON TUESDAY, 17TH SEPTEMBER, 2019 AT 7.30 PM

MINUTES

Present: *Councillors David Levett (Chairman), Councillor Kate Aspinwall (Vice-Chairman), 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*

In Attendance: *Jeanette Thompson (Service Director - Legal and Community), Gavin Ramtohal (Legal Commercial Team Manager), Andrew Mills (Service Manager - Greenspace), Helen Rae (Community Health and Wellbeing Team Leader), Rebecca Galloway, Steve Crowley (Service Director - Commercial), Rachel Cooper (Controls, Risk and Performance Manager), Hilary Dineen (Committee, Member and Scrutiny Manager) and Amelia McInally (Committee, Member and Scrutiny Officer)*

31 APOLOGIES FOR ABSENCE

Audio Recording – Start of Item – 14 Seconds

There were no apologies for absence.

32 MINUTES - 16 JULY 2019

Audio Recording – Start of Item – 24 Seconds

RESOLVED: That the Minutes of the Meeting of the Committee held on 16 July 2019 be approved as a true record of the proceedings and be signed by the Chairman.

33 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Start of Item – 36 Seconds

There was no other business notified.

34 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording – Start of Item – 40 Seconds

(1) The Chairman welcomed those present at the meeting, especially those who had attended to give a presentation;

(2) The Chairman welcomed Amelia McInally, who had been appointed as the new Clerk of the Overview and Scrutiny Committee;

(3) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;

(4) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

35 PUBLIC PARTICIPATION

Audio Recording – 2 Minutes 7 Seconds

There were no presentations by members of the public.

36 URGENT AND GENERAL EXCEPTION ITEMS

Audio Recording – Start of Item – 2 Minutes 10 Seconds

No urgent or general exception items were received.

37 CALLED-IN ITEMS

Audio Recording – Start of Item – 2 Minutes 13 Seconds

Since the last meeting, no decisions had been called-in by the Overview and Scrutiny Committee.

38 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Audio Recording – Start of Item – 2 Minutes 18 Seconds

The Chairman informed Members that the format of the Agenda had been altered slightly and the normally placed last two items on the Overview and Scrutiny Agenda, namely, Resolutions and Work Programme for the Overview and Scrutiny Committee had been, due to their importance, been moved to the beginning of the Agenda.

The Chairman drew the Committee Members' attention to the resolutions on page 31 of the report and stated that a number of resolutions had been completed and should therefore be removed from the report with the agreement of the Members.

The Chairman informed that he had arranged to meet with the Vice-Chairman and The Committee, Member and Scrutiny Manager, to discuss a slight format change for future ease of reading of the resolution section within the report, which would require the grouping together of subjects and placed in date order.

The Chairman named and listed the resolution items that had been completed and would therefore be removed from future reports. Members of the Overview and Scrutiny Committee were all in agreement.

The Committee, Member and Scrutiny Manager reported that the SIAS Review, in respect of Waste, had been sent out to Members of the Committee and that a Task and Finish Group was scheduled to take place after the Hitchin Town Hall Review had been completed. It was the Committee, Member and Scrutiny Managers' aim to bring a Draft Scope to the next meeting for the Committee's consideration. The Committee, Member and Scrutiny Manager requested that Members discussed and agreed the number of Members that they felt were required to sit on the Task and Finish Group in order that she could advise individual group leaders.

The Chairman stated that he and the Vice-Chairman had agreed during discussion, that due to the vast scope of the Waste Contract, and deciding which aspects of the Waste Contract would be better scrutinised, felt that the Task and Finish Group should be divided into two parts:

(1) Tender and Contract; and
(2) Community Engagement

In response to a The Chairman's question, The Service Director – Legal and Community confirmed that due to the informality of a Task and Finish Group, the number of Members did not have to be proportionate. Members discussed the balance of political proportionality, and agreed that 5 Members in each group would, in this case, be appropriate.

The Committee, Member and Scrutiny Manager further reported:

- Response had been received from the Service Manager – Place in respect of the Committee's request for Route Maps. A list of Roads, Rounds and Collection Days could be supplied swiftly, however, as there were over 80 Maps to put together, the Scrutiny Officer had been advised that this would require a little more time in order to fulfil that particular request.

- Task and Finish Group on Consultation – The Chairman and the Leader of The Council had confirmed that there was no further requirement for that particular group to meet.

- Crematorium – The Legal Commercial Team Manager and The Service Manager - Greenspace were both present that evening to provide the Members with an update.

- Commercialisation – The Service Director – Commercial was present that evening to provide the Committee with a verbal update.

RESOLVED:

(1) That the report entitled Resolutions of the Overview and Scrutiny Committee be noted;

(2) That the proposed format of the Resolutions of the Overview and Scrutiny Committee report be agreed as follows:

    (i) All Resolutions whereby Status had been highlighted bold and marked as complete, be removed from any future reports; and
    (ii) for future ease of reading of the resolution section within the report, that subjects would be grouped together and placed in date order.

(3) That the Task and Finish Group for the Waste Contract be divided into two separate groups:

    (i) Tender and Contract
    (ii) Community Engagement; and

(4) That for the balance of political proportionality, 5 Members would sit in each of the two Task and Finish Groups for the Waste Contract.

REASON FOR DECISIONS:

To enable the Overview and Scrutiny Committee to agree a format for the Resolutions of the Overview and Scrutiny Committee report and to review and comment on actions and feedback received regarding resolutions previously made.

39 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME FOR 2019/20

Audio Recording – Start of Item – 14 Minutes 10 Seconds

The Chairman introduced the Supplementary Agenda Item - Update on the Forward Plan of the key decisions made and The Committee, Member and Scrutiny Manager reported as follows:

- Hitchin Town Hall Review – The Chairman and the Panel were currently in the process of writing the report which would be presented in a "special, one-item" meeting of the Overview and Scrutiny Committee which would take place on 23 October 2019.

- Crime and Disorder Issues – Traditionally this had been reported to the Committee by way of in-depth statistical information provided by the Chief Inspector of Hertfordshire Constabulary. Suggestion had been made of an alternative presentation format – an opportunity for Members to discuss County Lines and Knife Crime, which would be provided with the support of the Community Protection Manager and take place at the January meeting of the Overview and Scrutiny Committee.

- Confirmed that it was the turn of the Labour and Co-Operative Party to Chair the Task and Finish Group on the Waste Contract.

- That Members looked at the items included in the Forward Plan and made suggestion of any items that they may be interested in bringing to the Committee for discussion at future meetings.

RESOLVED:

(1) That the report entitled Overview and Scrutiny Work Programme be noted;

(2) That the Committee prioritise proposed topics for inclusion in the work programme and, where appropriate, determines the high- level form and timing of scrutiny input, be agreed;

(3) In respect of Crime and Disorder Issues an alternative presentation format in order to discuss County Lines and Knife Crime with the support of the Community Protection Manager take place at the meeting of the Overview and Scrutiny Committee in January 2020; and

(4) That the Scope for the Task and Finish Group on the Waste Contract be approved by the Chairman of that Task and Finish Group, (yet to be appointed) and the Chairman of the Overview and Scrutiny.

REASON FOR DECISIONS:

To allow the Overview and Scrutiny 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.

40 CREMATORIUM PRESENTATION

Audio Recording – Start of Item – 21 Minutes 5 Seconds

The Legal Commercial Team Manager introduced the verbal presentation and provided Members with a brief background as follows:

- Planning Permission for the development of a Crematorium had been applied for at Wilbury Hills in July 2018.

- The application had been determined in March 2019. Central Bedfordshire had refused the application on the basis that their planning officer was concerned of the damage that it would cause to the countryside.

- An appeal had subsequently been lodged in July 2019 and a detailed statement of case had been submitted to support the planning appeal.

- The Planning Inspector needed to set a date for the hearing, however, it was anticipated that it would be a 'one day' hearing only.

The Service Manager – Greenspace provided, for clarification, the following information:

- Development of Wilbury Hills had commenced in 2003 when the existing crematorium on Icknield Way had reached it's capacity.
- The current layout of the Wilbury Hills cemetery had been developed and installed in 2008, however it had been a cemetery for 5 years previously.
- NHDC were looking to accommodate the diverse community and future-proof the provision of variables within North Hertfordshire.
- The Service Manager – Greenspace had hosted a meeting with a wide range of communities to ascertain what type of burial service should be provided in order to meet the needs for as many different religious representations/traditions as possible.
- Wilbury Hills had been built with a view that it would be a district wide provision and a centre for all types of burials.
- The Council had worked initially with the Diocese in order to accommodate their own strong rules and regulations.
- A formal ceremony had been carried out by the Bishop of St Albans at Wilbury Hills cemetery and half of the variable plots had been consecrated in order to provide religious choice.
- Their wish was to facilitate/accommodate the way in which people were using the cemetery, that was evolving into more than just a place where people laid flowers on graves, becoming an environment to be more inclusive with the loved one that had been lost.
- Not a traditional cemetery – part of the community that people felt comfortable to go and visit.
- Formal areas had been kept to a minimum – chosen not to go down the traditional rows of memorials route, but instead, the alternative provision of meadowland, wild flowers and trees.
- Maintenance costs had been kept low along with contribution to the bio-diversity at Wilbury Hills.
- Income gained had been ring-fenced to reinvest into the next niches as required.
- Design principals were of sympathetic design within its surroundings – a solid black building that was maintenance free, the look of a civic building that commanded respect and made the most of the views over Bedfordshire.
- Built the existing L-shaped mounds as a way to replicate the contours of the countryside and retain a form of compartmentalisation for purpose of privacy.

- The design was such, in order to be flexible enough to accommodate and allow for the future building of a crematorium, an aspirational wish of North Hertfordshire District Council.

In answer to the Chairman in respect of environment aspects, The Service Manager – Greenspace confirmed that the potential of the cemetery was not just of a commercial nature and that farmland could and would be landscaped for a more appropriate environment. With the crematorium development on the horizon, NHDC had terminated their lease agreement with the farmer and were now on an annual rolling programme. This provided for ease of moving forward to link in with cemetery provision.

The following Members asked questions, which however, could only be answered under Part II conditions:

Councillor Sam Collins;
Councillor Carol Stainer; and
Councillor David Levett.

Audio Recording – 44 Minutes (8.14pm)

At this point the Chairman of the Overview and Scrutiny Committee moved the meeting into Part II discussion, (see Minute 47).

RESOLVED: That the information provided by the Service Manager – Greenspace and The Legal Commercial Team Manager regarding the proposed crematorium at Wilbury Hills be noted.

41 ANNUAL REVIEW OF SAFEGUARDING CHILDREN AND ADULTS AT RISK (2018-19)

The Community Health and Wellbeing Team Leader introduced the Annual Review of Safeguarding Children and Adults at Risk. Before she drew Members attention to aspects of the Safeguarding activity 2018/19, the Community Health and Wellbeing Team Leader explained, for the benefit of new Members of The Overview and Scrutiny Committee, some background to everything they did with respect to safeguarding children and adults at risk, what they did and why they did it in order to give assurance to Members that the service that was provided was excellent. She explained the following:

- There was a legal duty to safeguard both children and adults at risk.
- The duty to safeguard children was set down in the Children Act 2004.
- The duty to safeguard adults was brought in much more recently, in The Care Act 2014.
- Adults referred to were those with care and support needs.
- The statutory function as a district council was purely to refer and information share concerns to the relevant agency for necessary action.
- Due to being in a two tier authority system the duty to investigate was held with Hertfordshire County Council, however NHDC had a duty under law to refer any concerns.

The Community Health and Wellbeing Team Leader explained and provided Members with statistical information in respect of the different concern types and communicated the volume of referrals provided within the report.

The Community Health and Wellbeing Team Leader informed Members that when dealing with the safeguarding of children, no referral consent was required. The law stipulated that, where there were concerns about the welfare of a child, a referral was required irrespective of whether or not family members were in agreement.

With respect to the safeguarding of adults, referral consent was required, unless the adult was deemed to lack mental capacity to make the decision or where, indeed, the abuse would likely affect other people and would be in the wider interest of the safety of others.

The Community Health and Wellbeing Team Leader further explained that Domestic Abuse referrals were also required which she informed were ranked on a scoring system and provided statistics from both the Hertfordshire Independent Domestic Violence Advisor, (IDVA) and the Hertfordshire Multi Agency Risk Assessment Conference (MARAC) system.

The Community Health and Wellbeing Team Leader explained the context of “threshold” to the Members and reported that a number of cases whereby concerns had been logged, but had not been referred due to the threshold not being met. She informed that because all concerns were now logged in a central database, her team were able to cross reference new concerns and make a referral if and when the threshold was reached.

Referrals had steadily risen over the last 5 years, however, the Community Health and Wellbeing Team Leader felt that this was mainly due to the centralisation of records for the first time, corporate awareness, awareness raising campaigns that had resulted in an increased confidence among officers of how to recognise and refer.
Data from the Adults Board showed that North Hertfordshire at the end of 2018/19 ranked 4th out of the ten District and Borough Councils in Hertfordshire with Stevenage ranking first, with 105 adult safeguarding concerns reported per 10,000 population.

The Community Health and Wellbeing Team Leader highlighted Appendix A of the report that provided Members with some of the Actions that had been completed in the last year and outlined the work planned for April 2019 to March 2020.

A safeguarding e-survey had been undertaken to ascertain staff knowledge. Results showed that, of those who had completed the survey, 95% were aware of who to report any safeguarding concern and how to obtain relevant information. The successful result of the survey had gained NHDC a first place ‘best response’ out of all of the District and Borough Councils in Hertfordshire.

Councillor Kate Aspinwall complimented the Community Health and Wellbeing Team Leader’s report and thanked her and her team for all of their hard work.

The following Members asked questions and made comment:

Councillor Kate Aspinwall;
Councillor Terry Hone;
Councillor David Levett; and
Councillor Gerald Morris

In response to questions, the Community Health and Wellbeing Team Leader confirmed:

- Member Training protocol was currently being examined to ascertain knowledge, requirement and at what level.
- Comprehensive knowledge of the safeguarding of adults was now a fundamental requirement.
- Dates and times of all courses which were held for staff were published in Members Information Services, (MIS) and any Member wishing to attend would be most welcome.
- In terms of Learning and Development, safeguarding training was organised within their team rather than organised centrally, owing to individual specific specialist requirement.
- Regular contact was kept with the Children’s Partnership with whom they met quarterly. The Children’s Partnership would provide an end of year statistical presentation.

The Community Health and Wellbeing Team Leader informed Members, depending on the level of training required, of the estimated length of time each level of Safeguarding Training would take. She confirmed that e-learning could be found on Grow Zone, the corporate learning and development platform.

It was suggested by a Member that the e-learning link be sent out to all Members as a reminder to undertake training.

RESOLVED:

That the Overview and Scrutiny Committee:

(1) Received and commented on the annual report of progress made against the Council's fulfilment of the statutory duty to maintain an effective safeguarding function with regard to children;

(2) Received and commented on the annual report of progress made against the Council's fulfilment of the statutory duty to maintain an effective safeguarding function with regard to adults at risk;

(3) Agreed that sufficient and robust processes are in place at NHDC for application and review of safeguarding processes and that an annual review and presentation to the Overview and Scrutiny Committee should continue, be agreed; and

(4) Expressed their disappointment with the apparent disproportionately small number of elected Members who had undertaken safeguarding training and requested that Members were investigated into who had received safeguarding training from other sources. All Members are made aware, once again, of the ability to complete e-learning training and that all relevant group leaders, port folio holders and shadow port-folio holders raise the issue of training requirement at their group meetings.

REASON FOR DECISION:

The resolution is the best course of action that can be accommodated within the approved budget and officer resources, that will fulfil our statutory and lawful obligations but also ensure that a regular, corporate review exists.

The meeting adjourned for a short comfort break at 8.35pm (*audio recording 1 hour 5mins 38 seconds*).

42 PRESENTATION BY THE SERVICE DIRECTOR - COMMERCIAL

Audio Recording – Start of Item - 1 Hour 7 Minutes 20 Minutes

The Service Director – Commercial thanked the Chairman and Members for the opportunity to address the Overview and Scrutiny Committee and stated that he would provide information which would look at the Commercial Strategy and what had been done since the strategy had been adopted in January 2019. He updated Members as follows:

- The 3 key themes that had been set out:

  (i) Culture;
  (ii) Business Improvements; and
  (iii) Investment and Opportunities

- The Commercial Team had been fully established as at the end of May 2019 and consisted of:

  - A Commercial Manager
  - A newly appointed Commercial Officer; and
  - Two new Commercial Support Officers

- The Service Director – Commercial had been working closely with the Executive Member, Deputy Executive Member and Shadow Executive Members to discuss opportunities that the Commercial Team were looking to explore.

The First Task of the Commercial Launch was to ensure that all Members and Staff were made aware of their goal in terms of what they were setting out to achieve, this had included:

- An internet page;
- Specific email address for investment ideas;
- Ideas notice board;
- Posters; and
- Screen Savers

To ensure that everyone was aware of the aspiration to deliver through the strategy:

- The Service Director – Commercial had attended all of the department team meetings to brief all managers on purpose.
- Commercial officers had briefed all other staff.
- On 18 September a coffee morning in the staff canteen would take place in order to provide both staff and members the opportunity to meet the Commercial Team, ask questions and explore ideas.
- Staff had been made aware of a newly formed Commercial Group which would explore ideas in order to generate additional income. The group would be officer based and not established for managers or senior managers.

Selling our Services:
The Service Director – Commercial informed Members that this was still in it's early exploratory stages but stated that the Council already sold both legal and IT services, but there was on-going investigation into how more could be made from those opportunities. He further stated that they were waiting for new contracts to be brought forward, in order to be in a position to place a bid for business.

Commercial Awareness Training
All of the senior management team had been provided with Webinars which focused on Commercialisation within local government. Updates had been provided to the senior management team on work being carried out both internally and externally by The Service Director – Commercial.

A Training Programme had been drafted and was close to completion, a half day training programme would be provided to all Senior Managers and Councillors. Further training would subsequently be provided to the rest of the organisation by The Service Director – Commercial and the Commercial Manager which would target the specific requirement of NHDC.

To fully understand obligation and role, Director Training would be provided to those concerned in November 2019.

Holding Company
A draft business case had been set up with all of the associated documents. Financial modelling had to be based on the capital available to spend on projects that had been identified. The financial modelling was not positive, the company would not make a profit until the end of year ten and only if the assets were sold. Harkness Court and Town Lodge had been identified as financially viable schemes in their own right, however, if they were to be moved into the company, repayment of the loan would be required and was therefore deemed unviable.

Other opportunities were now being explored to ensure financial gain before setting up a new company.

Harkness Court – Old Care Line Building that would be turned into flats, was behind schedule, however, it was hoped that completion would be at the end of the financial year or the end of April 2020. The options, on completion, would be to transfer the property to the company, sell the property or let out the apartments via the Council

Property Strategy and Asset Management Strategy
On target to complete by March 2020. A draft strategy that focused on the Commercial Investment Opportunities. Mainly looking to pursue investment in mainly land, buildings, renewable energy and leisure sites, however other opportunities would not be excluded. On completion, the draft strategy would be presented to Executive Members.

The Service Director – Commercial informed Members that business cases were being investigated and stated that a gross 7 to 8 percent Return On Investment, (ROI) was the target. Opportunities had been explored, but the ROI had been too low.

The Service Director – Commercial reported on other Council's large scale investment.

The Service Director – Commercial stated that the rental of the second floor of the District Council Offices in Letchworth was very close to being finalised. Several meetings had taken place with the Biggleswade Company that were looking to relocate and all of the heads of terms had been agreed, it was now just the matter of signing the contract.

Audio Recording - 1 hour 26 minutes 50 seconds (8.56pm)

At this point the Chairman of the Overview and Scrutiny Committee moved the meeting into Part II discussion, (see Minute 48).

RESOLVED: That the Service Director – Commercial present a written report to the next meeting of the Overview and Scrutiny Committee, which should provide the following information:

(1) The work of the Commercial Team; and
(2) The essential provision of future forecasting.

REASON FOR DECISION: To allow the Overview and Scrutiny Committee to comment on the work of the Commercial Team.

43 Q1 2019/20 PERFORMANCE INDICATOR DATA

Audio Recording – Start of Item – 1 Hour 27 Minutes 3 Seconds

The Controls, Risk and Performance Manager introduced the report on the first update on the Performance Indicator Date for 2019/20, she explained and highlighted the following:

- Page 63 of the report was a summary of indicators that had been reported, (red and amber indicators) and, regardless of their status, included:

  Garden Waste;
  Food Waste; and
  Homelessness

- That 3 Amber and 2 Red indicators had been reported on this time.
- Available for viewing on the Intranet

- Percentage of Sales Ledger Invoices Paid - A Corporate Debt Recovery Group had been set up that reported directly to the Senior Management Team - collection levels were back on track for the July and August figures and going forward it was hoped that this would be reported as a positive figure by the next meeting of the Committee that would take place in December 2019.

- Page 65 of the report – Homelessness Reg 1 and Reg 2 – the Overview and Scrutiny Committee had asked questions previously around the indicators, and as to why there had been no targets set. Responses had been subsequently sent to the last committee in July after an update from the Homelessness Manager. Some raw H-CLIC Data had been received and they were now looking into ways as to how that could be incorporated in Benchmarking. The Homelessness Manager would attend the next meeting of the Overview and Scrutiny Committee in order to provide Members with an update.

- Target setting took place every January.

- Percentage of programmed Environmental Health Inspections, (Amber Indicator) – The inspection outcome was very slightly below the profiled target, but this was mainly due to the department having experienced staffing issues and the service was expected to fulfil their expected target by the year end.

The Controls, Risk and Performance Manager also reported statistical targets for the following:

- Number of visits to leisure facilities;
- The overall tonnage of food waste collected; and
- The overall tonnage of garden waste collected.

RESOLVED:

(1) That the report entitled Quarter 1 2019/20 Performance Indicator Data be noted; and

(2) That the Controls, Risk and Performance Manager be requested to report, in respect of, the number of reported visits to leisure facilities, as to whether this was specific to use of the Swim Centre.

REASON FOR DECISIONS: To enable the Overview and Scrutiny Committee to review Performance Indicators in accordance with the Terms of Reference for the Committee.

44 Q1 2019/20 UPDATE ON PROJECTS IN THE CORPORATE PLAN

Audio Recording – Start of Item – 1 Hour 33 Minutes 50 Seconds

The Controls, Risk and Performance Manager introduced the report on the 1st Quarter Monitoring – Delivery of Key Projects for 2019/20 together with the following appendices:

- Appendix A – 2019/2020 Reporting against Projects Identified in the Corporate Plan as at 21/08/19
- Appendix B – Waste Update

The Controls, Risk and Performance Manager, explained to Members, that the covering report provided the background to the projects set. They had initially been brought to the Committee in March of that year, together with the Milestones that were going to be monitored.

The Controls, Risk and Performance Manager informed Members that a Brexit Update had been incorporated into the project and whilst not a traditional project of the Council, it had been decided it would be the best mechanism to monitor the key issues and risk.

The Controls, Risk and Performance Manager referred Members to Appendix A of the report stating, that, with the inclusion of the Brexit update that 9 projects were being reported on, of which one was red status, two were amber, four were in progress and two had been completed since the last update.

In respect of the red status project, the Controls, Risk and Performance Manager reported that following the successful opening of the new museum and publication of the Hitchin Town Hall and North Hertfordshire Museum Panel Review findings, lessons learned would be produced and this would be signed off and by the project board, at which point the project would be marked as complete.

The Controls, Risk and Performance Manager guided Members through and explained the detailed first update on Brexit, which included the work that had been undertaken.

The following Members took part in discussion and asked questions:

Councillor Sam Collins;
Councillor David Levett; and
Councillor Claire Strong

In response to questions, the Controls, Risk and Performance Manager informed Members:

That Churchgate had not been formally set up as a project therefore had no formal milestones, however, it had been included in the report to show that it was on the radar.

The Local Plan indicator was green due to having achieved what was required and was now outside of their control and in the hands of the examiners.

That due to other work priorities, it had not been possible to undertake any activity around The National Clean Air Day, however, would be looking to achieve the following year.

RESOLVED:

(1) That the delivery against the key projects for 19/20 be noted and commented on by the Overview and Scrutiny Committee; and

(2) That whilst it had been reported to the Committee that the Local Plan had been marked as green, following consideration by the Inspector, there was still further work to be prepared. The Controls, Risk and Performance Manager was requested to continue to report to the Overview and Scrutiny Committee on the Local Plan and change the status to amber.

REASON FOR DECISION: To enable the Overview and Scrutiny Committee to consider and comment on Projects in the Corporate Plan.

45 MEMBERS' QUESTIONS

No questions had been submitted.

46 EXCLUSION OF PRESS AND PUBLIC

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

47 CREMATORIUM PRESENTATION

Audio Recording – Start of Item – 44 Minutes – 8.14pm

This item took place immediately following the Part I item of the same name.

The Service Director – Greenspace and The Legal Commercial Team Manager answered questions of confidential nature following which a thorough discussion regarding the proposed Crematorium took place.

RESOLVED: That the confidential information provided by the Service Manager – Greenspace and The Legal Commercial Team Manager regarding the proposed Crematorium at Wilbury Hills be noted.

48 PRESENTATION BY THE SERVICE DIRECTOR - COMMERICIAL

Audio Recording – Start of Item –1 Hour 26 Minutes 50 Seconds - 8.56pm

This item took place immediately following the Part I item of the same name.

The Service Director – Commercial answered questions of confidential nature following which a thorough discussion regarding the Commercial Team and it’s future plans took place.

RESOLVED:

(1) That the Service Director – Commercial present a written report to the next meeting of the Overview and Scrutiny Committee, which should provide the following information:

   (i) The work of the Commercial Team; and
   (ii) The essential provision of future forecasting.

(2) That the confidential information provided by the Service Manager – Commercial regarding the Commercial Team be noted.

REASON FOR DECISION: To allow the Overview and Scrutiny Committee to comment on the work of the Commercial Team.

The meeting closed at 10.30 pm

Chairman

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERNON ROAD, LETCHWORTH GARDEN CITY ON WEDNESDAY, 23RD OCTOBER, 2019 AT 7.30 PM

MINUTES

Present: *Councillors David Levett (Chairman), Councillor Kate Aspinwall (Vice-Chairman), Val Bryant, Sam Collins, George Davies, Tony Hunter, Jim McNally, Gerald Morris, Lisa Nash, Sue Ngwala, Adem Ruggiero-Cakir, Carol Stanier, Claire Strong and Tom Tyson*

In Attendance: *Mr John Richardson (Independent Chairman of the HTH Review Panel), Councillor Val Shanley (Member of HTH Review Panel), Melanie Stimpson (Democratic Services Manager), Hilary Dineen (Committee, Member and Scrutiny Manager) and Amelia McInally (Committee, Member and Scrutiny Officer)*

Also Present: *Councillors Ian Albert, Martin Stears-Handscomb, Paul Clark, Jean Green, Sam North, Judi Billing, Kay Tart and approximately 17 members of the public, including 3 registered speakers.*

46 APOLOGIES FOR ABSENCE

Audio Recording – Start of Item - 43 Seconds

Apologies for absence were received from Councillors Terry Hone and Helen Oliver.

Having given due notice Councillor Morgan Derbyshire advised that he would be substituting for Councillor Terry Hone.

Apologies were also received from Mr John Robinson who had registered to speak under public participation, however, he was subsequently unable to attend and had indicated that his apologies be formally recorded.

The Chairman informed that there was a non-committee Member in attendance who had sat on the Hitchin Town Hall Review Panel, namely, Councillor Val Shanley who would be available to answer questions if required. A further Hitchin Town Hall Review Panel Member, Councillor Ian Moody, was also due to attend the meeting, having advised that he would be arriving late, (subsequently Councillor Moody did not attend the meeting).

47 NOTIFICATION OF OTHER BUSINESS

Audio Recording – Start of Item - 1 Minute 43 Seconds

There was no other business notified.

48 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording – Start of Item - 1 Minute 47 Seconds

(1) The Chairman welcomed those present at the meeting, the Independent Chairman and Members of the Hitchin Town Hall Review Panel and those who had attended to give a presentation;

(2) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;

(3) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;

(4) The Chairman clarified the running order of how the evenings procedures would take place; and

(5) The Chairman informed the Committee of the options open to them in respect of recommendations as follows:

(a) To accept all of the recommendations in the report;
(b) Suggest amendments to any recommendations; and
(c) Delete recommendations.

49 PUBLIC PARTICIPATION - CATHRYN HENRY

Audio Recording – Start of Item - 7 minutes 31 seconds

Ms Cathryn Henry thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation as follows:

- She was the predecessor as Chair of the Overview and Scrutiny Committee when the review was commissioned and the scope agreed;
- Comments of the Leadership Team should be have been presented to Cabinet and not to the Overview and Scrutiny Committee;
- Whilst she agreed with the aim of the review to understand how we worked with partners, the Committee should be very clear that the purpose of the review was to improve partnership working in the future;
- She would have liked the report to be more diligent in its clarity about the future;
- Recommendations were insightful, considered and where needed, impartial in regard to culpability and focused on the lesson;
- She was appalled at the decision to submit the comments of the Leadership Team as part of the Agenda;
- All parties had plentiful and equitable opportunities to contribute to the review whilst it was sitting;
- She encouraged the Committee to disregard the opinions expressed by the Leadership Team and to look at the report of the independent panel in isolation;
- Scrutiny of the project was essential to ensure that lessons were learnt and that a similar situation was prevented in the future;
- There was an opportunity for real change as a consequence of the report; and
- A previous review had been undertaken on Large Scale Projects, which could be used in conjunction with the report to encourage officers to work with partners in the community in a more constructive way.

The Chairman thanked Ms Henry for her presentation.

50 PUBLIC PARTICIPATION - DAVID LEAL-BENNETT

Audio Recording – Start of Item - 12 minutes 14 seconds

Mr David Leal-Bennett thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation as follows:

- As a Director of Hitchin Finance Ltd, he accepted the report in its entirety, although he did not agree with all of the points, for which he felt needed clarification;
- He was appalled by the document containing the Leadership Team comments; and
- He wished to clarify some of the points in the report, as follows:
  - Hitchin Town Hall taking over from Hitchin Initiative was agreed by the Council;
  - There were 8 material breaches that were not resolvable and therefore were termination events;
  - Hitchin Town Hall Ltd had a lot of expertise and were not an unreasonable organisation;
  - There were numerous breaches of the financial agreement because Hitchin Town Hall Ltd went to their bankers and advised them that they could not continue;
  - Prince II was a logical way to deal with contracts however an amended version was used by NHDC;
  - There was no process in place for dealing with disputes;
  - HTH Ltd was a new entity and a charity, with a detailed business plan that raised over £1 million pounds in funding, this funding was subsequently lost;
  - HTH Finance was set up to step in as bankers in order to prevent the site being sold to developers; and
  - He was very proud of what they had achieved.

The following Members asked questions:

- Councillor Claire Strong

In response to questions, Mr Leal-Bennett advised that:

- After the material breaches, Hitchin Town Hall Ltd did not wish to continue;
- Several offers were made to sell 14/15 Brand Street to the Council;
- The Council could have bought 14/15 Brand Street for approx. £480,000 at that time;
- Social Investment Bank had wanted to do a deal with the Council over a 2 year period and had many meetings with them; and
- HTH finance did a deal with SIB in approximately 4 weeks and should not be accused of dragging their heels on anything.

The Chairman thanked Mr Leal-Bennett for his presentation.

51 PUBLIC PARTICIPATION - STEPHEN PIKE

Audio Recording – Start of Item - 21 Minutes 27 Seconds

Mr Stephen Pike thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation as follows:

- He was the Chairman of Hitchin Town Hall Ltd;
- The report of the Panel was broadly a good report;

- This was about a learning process and it was clear that the Leadership Team had not learnt the lessons;
- He felt that the Report of the Panel should be sent to Cabinet without the comments of the Leadership Team, however, if those comments were sent to Cabinet, then he would like the opportunity to respond to the comments;
- Took issue in respect of Recommendation 3, which had implied that HTH Ltd did not properly represent the community, as HTH Ltd had engaged with the community at every given opportunity;
- In respect of Recommendation 10, mediation was attempted, but it turned out that it was in fact, just reporting back to NHDC. There was no empowerment given to the mediator;
- He suggested that proper adoption of mediation practice should be a requirement;
- In respect of Recommendation 12, external, professionally qualified project managers was the way forward for large projects; and
- In respect of Recommendation 15, Project Boards should be chaired by the External Project Manager.

The Chairman thanked Mr Pike for his presentation.

The Chairman stated that he was disappointed that the Leadership comments had been presented to the Committee in that manner and he would investigate the process regarding which documents would be presented to Cabinet.

52 REVIEW OF THE HITCHIN TOWN HALL AND DISTRICT WIDE MUSEUM PROJECT

Audio Recording – Start of Item - 28 minutes 10 seconds

The Democratic Services Manager thanked the Chairman for the opportunity to address the Committee and introduced the report entitled Review of The Hitchin Town Hall and District Wide Museum Project, together with the following appendices:

- Appendix A – Introductory note by the Independent Chairman;
- Appendix B – Comments from the Leadership Team.

At the invitation of the Chairman, Mr John Richardson, Independent Chairman of the Hitchin Town Hall Review Panel presented the report and findings of the Panel following the Review, (as attached as Appendix A of the submitted report) and in summary:

- Thanked the Democratic Services Manager and her Team for the support given during the review process;
- Also thanked all those who took part in the review process and the Museum staff, who kept going when times were challenging;
- Highlighted that the report was aimed at learning and moving forward and had been specifically addressed to the Overview and Scrutiny Committee;
- Although the report and recommendations were presented to the meeting, the value of the process should not be undervalued;
- He had been surprised at the comments of the Leadership Team and noted that the Authority had acted correctly throughout, however, although correctness was vital, it had to be tempered with co-operation and sometimes compromise; and
- More than one witness had commented that there was now a new approach to partnerships and he hoped that the recommendations were pushing at an open door.

The Independent Chairman presented each of the recommendations made by the Panel individually and a lengthy detailed debate ensued, summarised as follows:

Recommendations 1 & 2

The following Members asked questions and took part in the debate:

- Councillor Claire Strong; and
- Councillor David Levett;

The following observations were made:

- There was a lot of experienced members of the community who had given their time, experience and talent to the project; and
- This project had incorporated the Letchworth and Hitchin Museums

Recommendation 3

The following Members asked questions and took part in the debate:

- Councillor Claire Strong; and
- Councillor David Levett.

The following observations were made:

- That HTH Ltd was a properly constituted charity; and
- That understanding how a particular group came to represent the community was a good learning point.

In response to questions Panel Members advised that:

- There were still some questions about exactly how HTH Ltd represented the community;
- How HTH Ltd came into existence became evident through the hearings, but it was likely that residents were unclear as to how that had happened; and
- Discernment was very important in understanding, amongst other things, how bodies were formed, what their credentials were and who they represented before entering into a business agreement together.

Recommendation 8

The following Members asked questions and took part in the debate:

- Councillor Claire Strong; and
- Councillor David Levett.

Recommendation 10

The following Members asked questions and took part in the debate:

- Councillor David Levett; and
- Councillor Jim McNally.

In response to questions the Independent Chairman advised:

- That mediation should have started earlier than it did; and
- That all parties needed to sign up to any mediation process.

Members comments included:

- That it should be made clear, at the beginning of an agreement, at which point mediation should start and the procedure; and
- That mediation should take place before any party took an entrenched position.

Recommendations 12, 13 and 14

The following Members asked questions and took part in the debate:

- Councillor Gerald Morris;
- Councillor David Levett; and
- Councillor Val Shanley.

In response to questions the Independent Chairman advised that:

- From evidence heard, Prince II seemed to be a perfectly satisfactory project management tool, however it should not have been quoted as the solution to problems.

Members comments included that:

- Dedicated managers should be appointed to projects and that once appointed, they be able to take complete responsibility; and
- Managers of projects should not be placed under pressure and be able to advise senior managers if they needed support.

Recommendation 15

The following Member asked questions and took part in the debate:

- Councillor Claire Strong.

In response to questions the Independent Chairman advised:

- That evidence given at the hearings led them to believe that the Project Board Meetings did not meet the needs of all partners.

Members comments included:

- That many elements were required for a successful project including an effective project management tool, regular meetings and good communication.

Recommendation 16

The Independent Chairman advised that the final recommendation was a positive note in which to conclude.

The Chairman of the Overview and Scrutiny Committee expressed thanks to the Independent Chairman and Members of the Panel for their work.

Having discussed each recommendation, the Committee had a general debate on the presentations, the report and the Leadership Team Comments regarding the report.

The following Members asked questions and took part in the debate:

- Councillor Kate Aspinwall;
- Councillor Sam Collins;
- Councillor Gerald Morris;
- Councillor George Davies;
- Councillor Val Bryant;
- Councillor Tom Tyson; and
- Councillor Carol Stanier;

In response to questions the Independent Chairman advised:

- That many of the recommendations stated the obvious; and
- Some of the recommendations should be built into the life of the Council;

The following comments were made by Members:

- That the recommendations needed to be at the forefront of future projects; and
- That the recommendation about tone of comments was very important.

In response to a query, the Chairman stated that he had sought advise and it had been confirmed that Councillors who were both Members of the Panel and Members of the Committee could take part in any vote regarding the report.

At 8.50pm the meeting was adjourned for a short comfort break.

The meeting resumed at 9.00pm.

The Chairman summarised the comments that had been made throughout the meeting.

The following Councillors took part in the debate:

- Councillor Claire Strong;
- Councillor Lisa Nash;
- Councillor Sam Collins;
- Councillor Kate Aspinwall;
- Councillor Gerald Morris;
- Councillor David Levett; and
- Councillor Carol Stanier.

There was a detailed discussion regarding Appendix B. The consensus amongst the Committee was that the comments from the Leadership Team should be presented to Cabinet and not the Overview and Scrutiny Committee.

The Committee agreed that the report and recommendations of the Panel should be presented to Cabinet without amendment, however, the Committee would present several additional recommendations to Cabinet by way of a referral.

RESOLVED: That the Overview and Scrutiny Committee:

1. Express appreciation to the Independent Chairman of the Hitchin Town Hall Review Panel and Members of the Panel for their hard work in producing the Report.

2. Notes the Report of Hitchin Town Hall and District Wide Museum Review Panel (Appendix A) and accepts the recommendations in Part D of the Report.

3. Express its profound disappointment that Appendix B of the Report, (Comments of The Leadership Team) was included in the report to the Overview and Scrutiny Committee.

RECOMMENDED TO CABINET:

1. That the Report of the Hitchin Town Hall Review Panel, (Appendix A) be reviewed and the recommendations, as contained in part D of the report, be accepted.

   (i) That the following recommendations from the Overview and Scrutiny Committee be considered:
   (ii) When reviewing the recommendations of the Hitchin Town Hall Review Panel the comments of the Overview and Scrutiny Committee be taken into account, particularly the way in which the Council works with Community Groups/Partners;
   (iii) Ensure that a robust system of mediation is established;
   (iv) That an effective intervention process is put into place that results in suitable progressive remedial action following any mediation;
   (v) That dedicated Project Management is put in place that is adequately resourced as recommended by the Overview and Scrutiny Committee;
   (vi) That a summarised version of the recommendations, (Part D of the Report) is incorporated into all large briefing documents to enable the production of a Code of Conduct which could inform any future projects;
   (vii) That a clear Intervention Protocol is written and adopted within a reasonable timescale, and included within the Terms of Reference of the Overview and Scrutiny Committee (a separate stand alone paragraph that the Committee will understand to be the process followed when it is deemed necessary for a decision regarding a project is “called in”); and
   (viii) That the Council’s Procurement Procedures are reviewed as part of the review of the Constitution and continue to be followed and updated regularly to ensure it is adequately robust.

REASON FOR DECISION: To enable The Overview and Scrutiny Committee to comment on the review into Hitchin Town Hall and District Wide Museum Project.

The meeting closed at 9.40 pm

Chairman

OVERVIEW & SCRUTINY COMMITTEE
21 JANUARY 2020

PUBLIC DOCUMENT

TITLE OF REPORT: FAIR COLLECTION POLICY & PRESENTATION BY PENHAM EXCEL LTD

REPORT OF: THE SERVICE DIRECTOR - CUSTOMERS

EXECUTIVE MEMBER: COUNCILLOR IAN ALBERT

CURRENT COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

NEW COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

1.1 To allow the Committee to review the Draft Fair Collection Policy before it is considered by Cabinet on 28 January 2020 and to receive a presentation by the Council's Collection Agents. A representative from the local Citizens Advice will also be in attendance

2. RECOMMENDATIONS

2.1. That the Committee receives the presentation by Penham Excel Ltd

2.2. That the Committee considers the Draft Fair Collection Policy and considers any recommendations it wishes to make to Cabinet.

3. REASONS FOR RECOMMENDATIONS

3.1. To better inform the Committee on the role of Collection Agents in North Hertfordshire.

3.2 To allow the Committee to comment on the Draft Fair Collection Policy before it is considered by Cabinet

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. The Council has operated a Fair Collection regime for many years but never incorporated this into a formal policy. Throughout the process, additions to existing practices have been adopted to enhance the final policy.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 This Committee considered an early draft of the Policy at its meeting on 16 July 2019.
.

5.2 Since that meeting, there has been further consultation with both the local and national Citizens Advice and the Money Advice Trust, which has led to further enhancements of the policy

5.3 The Executive and Deputy Executive Members have also been consulted and are in agreement with the policy.

6. FORWARD PLAN

6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 13 June 2019.

7. BACKGROUND

7.1. The background to this is covered in the draft Cabinet Report, which is available at Appendix A. The Appendices to that report are available as Appendices 1 to 8.

7.2 At the meeting of this Committee on 16 July 2019, the following recommendations were made:

(1) That the Revenues and Benefits Manager be asked to undertake further work on the definitions within the Policy;

(2) That the Revenues and Benefits Manager be requested to collect data available from Councils undertaking ethical debt collection and provide this detail to Members of this Committee and Cabinet;

(3) That the Revenues and Benefits Manager be requested undertake some feedback checks on those customers that have been visited by collection agents

8. RELEVANT CONSIDERATIONS

8.1. Recommendation (1) at 7.2 has been completed and amendments made following advice from the Money Advice Trust.

8.2 Recommendation (2) has proved to be problematical as it is difficult to find any Councils who claim to operate an Ethical or Fair Collection Policy who are prepared to discuss progress.

8.3 Only one Council has been identified that claims not to use Collection Agents and that Council will not divulge what action it takes when customers refuse to cooperate or refuse outright to pay.

8.4 Recommendation (3) has been approached in a slightly different way. Rather than try and contact customers direct, where the response could not be relied on, Officers have randomly viewed the footage from the Body Worn Cameras worn by the Collection Agents and have not found any examples where the Collection Agents have been anything other than polite and helpful.

8.5 Discussions with the Money Advice Trust has directed the Council to its document "Stop the Knock", which identifies six steps to "improve local government debt collection". This in turn has led to the Council now using the Standard Financial Statement and recommending to Cabinet that the Council Tax Protocol be adopted.

8.6 Both the Council's Collection Agents and the local Citizens Advice have indicated that they are happy and willing to adopt the Protocol with the Council.

8.7 Penham Excel Ltd is the Council's principal Collection Agent in that first referral work is passed to them for collection. When all avenues have been exhausted without success, the Council can re-refer a debt to its second Collection Agent, Whyte & Co for that company to have a second chance of collecting the debt using a "fresh pair of eyes". Both companies follow the same Service Level Agreement with the Council and adopt the same attitude towards collection.

8.8 Penham Excel Ltd will be present at this meeting to give a presentation to Members and a representative from the local Citizens Advice will also be present.

8.9 The Council has taken a fair approach to collection for many years and the work done to set this down in a policy has enabled the Council to show that it does take a fair and balanced approach to its debt collection. This ensures that the interests of vulnerable customers are protected as are those of Tax Payers generally in that those who can pay but choose not to are pursued for payment.

8.10 Officers are grateful for the input from Citizens Advice and the Money Advice Trust, whose help and guidance has enhanced the policy.

9. LEGAL IMPLICATIONS

9.1. Section 6.2.7 (c) of the Council's constitution defines a function of the Overview & Scrutiny Committee as:

(c) To make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive

9.2 The legal implications relating to the Cabinet Report (Appendix A) are included in that.

10. FINANCIAL IMPLICATIONS

10.1 These are included in the Cabinet Report (Appendix A)

11. RISK IMPLICATIONS

11.1. These are included in the Cabinet Report (Appendix A)

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 Further Equalities implications are included in the Cabinet Report (Appendix A)

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

14.1. There are no Human Resources implications to this report.

15. APPENDICES

15.1. Appendix A – Cabinet Report dated 28 January 2020

15.2 Appendix 1 – Fair Collection Policy

15.3 Appendix 2 – Stop the Knock

15.4 Appendix 3 – Penham Excel Ltd Information Leaflet

15.5 Appendix 4 – Penham Excel Ltd Vulnerability Policy

15.6 Appendix 5 – Penham Excel Ltd Information Note for Councils

15.7 Appendix 6 – Council Tax Protocol

15.8 Appendix 7 - Equalities Impact Assessment

15.9 Appendix 8 – Standard Financial Statement

16. CONTACT OFFICERS

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

16.2 Geraldine Goodwin, Revenues Manager
geraldine.goodwin@north-herts.gov.uk; ext. 4277

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

16.4 Ian Couper, Service Director – Resources
ian.couper@north-herts.gov.uk; Ext. 4243

16.5 James Ellis, Legal Regulatory Team Manager
james.ellis@north-herts.gov.uk; Ext. 4319

16.6 Rachel Cooper, Controls, Risk & Performance Manager
rachel.cooper@north-herts.gov.uk; Ext. 4606

17. BACKGROUND PAPERS

17.1. None.

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THIS REPORT IS DUE TO BE CONSIDERED BY CABINET ON 28 JANUARY 2020

PUBLIC DOCUMENT

TITLE OF REPORT: FAIR COLLECTION POLICY

REPORT OF: SERVICE DIRECTOR - CUSTOMERS

EXECUTIVE MEMBER: COUNCILLOR IAN ALBERT

CURRENT COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

NEW COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

1.1 To seek Cabinet approval for the adoption of a Fair Collection Policy supported by adoption of the Council Tax Protocol and use of the Standard Financial Statement.

2. RECOMMENDATIONS

2.1 That Cabinet adopts the Fair Collection Policy at Appendix 1

2.2 That Cabinet approves adoption of the Council Tax Protocol

2.3 That Cabinet notes that the Council now uses the Standard Financial Statement developed by the Money & Pension Service

3. REASONS FOR RECOMMENDATIONS

3.1 To incorporate existing practices used for the collection of money owed to the Council into an overarching policy.

3.2 To confirm the Council's practices and procedures especially those relating to potentially vulnerable customers.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. The Council has been developing its practices and procedures in this field for many years without codifying them into a single policy document. This is a means of achieving that objective. The alternative would be not to do so.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The draft policy has been subject to consultation with the local branch of Citizens Advice, the Citizens Advice National Office and the Money Advice Trust. The Executive and Deputy Executive Members for Finance and IT have also been consulted.

5.2 Comments made by the consultees have been incorporated into the policy and have led to the proposals to adopt the Council Tax Protocol (Appendix 6), (which both of the Council's Collection Agents and the local Citizens Advice have also agreed to adopt) and the Standard Financial Statement (Appendix 8), which are part of the Money Advice Trust's Six Steps referred to as "Stop the Knock". Details of this can be found at Appendix 2

6. FORWARD PLAN

6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 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 re-house 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 six-year period 1 January 2014 to 30 November 2019, there were only 57 complaints nationally where the Local Government Ombudsman found Collection Agents to be at fault. 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 other than the compliance fee, which they are able to retain under the Taking Control of Goods Regulations 2013. In cases of severe vulnerability, where there is clearly no ability to pay and the case is returned to the Council, the Collection Agents will waive all fees.
- 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 5.2 and 5.3 of the policy we identify potential vulnerable situations and point out that the list is not exhaustive. At 5.5 the policy 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. We have used the Financial Conduct Authority's definition of vulnerability in the policy, *"someone who, due to their personal circumstances, is especially susceptible to detriment, particularly when a firm is not acting with appropriate levels of care".*

8.7 The practices and procedures that have been developed with the Council's Collection Agents over many years are based on them definitely acting with appropriate levels of care.

8.8 Our primary Collection Agents, Penham Excel Ltd has produced an information leaflet, which is provided with their first letter. It also has a published Vulnerability Policy and these are available as Appendices 3 and 4.

8.9 Penham Excel Ltd has also provided an information note for the Council detailing its approach to collection, which is at Appendix 5.

8.10 When all avenues have been exhausted without success by Penham Excel Ltd, the Council can re-refer a debt to its second Collection Agent, Whyte & Co for that company to have a second chance of collecting the debt using a "fresh pair of eyes". Both companies follow the same Service Level Agreement with the Council, use very similar documentation and adopt the same attitude towards collection.

8.11 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 many instances it is the Collection Agents on the ground that make the first contact with the customer and are therefore best placed to identify potential vulnerability.

8.12 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.

8.13 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.

8.14 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.

8.15 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..

8.16 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.

8.17 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.

8.18 Table 1 below shows the amount of Council Tax debt at November 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 inc. Court arrangements	£947
Value of cases on hold	£277
Value of cases on an Attachment of Welfare Benefit inc. UC	£168
Value of cases awaiting an Attachment of Welfare Benefits	£475
Value of cases on Attachment of Earnings inc. HMRC Pilot	£90
Value of cases awaiting an Attachment of Earnings	£244
Total value of cases on or awaiting payment arrangements in house	**£2,201**
Total value of cases on payment arrangements with Collection Agents	**£660**
Total Value on or awaiting payment arrangements	**£2,861**

8.19 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.

8.20 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.

8.21 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:

	Council Tax			**Business Rates**	
Year	**In-Year**	**As at 31/12/19**		**In-Year**	**As at 31/12/19**
2018/2019	98.38%	99.35%		98.31%	99.06%
2017/2018	98.22%	99.46%		98.38%	99.73%
2016/2017	98.40%	99.67%		98.55%	99.78%
2015/2016	98.13%	99.80%		97.99%	99.72%
2014/2015	97.84%	99.89%		96.94%	99.79%
2013/2014	97.81%	99.93%		97.39%	99.93%
2012/2013	98.18%	100.00%		97.06%	99.93%

8.22 The Council has 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.

8.23 For Council Tax, Business Rates and BID Levy, the 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.

8.24 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.

8.25 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.

Responses to Consultation

8.26 Both the local and national Citizens Advice were complimentary about the Council's draft policy and its approach to fair collection. A firm recommendation was that we are clearer on the amounts that can be deducted through Attachment of Earnings. This is laid down in statute and consists of three tables that can be amended from year to year. This has been referenced in the policy at 3.1 with a link to the web site, where the tables can be found. The local Citizens Advice confirmed the close working relationship that exists between them, the Council and the Council's Collection Agents.

8.27 The Money Advice Trust was also complimentary about the draft policy and referred the Council to its policy document called "Stop the Knock", which lays down six steps aimed at Councils adopting good practice in debt recovery. The six steps can be found at Appendix 2.

8.28 The Council already complies with steps 1,3,4 and 5.

8.29 In terms of step 2, this is being addressed with reviews being carried out on the information provided on the Council's web site and on any leaflets provided by the Council and its Collection Agents. It is expected that by the time Cabinet considers this report, the Council will be compliant with step 2.

8.30 Step 6 relates to the adoption of the Council Tax Protocol, which is a document developed jointly by Citizens Advice and the Local Government Association. The Council largely complies with this document and will need to review some elements of it, particularly around documentation to ensure compliance. This involves some amendments to the Council Tax bills and this will be done as part of the annual billing process.

8.31 The Money Advice Trust also recommended that staff should receive training on vulnerability to ensure a consistent approach to this. This is covered in Section 8 of the Policy.

8.32 The Money Advice Trust was particularly complimentary on the following:

- That in 2018/2019 there was a 29% reduction in referrals by the Council to Collection Agents compared with the previous two years
- The use of SMS and/or email to engage customers before the issue of Reminder Notices and Summonses

- The list of potentially vulnerable customers in the policy with the suggestion that those who do not have English as a first language should also be included. This has now been added.

8.33 Both Citizens Advice and the Money Advice Trust accept that there is a role for Collection Agents where used appropriately and that this is the case at North Herts. This is the case where they are the eyes and ears on the ground to recognise potential cases of vulnerability and to deal with those who can pay but choose not to.

9. LEGAL IMPLICATIONS

9.1 Section 5.6.1 of the Council's Constitution states:

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

9.2 The purpose of this report is to give Cabinet the opportunity to adopt a Fair Collection Policy.

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 could result in a deficit in the Collection Fund and 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. This is highlighted by the figures in Table 1 at 8.18 above, where it shows that £168K is being collected from Attachment of Benefits, with a further £475K 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 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 The establishment of a Fair Collection Policy will ensure transparency and consistency in recovery processes, reducing reputational risk.

11.3 Losing the option to use Collection Agents would establish a high risk that those collection rates would be compromised, especially in relation to those who can pay and choose not to and would lose a major ability to establish households in genuine need being identified.

11.4 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.

11.5 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 7.

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

14.1. There are no Human Resources implications to this report.

15. APPENDICES

15.1 Appendix 1 – Fair Collection Policy

15.2 Appendix 2 – Stop the Knock

15.3 Appendix 3 – Penham Excel Ltd Information Leaflet

15.4 Appendix 4 – Penham Excel Ltd Vulnerability Policy

15.5 Appendix 5 – Penham Excel Ltd Information Note for Councils

15.6 Appendix 6 – Council Tax Protocol

15.7 Appendix 7 - Equalities Impact Assessment

15.8 Appendix 8 – Standard Financial Statement

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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

KEY MESSAGES

- We will work with our customers to arrange an in-house payment arrangement where possible. This will be the Council's preferred option in all cases

- When we identify vulnerable customers we will change our collection approach appropriately

- We will ensure that staff are appropriately trained to recognise vulnerability

1. Introduction

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.

1.7 In doing so, the Council complies with the "Stop the Knock" six steps for Local Authorities promoted by the Money Advice Trust and has signed the Council Tax Protocol, along with its Collection Agents and Citizens Advice, which is a document promoting good practice in the collection of Council Tax produced jointly by the Local Government Association and Citizens Advice.

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.

2.3 To promote early contact with the Council in cases where customers are experiencing financial hardship, the Council will attempt to contact customers by text and/or email, where it holds this information in advance of the issue of any Reminder Notice or Summons to forewarn the customer that this is about to happen and advise that they should make contact to discuss the position.

Housing Benefit Overpayment

2.4 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

2.5 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

2.6 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

2.7 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. The rates at which deductions are made are set out in statute and can be found on the Council's web site at: https://www.north-herts.gov.uk/home/council-tax/council-tax-attachment-earnings
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 Benefit	Used automatically where the customer 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 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 <u>Application of Enforcement Options</u>

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

4.2 The Council’s intention at every stage of the process is to encourage the customer to make contact if they are having any difficulty in paying. Prior to the issue of a Council Tax Reminder Notice and/or Summons, the Council will endeavor to warn all those likely to receive a Notice of this via text or email to encourage either payment or contact using an external communications provider.

4.3 The Council will encourage customers to make contact if they are having financial difficulties at all stages of the process and will work with customers to apply payment arrangements that suit their needs, i.e. weekly or monthly payments for variable lengths of time

4.4 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.

4.5 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.

4.6 All other cases are referred to a Collection Agent for collection.

4.7 All Collection Agents operating on behalf of the Council must hold a valid certificate issued by the County or High Court.

4.8 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.

4.9 If customers are finding it difficult to pay their debt, the Collection Agents will also signpost to then to seek advice from Citizens Advice, National Debtline or Stepchange. Accounts are then held for a period of time and no further action is taken to allow this to happen.

410 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, in line with the definition used by the Financial Conduct Authority the Council would consider a vulnerable customer to be:

"someone who, due to their personal circumstances, is especially susceptible to detriment, particularly when a firm is not acting with appropriate levels of care"

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
- Those that do not have English as their first language

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 When assessing a customer's ability to pay, the Council will use the Standard Financial Statement, which is a financial assessment tool developed by the Money Advice Trust.

5.7 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 to the Council and waive all enforcement fees, other than the compliance fee, which they are able to retain under the Taking Control of Goods Regulations 2013. In cases of severe vulnerability, where there is clearly no ability to pay and the case is returned to the Council, the Collection Agents will waive all fees.

5.8 Collection Agents will also refer customers in multiple debt to Citizens Advice or other debt advice agencies for specialist debt advice and both the Collection Agents and the Council will agree to accept any payment arrangement considered reasonable by the agencies.

5.9 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.

5.10 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.

5.11 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.

5.12 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.

5.13 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.

In advance of the Hearing, the Council will require the customer to complete a Standard Financial Statement for consideration by the Magistrates.

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 Discretionary Council Tax Payments

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 Collection Viability

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.

8 Training

8.1 The Council is committed to ensuring that its staff and Collection Agents are adequately trained.

8.2 Staff involved in the collection process will receive training on recognising vulnerability in terms of ability to pay as soon as possible after appointment and refresher training will be provided every two years. This will be done in consultation with the Council's Collection Agents.

8.3 In addition, all staff are subject to annual mandatory training on safeguarding and modern day slavery, which the Collection Agents also attend.

STOP THE KNOCK
#STOPTHEKNOCK

MONEY ADVICE TRUST
BUSINESS DEBTLINE · NATIONAL DEBTLINE · WISER ADVISER

Six steps for local authorities

As part of our Stop The Knock campaign to improve local government debt collection we are recommending six steps for councils to implement, where they are yet to do so. Find out more at www.stoptheknock.org

1 Make a clear public commitment to reduce the use of bailiffs over time

2.3 million debts were passed to bailiffs in 2016/17, with council bailiff use up 14% since 2014/15. More than six in 10 local authorities (62%) increased their use of bailiffs in that time.

We recommend that council Leaders make a clear public commitment to reduce the use of bailiffs over time, to provide clarity to officers at an operational level. This commitment could take the form of a public statement, a formal decision or statement of administration policy, or a motion of Full Council. We recommend that council leaders consider making this commitment in time for the beginning of the 2018/19 financial year.

Find out more Visit the Money Advice Trust's www.stoptheknock.org website for details of your council's bailiff use, and email policy@moneyadvicetrust.org to find out more about the campaign

2 Review signposting to free debt advice, including phone/online channels

Our research shows 97% of councils signpost residents in financial difficulty to free debt advice

We recommend that all councils regularly review their signposting to ensure that all opportunities to signpost to debt advice – at all stages of the process – are maximised. For the small number of councils who do not currently signpost to free debt advice, this should be introduced as a matter of urgency. For those councils that currently signpost only to face-to-face advice, we recommend considering offering the additional option of referring to telephone and online advice services such as National Debtline, so that residents have the choice of accessing advice via the channel most appropriate to their circumstances.

Find out more For more details see the Money Advice Service's Working with Debt Advice Agencies toolkit and resources for referring residents to National Debtline

3 Adopt the Standard Financial Statement (SFS) to objectively assess affordability

19% of councils told us they have adopted the SFS, or its predecessor the Common Financial Statement

We recommend that councils adopt the Standard Financial Statement (SFS), which provides a consistent, fair and industry-recognised method of working out affordable repayments for residents in financial difficulty. Local authorities should accept SFS-compliant financial statements as a true reflection of income and expenditure, from both residents themselves and advisers on their behalf. Councils should also align all internal forms of 'income and expenditure' or 'means enquiries' to the SFS to ensure that a prescribed and consistent framework is used for assessing affordability.

Find out more For further information on the SFS and how it could help your council to collect unpaid debt visit the SFS website or contact the Money Advice Service

4 Put in place a formal policy covering residents in vulnerable circumstances

Nearly half of councils (44%) have not yet put in place a formal vulnerability policy

We recommend that all local authorities should introduce a formal vulnerability policy, and make this policy public. This policy should include identifying vulnerable households and amending the collections process appropriately – including not passing anyone on for enforcement who has been assessed as in vulnerable circumstances. There should be a clear mechanism to refer cases back to the local authority where enforcement action is not appropriate. We also recommend that councils should consider training for revenues and other relevant officers on working with residents in vulnerable circumstances.

Find out more For further information see the Money Advice Trust's work helping organisations to identify and support people in vulnerable circumstances in their collections processes

5 Exempt Council Tax Support (CTS) recipients from bailiff action (England only)

23 councils in England are leading the way by exempting Council Tax Support recipients from bailiff action

For authorities in England, we recommend exempting recipients of Council Tax Support, who have already been identified as requiring additional support through locally-determined criteria, from bailiff action altogether. The London Borough of Lambeth introduced an exemption from bailiff action for Council Tax Support recipients in 2015/16. A 2016 report from the Child Poverty Action Group and Z2K found that Lambeth's collection rate for Council Tax Support claimants actually increased from approximately 80% in 2014/15 to 93% in 2015/16, taking Lambeth from one of the lowest collection rates to one of the highest.

Find out more For more information about approaches to Council Tax Support recipients, including good practice developed in Lambeth in CPAG and Z2K's report.

6 Sign the Council Tax Protocol and examine the Money Advice Service toolkit for working with debt advice agencies

50 councils have signed the Council Tax Protocol so far, which provides practical steps to prevent people getting into arrears in the first place.

Finally, we recommend that all local authorities should sign up to the revised Citizens Advice/Local Government Association (LGA) Council Tax Protocol, agreed in June 2017. Many of the principles in the Protocol can be operationalised using the Money Advice Service's creditor toolkit, Working collaboratively with debt advice agencies, which provides guidance for revenues and other officers and also covers all debt types.

Find out more Review the revised Citizens Advice/LGA Council Tax Protocol so far. For more information about working with advice agencies see the Money Advice Service's toolkit.

All research findings taken from Stop The Knock 2017: Mapping local authority debt collection practices in England and Wales. For more information see www.stoptheknock.org

November 2017

Organisations that can help you

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

citizens advice 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

StepChange Debt Charity

Telephone: 0800 1381111
Web: www.stepchange.org

NATIONAL DEBTLINE

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

the Money Advice Service

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

penhamexcel
high court enforcement officers & enforcement agents

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

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

DEBT ADVICE

Don't bury your head in the sand.
Debts will not go away.

NHDC

We can help.

penhamexcel
high court enforcement officers & enforcement agents

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.

Ethical, Respectful & Sensitive Debt Recovery

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.

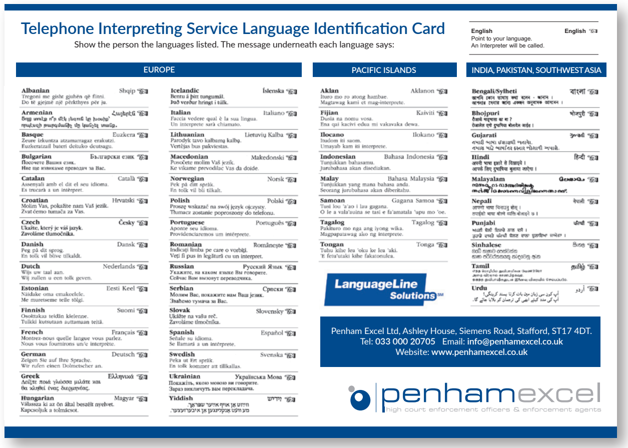
We pride ourselves on providing an ethical, respective and sensitive debt recovery service to our clients so please talk to us and we will hopefully be able to help you repay your debt with minimum costs.

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.



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

penhamexcel
high court enforcement officers & enforcement agents

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:

Community care services because of mental or physical disability, age or illness.

Is unable to take care of himself or herself; or

Is unable to protect themselves against significant harm or exploitation.

And potentially part of the following Groups:

Disabled

Elderly

Seriously ill

Mentally ill

Single parents

(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 all of 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
- Remove fees where applicable
- Advise the local advice agencies and client of the situation to gain help
- Provide a free of charge welfare visit to assist with understanding and provide support
- Ensure they are getting the correct support and financial benefits they should be
- Attending Citizens Advice and all advice sector meetings to work with them on the latest understanding of vulnerability and how to deal with it

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.

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Council Tax Protocol

Revised Collection of Council Tax Arrears Good Practice Protocol

Agreed by:

Citizens Advice, June 2017

Local Government Association, June 2017

Council Tax Protocol

We agree to adopt this protocol in .... as our public commitment to its principles of fairness, partnership working and transparency in local authority debt collection:

Signature

...

Local authority representative

Signature

...

Local Citizens Advice / advice agency representative

Signature

...

Enforcement agency representative

(*where relevant*)[1]

Signature

...

External contractor representative

(*where relevant*)[1]

Date:

[1] Enforcement agents and external contactors may sign this protocol if they and the authority agree that it is appropriate.

Council Tax Protocol

Revised collection of council tax arrears good practice protocol

Council tax payers receive a better level of service when local authorities[2], enforcement agencies and debt advice agencies work closely together. Early intervention and proactive contact with people struggling with bill payments can help prevent them incurring further charges and help alleviate stress. It can also potentially help reduce both collection costs and calls on local public services, particularly mental health services.

This good practice protocol makes a number of suggestions on how local partnerships can be strengthened and residents better supported. Developed through partnership work between the national bodies representing advice agencies, local government and enforcement agencies throughout England and Wales, it builds upon the previous protocol, which government recommended local authorities adopt in their 2013 guidance. The protocol reflects best practice at local level and is intended to facilitate regular liaison on practices and policy concerning council tax debt collection. In setting down clear procedures and keeping them regularly under review, all parties can ensure that cases of arrears are dealt with appropriately whilst complaints are handled efficiently.

By signing the protocol and adopting the practices set out below, local authorities, enforcement agencies and advice agencies can help taxpayers pay their council tax bills while accessing debt advice when needed.

[2] Where we use the term 'local authorities', this should also be read to cover a local authority's external contractors, where the local authority has contracted out the administration of some or all of its council tax collection process.

Partnership

To foster more effective partnership working:

1. Local authorities, enforcement agencies and advice agencies should meet regularly to discuss practical and policy issues with a recommendation to meet quarterly at officer level and annually with elected members.
2. All parties should have dedicated contacts accessible on direct lines and electronically so that issues can be taken up quickly.
3. All parties should promote mutual understanding by providing training workshops, undertaking exchange visits and sharing good practice.
4. As local authorities are responsible for the overall collections process, they should ensure all their staff, external contractors and enforcement agencies receive the appropriate training, particularly on vulnerability and hardship.
5. Advice agencies, enforcement agencies and local authorities should work together to develop a fair collection and enforcement policy, highlighting examples of vulnerable people or those who find themselves in vulnerable situations, and specifying clear procedures in dealing with them. Contractual arrangements with enforcement agents should specify procedures for the local authority to take back cases involving vulnerable people.
6. Local authorities should consider informal complaints as debtors may be afraid to complain formally where enforcement agent activity is ongoing. Informal complaints received from advice agencies can indicate problems worthy of further investigation both locally by the local authority and by referral to national bodies.

Information

To improve the information supplied to council tax payers about the billing process, how to get support and debt advice and to promote engagement:

1. All parties should work together to produce letters that clearly and consistently explain how council tax bills have been calculated (including any Council Tax Support award). Council tax bills should make clear council tax is a priority debt and explain the consequences of not making payment by the date specified. As far as possible within the constraints of systems, where a taxpayer has council tax arrears, the letters should explain how the debt has been accumulated and over which time period, the layout and language of bills and letters should be easy to understand, with any letters including a contact phone number and email address. All information should also be made available online in a clear format.

2. Local authorities should consider reviewing payment arrangements and offer more flexible options, including, subject to practicality, different payment dates within the month, spreading payments over 12 months and, potentially, different payment amounts to assist those on fluctuating incomes. This can allow people to budget more effectively.

3. Local authorities and enforcement agents should publicise local and national debt advice contact details on literature and notices. Advice agencies can help by promoting the need for debtors to contact their local authority promptly in order to agree payment plans. Parties can work together to ensure the tone of letters is not intimidating but encouraging of engagement.

4. Local authorities should ensure that enforcement agencies have appropriate information about the council tax debts they are recovering, so they can put this in letters they send to debtors and answer any questions.

5. Local authorities should consider providing literature about concerns council tax debtors may have about enforcement agents and enforcement. Information could cover charges enforcement agencies are allowed to make by law, how to complain about enforcement agent behaviour or check enforcement agent certification and further help available from the local authority or advice agencies.

6. All parties should work together to review and promote better engagement by council taxpayers. This should include information on how bills can be reduced through reliefs, exemptions and council tax support schemes, advising taxpayers that they should contact the local authority if they experience financial hardship and the consequences of allowing priority debts to accumulate. Information and budgeting tools should be made available on local authority and advice agency websites, via social media and at offices of relevant agencies. This is an opportunity for joint campaign work.

Recovery

If a council tax bill is not paid, then the local authority's recovery process comes into play. While local authorities strive to make early contact with a debtor, the first point of engagement by a debtor often only occurs when an enforcement agent visits the premises. Greater effort should be made at or before the Tribunal Courts and Enforcement Act's compliance stage, including debt and money advice referrals and to assess whether vulnerability or hardship applies, so as to avoid escalating a debt. Therefore:

1. Local authorities and enforcement agencies should work in partnership with advice agencies on the content, language and layout of all documents, produced by the local authority and agents acting on its behalf which are part of the enforcement process. This should aim to ensure that the rights and responsibilities of all parties, particularly those of the debtor, are clearly set out.

2. Enforcement agents should provide the debtor with a contact number and email address should they wish to speak to the local authority.

3. Local authorities should keep all charges associated with recovery under regular review to ensure they are reasonable and as clear and transparent as possible and reflect actual costs incurred. Enforcement agents should only make charges in accordance with council tax collection and enforcement regulations, particularly the Tribunal Courts and Enforcement Act.

4. Local authorities should periodically review their corporate policy on debt and recovery, particularly what level of debt (inclusive of liability order fees) should have accrued before enforcement agent action, as enforcement will add additional costs to a debt.

5. As part of their corporate policy on debt and recovery, local authorities should have a process for dealing with cases that are identified as vulnerable, bearing in mind that different local authorities may have different definitions of a vulnerable person or household. Any local definition of vulnerability should be developed in consultation with advice agencies and enforcement agencies and, wherever possible, the local authority should aim to publish clear guidelines on what constitutes vulnerability locally. Where a local authority's vulnerability criteria apply, In these cases, debts should be considered carefully before being passed to enforcement agencies. Where enforcement agents or other parties identify a vulnerable household, recovery action will be referred to the local authority.

6. Local authorities should regularly review and publish their policies which cover hardship, including how these relate to council tax arrears.

7. Where a household is in receipt of Council Tax Support, the local authority should consider matters carefully and determine whether to pass such cases to enforcement agents, based on the individual circumstances of the case.

8. The debtor may have outstanding claims for Universal Credit, Council Tax Support or other benefit(s) which are contributing to their arrears. Local authorities can suspend recovery once it is established that a legitimate and relevant claim is pending.

9. Local authorities and their enforcement agents should consider offering a 28 days hold or "breathing space" on enforcement action if debtors are seeking debt advice from an accredited advice provider.

10. Procedures should exist for debt advisers to negotiate payments on behalf of the taxpayer at any point in the process, including when the debt has been passed to the enforcement agent. In some cases, the debtor may only contact an advice agency following a visit from the enforcement agent.

11. Local authorities and enforcement agents should consider accepting and using the Standard Financial Statement (SFS) or Common Financial Statement in assessing ability to pay as long as this is consistent with securing value for money for all council tax payers.

12. Each case should be examined on its merits and repayment arrangements need to be affordable and sustainable, while ensuring that the debt is paid off within a reasonable period. Where appropriate, local authorities should provide the flexibility to spread repayments over more than a year, including beyond the end of a financial year.

13. Local authorities should prioritise direct deduction from benefits or attachment of earnings in preference to using enforcement agents. This avoids extra debts being incurred by people who may already have substantial liabilities.

14. Clarity should be provided to the debtor and enforcement agency as to which debts are being paid off, in what amounts and when, especially where a debtor has multiple liability orders. Where appropriate, debts should be consolidated before being sent to enforcement agents.

15. Local authorities should publish a clear procedure for people to report complaints about all stages of recovery action. Local authorities will regularly monitor and, subject to requirements of commercial confidentiality and the Data Protection Act, publish the performance (including complaints) of those recovering debts on their behalf and ensure that contractual and legal arrangements are met.

Free, confidential advice.
Whoever you are.

We help people overcome their problems and campaign on big issues when their voices need to be heard.

We value diversity, champion equality, and challenge discrimination and harassment.

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Published June 2017

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Equality Guidance – Equalities Act 2010

BACKGROUND INFORMATION

What is the legal requirement?

The Equality Act 2010 was implemented on October 1st 2010. The Act creates a new Public Sector Equality Duty. This means there is a General duty that local authorities must meet and specific duties which are designed to help meet them.

NHDC, as a public authority must, in the exercise of its functions, give **due regard** to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.

2. Advance equality of opportunity between people who share a protected characteristic(*these are identified in the 'specific duty' paragraph below*) and those who do not (this can mean removing or minimising disadvantage; meeting people's needs; taking account of disabilities; encouraging participation in public life).

3. Foster good relations between those people who share a protected characteristic and those who do not (such as tackling prejudice and promoting understanding).

To show **due regard** for advancing equalities involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics.
Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Specific Duty:

The Specific Duty which underpins the General Duty includes assessing local authority activities in the exercise of their functions, such as proposals, policies and procedures, for impact on people in relation to the protected characteristics listed below.

The new Specific Duty covers the following eight protected characteristics:

Age	Race
Disability	Religion or belief
Gender reassignment	Sex
Pregnancy and Maternity	Sexual orientation

(The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships is in relation to employment issues only),

A public authority that is covered by the specific duties is required to publish sufficient information to demonstrate its compliance with the general equality duty across its functions. This must be done by **31st July 2012** and at least annually after that, from the first date of publication.

This information must include:

Information on the effect that its policies and practices have had on people who share a relevant protected characteristic.

What is Equality Analysis?

Equality analysis is a way of considering the effect of an organisation's services on different groups that are protected from discrimination by the Equality Act. By doing this analysis, NHDC need to consider if there are any unintended consequences for some groups and to consider if the policy/decision will be fully effective for all target groups.

By law, NHDC must conduct equality analysis which:

- Contains sufficient information to enable a public authority to show it has given due regard to the equality duty in its decision making.
- Identifies methods for mitigating or avoiding adverse impact (either disproportionate disadvantage and unlawful discrimination).

Failure to meet the duties may result in authorities being exposed to legal challenges.

Step by Step guide to undertaking Equality Analysis

These principles apply to existing as well as new and proposed policies.
In order to be most effective, equality analysis should start prior to policy development or at the early stages of a policy review, considering its possible effects well in advance of implementation.

Outlined below is a suggested staged approach;.

Identifying who is responsible for the equality analysis **Establishing relevance to equality** **Scoping your equality analysis** **Analysing your equality information** **Monitoring and review** **Decision-making and publication**

1.0 Identifying who is responsible for the equality analysis

The person identified to undertake the equality analysis should be the person with whom responsibility for evidencing need to change a policy or service decision rests, in this respect it is advisable that analysis should only be taken by council officers in their relevant policy/service areas. This will ensure that proper ownership of the analysis is maintained, that there is sufficient knowledge of the service itself, and any results of the analysis inform future service development and improvement

2.0 Establishing relevance to equality

The Equality Act 2010 guidance states that all policies must be analysed for their impact on equality, whether these are current and proposed policies or whether they are informal customs or practices. NHDC are responsible for making a wide range of decisions, including decisions about overarching policies and setting budgets, to day-to-day decisions, which affect specific individuals or specific groups. NHDC propose that the following areas are targeted for Equality Analysis:

- Key decisions - i.e. those over £50,000.00 value or which have a considerable potential impact on the community and across the 'protected characteristics'. (NB. Contractual arrangements, such as contracts for energy, will be exempt from review as whilst they are of sufficient monetary value , the 'equality' impact on the community is nil).
- Major budget implications - i.e. efficiencies and investments such as those proposed within the corporate business planning process
- Major service provision revision - i.e. restructure proposals, changes to working practices and especially those with greatest impact on external customers.

Relevant policies which may be subject to review may include:

grant-making programmes
budgetary decisions
changes to service delivery (including withdrawal or reduction of services)
and **recruitment** or **pay policies**

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary. There will be some policies which are not specifically relevant to equality e.g. a policy on when to check the temperature of fridges in a hospital. Some policies may be more difficult to judge and certainly, at the outset, advice should be sought from the corporate Policy team.

This is particularly important, as if you decide that a policy is not relevant to equality, you will need to document this decision along with the reasons and the information that you used to reach this conclusion. *This evidence is subject to review by the Equality and Human Rights Commission and could be used as evidence in any challenge regarding decisions this Council has made*

A simple statement of 'no relevance to equality' without any supporting information is not sufficient, nor is a statement that no information is available.

The following questions may help in deciding whether a policy is relevant to equality (this is not an exhaustive list but intended to provide a steer when making decisions, particularly in the early stages of implementation):

Does the policy affect service users, employees or the wider community, and therefore potentially have a significant effect in terms of equality? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
Is it a major policy change, significantly affecting how functions are delivered in terms of equality?
Will it have a significant effect on how other organisations operate in terms of equality? (for example, a government strategy, an inspection or a grant).
Does the policy relate to functions that previous engagement has identified as being important to particular 'protected' groups?
Does or could the policy affect different protected groups differently?
Does it relate to an area with known inequalities (for example, access to public transport for disabled people)?

3.0 Conducting your equality analysis

3.1 How do the aims of the policy relate to equality?

To do this you will need to have a clear understanding of the policy/decision that is being developed or reviewed. Consider:

What is the purpose of the policy/decision?
In what context will it operate?
Who is it intended to benefit?
What results are intended?

At this early stage you can consider the potential effects, both negative and positive, on protected groups.

3.2 What aspects are relevant to equality?

Consider which aspects of the policy are most relevant to equality. This will help you to focus your attention on the most important areas.

3.3 What equality information is available?

It is important that you have appropriate and reliable information about the different protected groups that the policy is likely to affect. Of course, this will vary according to the nature of the policy being analysed but information gathered from service users should tell you who is using your services, what their experiences are and what their outcomes are.

The following information may also be useful:

Comparisons with similar policies in other departments or other authorities
Analysis of enquiries, comments or complaints from the public
Recommendations from inspections or internal audits
Information about the local community, including Census and general demographics to establish the numbers of protected groups in your area.
Results of engagement activities or surveys

Information from protected groups and other agencies, such as equality organisations and voluntary or community organisations providing services to the public to help you understand the needs or experiences of different groups.

3.4 What are the information gaps?

If you do not have equality information about a particular policy or about some protected groups, consider whether you need to fill these information gaps by surveys or other engagement or stakeholder meetings. This may include, in the longer term, questions included in the District Wide or Citizens Panel surveys, for example, or by making use of community events to test agreement with a policy decision.

3.5 Which groups could usefully be engaged?

Depending on the policy that is being analysed, consider engaging with employees, service users and/or equality organisations. Recent engagement activities that have been undertaken for related policies or strategies may prove useful as a starting place. See the EHRC guide on *Engagement and the equality duty* for further guidance.

4.0 Analysing your equality information

Local authorities should ask one simple question when delivering services to the public:

What will happen, or not happen, if we do things a certain way?

Remember that equality analysis is not simply about identifying and removing negative effects or discrimination – it is also an opportunity to identify ways to advance equality of opportunity and to foster good relations.

4.1 Using your information to understand the effect on equality

Once you have gathered all the relevant equality information together, you will be able to make a judgement about what the likely effect of the policy will be on equality.

Be wary of general conclusions – it is not acceptable to simply conclude that a policy will universally benefit all service users, and therefore the protected groups will automatically benefit, without having evidence to support that in any conclusion.

Understanding the effect on equality will be easier for existing policies. For new policies, you will need to evaluate the proposal against all the information assembled and make a reasonable and informed judgement about whether the policy is likely to have positive or negative consequences for particular groups.

The following questions and answers provide a check to determine whether you consider that your analysis is robust enough to rely on:

- **Is the purpose of the policy change/new policy clearly set out?**

Robust analysis will set out the reasons for the change; how this change can impact on equality groups, as well as whom it is intended to benefit; and the intended outcome. You should also consider how policies might relate to one another. This is because a series of changes to different or interrelated policies or services could have a severe and consolidated impact on particular equality groups.

Has the analysis considered the available evidence?

The assessment should use the most up-to-date and reliable information about the different groups the proposal is likely to affect. A lack of data is not a sufficient reason to conclude that there is no impact.

• **Have those likely to be affected by the policy been consulted and involved?**

Involvement and consultation are crucial to the equality analysis process and this will certainly be the case for larger policy discussions/decisions, such as that relating to housing provision, town centre enhancements etc. when it would be more than justified to seek the views of those most directly affected, i.e. disabled people.

• **Have potential positive and negative impacts been identified?**

It is not enough to state simply that a policy will affect everyone equally – it is rare that it would! There should be consideration of available evidence to see if particular equality groups are more likely to be affected than others are. Equal treatment does not always produce equal outcomes; sometimes authorities will have to take specific steps for particular groups to address an existing disadvantage or to meet differing needs.

• **What course of action does the analysis suggest I take? Is it justifiable?**

Your analysis should clearly identify the potential equality impacts, the decisions that you have arrived at and the reasons for this decision. All must be documented and retained for subsequent review.

The following questions may be useful to understand the effect of the policy on service users:

- Could the policy outcomes differ between protected groups?
- What are the key findings of your engagement?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- If there is a greater effect on one group and is that consistent with the policy aims?
- Has the policy delivered practical benefits for protected groups?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

The findings of your analysis

Having reviewed potential users, and what you know of our local population etc, there are four main steps that you can take with regard to any proposal you are making:

No major change – The analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination or adverse impact.

Adjust the policy – This involves taking steps to remove barriers or to better promote equality. It can mean introducing measures to mitigate the potential effect.

Continue the policy – This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate.

Stop and remove the policy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy altogether. If a policy shows unlawful discrimination it *must* be removed or changed.

Documenting your analysis

Documenting your analysis is important to ensure that the general and specific duties are being met

You may want to document some or all of the following areas. There is no legal requirement to put this information into one document, but for ease of reference and in order to establish a corporate standard, we request that it is put into a standard format to improve communication and transparency. That information, collected on the template attached at the end of this report must contain the following;

The person responsible for the policy
The aims of the policy
The key people that are involved, for example decision-makers, staff implementing it
Relevance of the policy to the different arms of the duty and the different protected groups
What equality information is available, including any evidence from your engagement?
What information gaps exist?
What engagement has been done regarding this policy, and the results of this?
What the actual or likely effect of the policy is, regarding the aims of the general equality duty and the protected groups?
What steps you will take in response to the findings of your analysis?
How you will review the actual effect of the policy after implementation?
The timescale for implementation
Sign off of the equality analysis - by a responsible officer for the service and the Head of Policy, Partnerships and Community Development
As part of the internal governance arrangements, completed equality analysis will be quality checked by the Corporate Diversity Group. Part of the remit of this group is to monitor progress on the equality duty, including equality analysis.

A template has been provided to ensure that uniform information is collected at Annex A.

5. Monitoring and review

Equality analysis is an ongoing process that does not end once a policy has been agreed or implemented. Service provision need to change in line with the needs of the service users - demographics can change, leading to different needs, alternative provision can become available or new options to reduce an adverse effect could become apparent. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:
How you will measure the effects of the policy?
When the policy will be reviewed and what could trigger an early revision?
Who will be responsible for monitoring and review?
What type of information is needed for monitoring and how often it will be analysed?
How to engage stakeholders in implementation, monitoring and review?

6. Decision-making and publication
In order to have due regard to the equality aims in the general equality duty, your decision-making should be based on a clear understanding of the effects on equality. This means that the person who ultimately decides on the policy has to be fully aware of the findings and have due regard of them in making decisions.

Publication

Under the specific duties, equality information published by listed bodies must include evidence of analysis undertaken to establish whether their policies and practices would further or have furthered, the aims of the general equality duty. It is recommended that the Council should publish information on equality analysis alongside the policy or decision that it refers to; arrangements have been made to ensure that reference to equality analysis appears in all formal committee reports on the corporate template and that EIAs are filed alongside those reports to evidence equality compliance.

Glossary

What are the Protected Characteristics?

Age: A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). NB age is not currently protected under goods and services (this is unlikely until 2012). When considering disadvantage, take into account impacts on children and young people as well as adults, and cross-cutting impacts such as parents and carers (of younger, disabled and older people).

Disability: A person has a disability if s/he has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Carers are covered by association.

Gender reassignment: A person who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male).

Pregnancy and maternity: Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.

Race: A person's colour, nationality, ethnic or national origin.

Religion and belief: Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex: A man or a woman.

Sexual orientation: A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). NB does not currently apply to the General Duty.

Marriage and civil partnership: Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Equality Analysis Template

1. Name of activity:	**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	☐	☐	**Negative** **Positive**
A person living with a disability	☐	☐	x	**Negative** **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	x	☐	☐	**Negative** **Positive**

A person of a gay, lesbian or bisexual sexual orientation	x	☐	☐	**Negative** **Positive**
A person of a particular sex, male or female, including issues around pregnancy and maternity	☐	☐	x	**Negative** **Positive** A person who is pregnant or has responsibility for young children will be considered as vulnerable if they have limited means and will be referred for additional assistance
A person of a particular religion or belief	x	☐	☐	**Negative** **Positive**
A person of a particular age	x	☐	☐	**Negative** **Positive**
Transgender	x	☐	☐	**Negative** **Positive**

5 Results

	Yes	No	
Were positive impacts identified?	x	☐	
Are some people benefiting more than others? If so explain who and why.	☐	☐	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)	☐	x	

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 activity		
List all actions identified to address/mitigate negative impact or promote positively		
Action	Responsible person	Completion due date
When, how and by whom will these actions be monitored?		

7. Signatures	
Assessor	
Name: **Geraldine Goodwin**	Signature** G Goodwin
Validated by	
Name: **Howard Crompton**	Signature** H Crompton
Forward to the Corporate Policy Team	
Signature** Reuben Ayavoo	
Assessment date: **07/01/2020**	Review date: 07/01/2021

** **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.

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Full budget

STANDARD FINANCIAL STATEMENT

Agency information

This section will be completed by a money adviser or agency if you are using one.

Agency name:

Agency address:

Agency contact:

Agency membership code number:

Case reference number:

Date of statement:

Date of review:

Debt admin fee: £

Introduction

It is important to complete the **full budget** as accurately as possible because it will help you see:

- what money you have coming in;
- what money you need to pay your essential bills; and
- what money you have left over to pay your debts.

Monthly budget

The budget asks for monthly figures. If any of your income or outgoings are paid weekly, fortnightly or four-weekly, you will need to change them to monthly figures. Making sure that all your figures are monthly will help you to create an accurate budget.

Use these instructions to change your figures to monthly.

You may find it helpful to do your calculations on a separate sheet of paper, or photocopy the budget so you can complete a first draft. This will give you the opportunity to look over your figures and check that you have covered all of your income and outgoings.

Instructions

To change weekly to monthly figures
Weekly figure x 52 (weeks) divided by 12 (months)

To change fortnightly to monthly figures
Fortnightly figure x 26 (payments) divided by 12 (months)

To change four-weekly to monthly figures
Four-weekly x 13 (payments) divided by 12 (months)

Get advice

Useful tips are included in some sections of the budget to help you complete it. If you need extra help or want to discuss your situation, get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator. Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Notes

A **Notes** section is included at the end of each section of the budget. Use this to explain spending or circumstances that are not covered by the budget.

If you have a money adviser, you can also use this space to list any questions that you want to discuss with them.

Declaration - I declare the following information to be an accurate record of my financial situation.

Signature:	Date:

If you need extra help or want to discuss your situation, get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Your personal and household details

Type of budget ☐ Sole budget ☐ Joint budget

You will need to decide who you are going to include in your budget. If you live with a partner and are dealing with your debts together, you would usually complete a **joint** budget. If you are unsure whether to do a **sole** or **joint** budget, get further advice.

Your name:

Your date of birth:

Partner's name:
Fill in this section if you are doing a **joint** budget.

Partner's date of birth:
Fill in this section if you are doing a **joint** budget.

Your address:

Your employment

- ☐ Full-time
- ☐ Part-time
- ☐ Unemployed
- ☐ Not working due to illness/disability
- ☐ Self-employed
- ☐ Retired
- ☐ Carer
- ☐ Student
- ☐ Other

Tick all boxes that apply to you.

Partner's employment

- ☐ Full-time
- ☐ Part-time
- ☐ Unemployed
- ☐ Not working due to illness/disability
- ☐ Self-employed
- ☐ Retired
- ☐ Carer
- ☐ Student
- ☐ Other

If you are completing a **joint** budget, tick all boxes that apply to your partner.

Your accommodation

☐ Owner ☐ Mortgage ☐ Tenant - private ☐ Tenant - social ☐ Living with parents ☐ Other

Number of dependent children ☐ Under 16 ☐ Aged 16-18

A dependent child lives with you and is either pre-school or in full-time education. If any children live with you for part of the week, explain this in the **Notes** section and say whether you have included them in the total number of dependent children.

Number of other dependants ☐

This is someone who is not a child but who is financially dependent on you. For example, an adult who is out of work and is not entitled to claim any benefits.

Number of non-dependants ☐

Non-dependants are adults who live with you but who can support themselves financially. For example, a grown-up child who is working or a lodger who pays to rent a room.

Total number in household ☐

This includes everyone in the household: you, your partner, any dependent children, other dependants and non-dependants.

Number of vehicles in the household ☐

Include the total number of vehicles you and members of your household use. Don't forget to include vehicles that you pay for through a hire or hire-purchase agreement. If you need more than one vehicle, explain why in the **Notes** section.

Assets

☐ Confirm that you have considered the use of any assets to make lump-sum payments to your debts.

Assets are things like savings or the value of property, such as your home or car. Creditors will not usually expect you to sell these to pay off your debts, but it is a good idea to show that you have at least considered whether this is an option. Tick the box to show creditors that you have considered this.

If you need extra help or want to discuss your situation, get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Notes

Add any information that you want your creditors to be aware of about **Your personal and household details**.

Your monthly income

Include all types of income coming into your household. If you live with your partner and you are not dealing with your debts together, get advice about completing this section. If any of your income is paid weekly, fortnightly or four-weekly, you will need to change the figures to monthly. The Instructions on page 1 show you how to do this.

Earnings

Include normal take-home pay. This means your wages and salary **after deductions for tax, National Insurance, pension contributions and anything else taken from your wages**. Only include overtime payments if you receive these on a regular basis. If you (or your partner if you are doing a **joint** budget) are having money deducted from your wages to pay a debt, **get advice** about completing this section.

	£ Monthly amount
Your salary or wages (take-home pay)	
Your partner's salary or wages (take-home pay)	
Other earnings (including self-employment) If you are self-employed, include the income that you take from your business. This should be based on what the business can afford to pay you after you have put aside your ongoing tax and National Insurance contributions. Business Debtline has a business budget tool that can help you calculate this. Go to **www.businessdebtline.org** or call **0800 197 6026** for advice.	
Total monthly salary and wages	£ Box 1

Benefits and tax credits

If you (or your partner if you are doing a **joint** budget) are having money deducted from your benefits to pay a debt, such as rent or council tax arrears, **get advice** about completing this section.

	£ Monthly amount
Universal Credit	
Jobseeker's Allowance (income-based)	
Jobseeker's Allowance (contribution-based)	
Income Support	
Working Tax Credit	
Child Tax Credit	

If you need extra help or want to discuss your situation get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Child Benefit

Employment and Support Allowance or Statutory Sick Pay
If you get Incapacity Benefit include it here.

Disability benefits
Include Disability Living Allowance (DLA), Attendance Allowance (AA) and Personal Independence Payment (PIP) here. Make sure you include any related costs under the **Adult care costs** and **Transport and travel** sections later on.

Carer's Allowance

Housing Benefit/Local Housing Allowance
Include your Housing Benefit/Local Housing Allowance as income here. Put your full rent amount in the **Your monthly outgoings - fixed costs** later on.

Council Tax Support or help with your rates in Northern Ireland

Other benefits and tax credits (such as maternity benefits)
Add any other benefits that you get here and include details in the **Notes** section.

Total monthly benefits and tax credits £ Box 2

Pensions

£ Monthly amount

State Pension

Private or work pensions

Pension Credit
There are two parts to Pension Credit: Guaranteed Credit and Savings Credit. You may get one or both of these credits.

Other pension income
Add any other pensions that you get here and include details in the **Notes** section.

Total monthly pensions £ Box 3

Other types of income

£ Monthly amount

Maintenance or child support

Borders or lodgers

Non-dependants' contributions
Include contributions from other adults who live with you and can support themselves financially, such as grown-up children and elderly relatives. Check that they are paying enough towards the household expenses and remember to include any extra housekeeping costs for them later on.

Student loans and grants

Other income
Add any other income that you get here, such as regular payments from an insurance policy because of illness or disability, and include details in the **Notes** section.

Total monthly other types of income £ Box 4

Total of ALL monthly income = Boxes 1 + 2 + 3 + 4 £ Box 5

If you need extra help or want to discuss your situation, get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Notes

Add any information that you want your creditors to be aware of about **Your monthly income**.

Your monthly outgoings - fixed costs

Include all your outgoings. If you live with a partner and you are not dealing with your debts together, get advice before completing this section. Do NOT include any arrears or missed payments in this section. You will be asked to include them in later sections.

£ Monthly amount

Rent

Show your full rent payment here. Include any Housing Benefit or Local Housing Allowance you receive in the earlier **Your monthly income** section.

£ Box 6

Mortgage

Include your full mortgage payments here. If you have Support for Mortgage Interest paid directly to your mortgage lender, only include what is left for you to pay on your mortgage.

£ Box 7

Other secured loans

Check all your loan agreements to see if they are 'unsecured' or 'secured' on your home. If they are secured loans, treat them as fixed outgoings because lenders can ask the court for possession of your home if you do not pay your monthly instalments.

£ Box 8

Council tax/rates in Northern Ireland

If you live in Scotland, unless you have a water meter, your council tax will also include your water charges.

£ Box 9

Other home and contents

£ Monthly amount

Ground rent and service charges (factor fees if you live in Scotland)

Mortgage endowment

If you have an interest-only mortgage, you may also pay towards a mortgage endowment policy. The policy pays off some, or all, of the money that would still be owed when your mortgage ends.

Appliance and furniture rental

Include payments for any goods that you rent, or have bought on hire purchase or conditional sale. This may be for domestic appliances or furniture. Do not include payments for a vehicle as they are included in the **Transport and travel** section later on.

TV licence

Total monthly other home and contents costs £ Box 10

If you need extra help or want to discuss your situation get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

£ Monthly amount

Gas

If you are on a regular payment plan for your gas, include the usual amount you are paying. If not, work out an average of your monthly costs.

£ Box 11

Electricity

If you are on a regular payment plan for your electricity, include the usual amount you are paying. If not, work out an average of your monthly costs.

£ Box 12

Other utility costs (such as coal, oil, calor gas)

Do not include costs for phones, internet or TV packages in this section. These are included in **Communications and leisure** later on.

£ Box 13

Water

Depending on where you live, you may receive separate bills for your water supply and water waste. If you live in Scotland, unless you have a water meter, your water bill will be included in your council tax.

	£ Monthly amount
Water supply	
Water waste (sewerage)	
Other water costs	

Total monthly water costs £ Box 14

Care and health costs

	£ Monthly amount
Childcare costs This might include fees for a childminder or nursery. Do not add the cost of after-school clubs here as they are listed under the **School costs** section later on. If you have extra costs because your child is ill or disabled, put them here.	
Adult care costs Include any extra costs you have if you, or your partner, are ill or disabled.	
Child maintenance or child support This is maintenance that you, or your partner, pay to someone else. Include voluntary payments, any payments ordered by the court, the Child Support Agency (CSA) or the Child Maintenance Service (CMS).	
Prescriptions and medicine	
Dentistry and opticians Don't forget the cost of dental treatment, glasses and sight tests for the whole household.	
Other care and health costs	

Total monthly care and health costs £ Box 15

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Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Transport and travel

	£ Monthly amount
Public transport (for work, school and shopping)	
Hire-purchase or conditional-sale vehicle Include payments for any vehicle you are buying on hire purchase, personal contract purchase or conditional sale, as well as any vehicles that you hire on a regular basis.	
Car insurance	
Road tax	
MOT and ongoing maintenance	
Breakdown cover	
Fuel, parking and toll road charges	
Other transport and travel costs (including taxis) You may have other vehicle costs that you have not listed, such as for taxis, lifts from friends and family, bicycles or motorcycles. You could have extra costs because of a disability or living in a rural area. Explain this in the **Notes** section.	
Total monthly transport and travel costs	£ Box 16

School costs

	£ Monthly amount
School uniform	
After-school clubs and school trips	
Other school costs If you have other school costs not already listed, include them here. Do not add the cost of school meals as these are listed under the **Food and housekeeping** section later on.	
Total monthly school costs	£ Box 17

Pensions and insurances

	£ Monthly amount
Pension payments Only include what you actually pay into your pension yourself. Do not include any payments that have already been taken out of your wages by your employer.	
Life insurance	
Mortgage payment protection insurance This covers your mortgage repayments for a fixed time if you are sick, had an accident or have been made redundant.	
Buildings and contents insurance	
Health insurance (medical, accident or dental)	
Other pension and insurance costs	
Total monthly pensions and insurance costs	£ Box 18

If you need extra help or want to discuss your situation get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Professional costs

£ Monthly amount

Professional courses
These are payments for courses that you must attend to keep your job or profession.

Union fees

Professional fees

Other professional costs
Include any other compulsory payments you have to make in your job or profession.

Total monthly professional costs £ Box 19

Other essential costs

£ Monthly amount

Magistrates' court or sheriff court fines
Add details here, if you, or your partner, have been ordered to pay a magistrates' court or sheriff court fine by instalments and have not missed a payment. If payments are being taken from a salary or benefits, **get advice**.

Other essential costs

Total monthly other essential costs £ Box 20

Total monthly outgoings - fixed costs = Boxes 6 + 7 + 8 + 9 + 10 + 11 + 12 + 13 + 14 + 15 + 16 + 17 + 18 + 19 + 20 £ Box 21

Notes

Add any information that you want your creditors to be aware of about **Your monthly outgoings - fixed costs**.

Your monthly outgoings - flexible costs

Include all your outgoings. If you live with a partner and you are not dealing with your debts together, get advice before completing this section. Do NOT include any arrears or missed payments in this section. You will be asked to include them in later sections.

Communications and leisure

	£ Monthly amount
Home phone, internet, TV package (including film subscriptions)	
Mobile phone Include all the mobile phone costs you have to pay for in the household.	
Hobbies, leisure or sport (such as socialising, eating out, outings, clubs and leisure courses)	
Gifts (such as birthdays, festivals, charity donations)	
Pocket money	
Newspapers, magazines, stationery and postage	
Other communication and leisure costs Add details of any other costs in the **Notes** section.	
Total monthly communication and leisure costs	£ Box 22

Food and housekeeping

	£ Monthly amount
Groceries (including food, pet food, non-alcoholic drinks and cleaning products)	
Nappies and baby items	
School meals and meals at work	
Laundry and dry cleaning	
Alcohol If you need to cut back on your spending, this is an area that you might look at.	
Smoking products If you need to cut back on your spending, this is an area that you might look at.	
Vet bills and pet insurance	
House repairs and maintenance Include routine house repairs, repairs to washing machines, maintenance contracts and so on.	
Other food and housekeeping costs Add details of any other costs in the **Notes** section.	
Total monthly food and housekeeping costs	£ Box 23

Personal costs

£ Monthly amount

Clothing and footwear
The amount you spend will depend on your circumstances. Include any costs for school uniforms in the earlier **School costs** section.

Hairdressing

Toiletries

Other personal costs
Add details of any other costs in the **Notes** section.

Total of monthly personal costs £ Box 24

Total monthly outgoings - flexible costs = Boxes 22 + 23 + 24 £ Box 25

Notes
Add any information that you want your creditors to be aware of about **Your monthly outgoings - flexible costs**.

Your savings

You can include an amount towards savings in your budget. It is important to consider doing this as it could help you to deal with unexpected expenses, or save for larger value items.

☐ Tick to confirm that you have considered saving an amount each month.

£ Monthly amount

Savings amount
You can include an amount towards savings in your budget. This can be 10% or less of the money you have left over after paying your essential monthly outgoings (see Box 29) up to a maximum of £20 a month. For example, if you have £100 a month available you can save £10 a month. If you have £250 a month available you can save £20 a month. Use the **Your overview** section below to see what money you have left over after paying your essential monthly outgoings. You need to know this before you can decide how much to save.

Total monthly savings £ Box 26

If you need extra help or want to discuss your situation, get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Your overview

Total of ALL monthly income = Box 5 | £ Box 27

Total of ALL monthly outgoings = Boxes 21 + 25 | £ Box 28

Amount left over after essential monthly outgoings have been paid = Box 27 - 28 | £ Box 29

Savings amount = Box 26 | £ Box 30

Debt admin fee (if applicable) | £ Box 31

Only include an amount if you are using an agency and they have included a debt admin fee in the **Agency information** section at the start of the budget. **If you are paying a debt admin fee, get advice as you may be able to get a similar service for free**.

Amount left over for your creditors = Box 29 - 30 - 31 | £ Box 32

If you have nothing left over to pay your creditors, or your outgoings are more than your income, **get advice**. You will still have options.

Notes

Add any information that you want your ceditors to be aware of about **Your overview**.

If you need extra help or want to discuss your situation get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Your debts

You now need to list all your debts and sort them into priority and non-priority debts. If you live with a partner and you are dealing with your debts together, also include your partner's debts. Remember to include any joint debts that you have taken out with someone else, even if you do not live with them. You should record the full amount owed for a joint debt. Do not split the balance.

Priority debts

It is important to deal with your priority debts first because these creditors have more power to get their money back. This means that you may risk losing a possession, such as your home or car, or an important service, such as your gas and electricity supply. In some cases you could be sent to prison, but this is rare. See the **Priority debts table** at the end of the budget for details of the most common priority debts. If you have already agreed a repayment amount with your priority creditor, enter this in the **Agreed monthly payment (if applicable)** box. **If you are unsure whether a debt is a priority**, **or finding it difficult to come to an affordable arrangement with a creditor, get advice**.

Priority creditor	£ Amount owed	£ Agreed monthly payment (if applicable)
Example, Birmingham City Council - council tax	*400*	*35*

Total payments to **priority** debts £ Box 33

If you need more space to add debts, you can do this on a separate sheet of paper.

If you need extra help or want to discuss your situation, get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Non-priority debts

Non-priority debts are dealt with last because these creditors have less power to make you pay. Your possessions and essential services are not directly at risk. Examples of non-priority debts include: unsecured loans, credit cards and overdrafts, catalogues and doorstep loans. Water is also a non-priority debt, unless you live in Scotland and it is being collected with your council tax. **If you are unsure whether a debt is a non-priority, get advice**.

If you have a county court judgment or decree and are behind with payments, **get advice**. In Northern Ireland county court judgments are collected by the Enforcement of Judgments Office.

If you have already agreed a repayment amount with your non-priority creditor, enter this in the **Agreed monthly payment (if applicable)** box.

Non-priority creditor	Tick if you have a county court judgment or decree	£ Amount owed	£ Agreed monthly payment (if applicable)
Example, ABC - credit card		*1,500*	*10*

Total amount owed to **non-priority** debts £ Box 34

Total payments to **non-priority** debts £ Box 35

If you need more space to add debts, you can do this on a separate sheet of paper.

If you need extra help or want to discuss your situation, get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

Notes

Add any information that you want your creditors to be aware of about **Your debts**.

Priority debts table

Type of debt	Some of the possible actions that creditors could take if you are behind with payments
Mortgage arrears	Repossess your home.
Secured loan and secured overdraft arrears	Repossess your home.
Rent arrears	Evict you from your home.
Council tax arrears (in Scotland this includes any water charges collected with the council tax bill)	Use bailiffs (also known as enforcement agents) or a sheriff officer, or make deductions from your wages or benefits. In England and Wales, imprisonment is sometimes also possible.
Rates arrears (Northern Ireland only)	Petition for your bankruptcy.
Gas or electricity arrears	Cut off your supply.
Magistrates' court fine arrears	Use of bailiffs (also known as enforcement agents), a deduction from your wages or benefits, clamping your vehicle or imprisonment.
Sheriff court fine arrears (Scotland only)	Deductions from some benefits or wages, freezing your bank account, a supervised attendance order, taking your vehicle or imprisonment.
Child maintenance arrears (this will depend on how and by whom your child maintenance was arranged)	Possible action could include the use of bailiffs (also known as enforcement agents), a deduction from your wages or benefits, a deduction from your bank account or court action. In some cases, your driving licence could be taken away or you could be sent to prison.
Benefit overpayments	Deductions from most types of benefits or from your wages and court action.
Tax credit overpayments	Deductions from your wages, ongoing tax credit or Universal Credit awards, through your tax payments or court action. In England and Wales, deductions can also be made directly from your bank account in some cases.
Income tax, National Insurance and VAT arrears	Use of bailiffs (also known as enforcement agents) or bankruptcy. In England and Wales, deductions can also be made directly from your bank account in some cases.
Hire-purchase or conditional-sale arrears	Repossess the goods or get a court order to make you hand them back.
TV licence arrears	Magistrates' court fine or sheriff court fine (see above sections for information about what this can mean).

Please note that bailiffs (also known as enforcement agents) cannot collect debts in Northern Ireland.

If you need extra help or want to discuss your situation get advice from a money adviser. To find a **free** money adviser, use the Money Advice Service's Debt Advice Locator.
Go to **www.moneyadviceservice.org.uk/debt-advice-locator** or call **0800 138 7777**.

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RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE: AS AT 08 JANUARY 2020

COMMITTEE RESOLUTIONS

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
	Recycling and Waste		
Jul 18 Min 28 (3)	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. The SIAS Review was sent to Members of the Committee on 6 September 2019. It was agreed that the T&F Group would take place upon completion of the current T&F Group	In progress
Sept 18 Min 37 (4)	(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 has been received and sent to Members of the Committee on 6 September 2019. The T&F Group will be undertaken once the Panels have been selected	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 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	(2) To be included within the Task & Finish Scope, see Jul 18 Min 28 (3).	In progress

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
	service worked well and those where the service was poor. (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.	 **Complete**
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.	The Committee, Member and Scrutiny Officer has contacted Group Leaders asking for Panels Members and Chairs for the 2 proposed T&F Groups	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.	The SIAS Report was circulated to Members on 6 September 2019, Draft scopes for the Task and Finish Groups on the Waste Contract will be drawn up and sent to the Chairs of the Task and Finish Groups and the Chair of this Committee for approval.	In progress
Mar 19 Min 13 (3)	That the Service Manager- Waste be requested to send details of the waste collection routes to all Members of the Committee.	The Service Manager Waste has advised that: Currently he can supply a list of roads with rounds and collection days – He has requested that Urbaser begin to look at producing maps of routes however, there are over 80 of these which cross various wards and areas so these cannot be produced quickly. He asked whether the list of road, rounds and collection days was sufficient at this point.	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 has been received and circulated to Members of the Committee on 6 September 2019	**Complete**
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;	The Service Manager Waste has advised that: Currently he can supply a list of roads with rounds and collection days – He has requested that Urbaser begin to look at producing maps of routes however, there are over 80 of these which cross various wards and areas so these	In progress

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
		cannot be produced quickly. He asked whether the list of road, rounds and collection days was sufficient at this point.	
July 19 Min 16 (2 & 3)	(2) That the Service Director – Place be urgently requested to provide maps for the waste collection routes, or a suitable link that enables access to them and that this be circulated to all Members within the next 4 weeks; (3) That, if resolution (1) above is not able to be actioned, the Service Director – Place be requested to explain why	The Service Manager Waste has advised that: Currently he can supply a list of roads with rounds and collection days – He has requested that Urbaser begin to look at producing maps of routes however, there are over 80 of these which cross various wards and areas so these cannot be produced quickly. He asked whether the list of road, rounds and collection days was sufficient at this point.	In Progress
July 19 Min 17 (2)	That the Committee, Member and Scrutiny Manager be asked to liaise with the Chairman to schedule in the Task and Finish Group on Waste to start as soon as the current Task and Finish Group is concluded;	The first of two Task and Finish Groups will commence as soon as the Panel and Chair have been appointed and the scope agreed. The second will commence once the final report of the first us written, the Panel and Chair have been appointed and the scope agreed	In progress
Sept 19 Min 38 (3)	That the Task and Finish Group for the Waste Contract be divided into two separate groups: (i) Tender and Contract; (ii) Community Engagement		In progress
Sept 19 Min 38 (4)	That for the balance of political proportionality, 5 Members would sit in each of the two Task and Finish Groups for the Waste Contract.	The Group Leaders have been contacted and asked to supply nominations for panel Members and Chairs for both Task and Finish Groups	
Sept 19 Min 39 (4)	That the Scope for the Task and Finish Group on the Waste Contract be approved by the Chairman of that Task and Finish Group, (yet to be appointed) and the Chairman of the Overview and Scrutiny.	The scopes for both Task and Finish Groups will be drawn up and presented to the Chair of the relevant Task and Finish Group and the Chair of the O&S Committee for agreement.	

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
	TASK AND FINISH ON CONSULTATION		
Jul 18 Min 28 (4) Jul 18 Min 28 (5)	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. 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)	See below	**Complete**
Mar 19 Min 13 (2)	That the Communications Manager be requested to continue to arrange the planned meeting to discuss the Consultation Strategy.	The Chairman of the O&S Committee, in consultation with the Leader of the Council, has decided that no further meetings of this group is required	**Complete**
	REVENUES AND BENEFITS		
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 January committee. Further clarification is sought from the committee on the report content requirements.	In progress
	CREMATORIUM		
Mar 19 Min 14 (5)	That, the proposed Crematorium be placed o the Committee's Work Programme.	The Committee received a presentation regarding the Crematorium on 17 September 2019	**Complete**
Jun 19 Min 11 (2)	That the Service Director – Regulatory be requested to present a report to this Committee regarding the proposed crematorium	The Committee received a presentation regarding the Crematorium on 17 September 2019	**Complete**

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
	HOMELESSNESS		
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
	STAFF		
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 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.	At the meeting on 16 July 2019 the Leader of the Council explained that he was sympathetic to the idea. The previous Administration had agreed to provide support through Committee, Member and Scrutiny Services and the Committee should see how this worked, however he would review the situation in the Autumn.	In progress
	COMMERCIALISM		
Jun 19 Min 11 (3)	That the Service Director – Commercial be requested to present a report to this Committee regarding the proposed new trading company	The Service Director – Commercial gave a verbal presentation on 17 September and a written report is due to be considered at the meeting on 21 January 2020	In progress
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 gave a verbal presentation on 17 September and a written report is due to be considered at the meeting on 21 January 2020.	In progress
July 19 Min 16 (4)	That the Service Director – Commercial be requested to attend the next meeting of this Committee to provide a presentation and answer questions.	The Service Director – Commercial gave a verbal presentation on 17 September and a written report is due to be considered at the meeting on 21 January 2020	In Progress

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
July 19 Min 17 (3)	That the Service Director – Commercial be made aware of the requirements of this Committee as detailed above.	The Service Director – Commercial gave a verbal presentation on 17 September and a written report is due to be considered at the meeting on 21 January 2020	In Progress
Sept 19 Min 42	That the Service Director – Commercial present a written report to the next meeting of the Overview and Scrutiny Committee, which should provide the following information: (1) The work of the Commercial Team; (2) The essential provision of future forecasting; (3) Potential uses of "The Company".	The Service Director – Commercial gave a verbal presentation on 17 September and a written report is due to be considered at the meeting on 21 January 2020	
	SAFEGUARDING		
Sept 19 Min 41 (4)	Expressed their disappointment with the apparent disproportionately small number of elected Members who had undertaken safeguarding training and requested that Members were investigated into who had received safeguarding training from other sources. All Members are made aware, once again, of the ability to complete e-learning training and that all relevant group leaders, port folio holders and shadow port-folio holders raise the issue of training requirement at their group meetings.	The Committee, Member and Scrutiny Manager has undertaken a review of the skills audit of Members, which included a question about Safeguarding training. Unfortunately this received a very low response. She is liaising with the Learning and Development Champions promote Safeguarding Training for Members	In progress
	PERFORMANCE MONITORING		
Sept 19 Min 44 (2)	That whilst it had been reported to the Committee that the Local Plan had been marked as complete, following consideration by the Inspector, there was still further work to be prepared. The Controls, Risk and Performance Manager was requested to continue to report to the Overview and Scrutiny Committee on the Local Plan.		In progress
	OTHER RESOLUTIONS		
Sept 19 Min 38 (2)	That the proposed format of the Resolutions of the Overview and Scrutiny Committee report be agreed as follows: (i) All Resolutions whereby Status had been highlighted bold and marked as complete, be removed from any future reports; and (ii) for future ease of reading of the resolution section within the report, that subjects would be grouped together and placed in date order.	The Committee Member and Scrutiny Manager has changed the format of the report as agreed by the Committee and removed all actions marked as complete at the meeting held on 17 October 2019	**Complete - To be removed**

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
Sept 19 Min 39 (3)	In respect of Crime and Disorder Issues an alternative presentation format in order to discuss County Lines and Knife Crime with the support of the Community Protection Manager take place at the meeting of the Overview and Scrutiny Committee in January 2020	Inspector Sally Philips and the Community Safety Manager to discuss at the meeting on 21 January 2020.	

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OVERVIEW AND SCRUTINY COMMITTEE
21 JANUARY 2020

PUBLIC DOCUMENT

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

REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER

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, having considered the Forward Plan, agrees the list of items to be considered at its meeting on 17 March 2020.

2.3 That the Committee review the Task and Finish Group Protocol at the meeting due to be held on 17 March 2020

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.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Each Committee meeting includes the opportunity for Members to comment on and input to the Committee's work programme.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key 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 The Committee's work programme for the year requires reviewing at each meeting and direction is sought from the Committee on the items they wish adding. Appendix A contains the current work programme.

Forward Plan

8.2 The Forward Plan for 20 December 2019 is attached at Appendix B for consideration.

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.

Hitchin Town Hall Review / North Hertfordshire Museum Project

8.4 The Panel's report and the additional comments of the Overview and Scrutiny Committee were considered by Cabinet on 17 December 2019. All recommendations were accepted by Cabinet.

Crime and Disorder Issues

8.5 The Committee has decided to request the Community Protection Manager to facilitate a discussion with Chief Inspector Sally Philips, Hertfordshire Constabulary, on County Lines and Knife Crime.

8.6 The Crime and Disorder Issues meeting, as detailed above, is due to take place at tonight's meeting.

Task and Finish Group on the Waste Contract

8.7 The Committee resolved at its meeting on 17 September 2019 that:

That the Task and Finish Group for the Waste Contract be divided into two separate groups:

(i) Tender and Contract

(ii) Community Engagement; and

That for the balance of political proportionality, 5 Members would sit in each of the two Task and Finish Groups for the Waste Contract.

8.8 The Committee, Member and Scrutiny Manager will draw up a draft scope for each of the Task and Finish Groups, taking into account the SIAS report findings and present it to the Chairman of the relevant Task and Finish Group and the Chairman of this Committee for approval.

8.9 The Chairmanship of Task and Finish Groups circulate round the political parties. Based on this the Labour and Cooperative Group will supply the Chair of the first Task and Finish Group and the Liberal Democrat Group will supply the Chair of the second.

8.10 The first Task and Finish Group will commence once the Chair and Panel have been selected and the scope has been agreed. The second Task and Finish Group will commence as soon as the first has completed its investigations, the report has been written and the scope has been agreed.

8.11 In view of the time that these Task and Finish Groups may take to complete their work, it is suggested that non retiring Members are selected for both panels.

8.12 The Committee, Member and Scrutiny Manager has contacted Group Leaders to ask for Panel Member and Chair nominations for both Task and Finish Groups. In accordance with the Committee's wishes the panels will be as politically proportional as possible as follows:

- Task and Finish Group on the Waste Tender and Contract
  Labour and Cooperative 2 members (Including Chair)
  Liberal Democrat 1 member
  Conservative 2 members
- Task and Finish Group on Community Engagement regarding the implementation of the Waste Contract and onwards
  Labour and Cooperative 2 members
  Liberal Democrat member (as Chair)
  Conservative 2 members

Protocol for Task and Finish Group Reports

8.13 Consideration of the Review of Hitchin Town Hall drew attention to some anomalies regarding the current protocol for Task and Finish Groups.

8.14 It is suggested that the Committee review the current protocol at the next meeting due to be held on 17 March 2020.

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 £25.17 per officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu, or overtime as an alternative.

11. RISK IMPLICATIONS

11.1 Effective overview and scrutiny of policy, administrative, service delivery and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and 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, 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" requirements 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 20 December 2019

16. CONTACT OFFICERS

16.1 Hilary Dineen
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16.4 Human Resources
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16.5 Ian Couper
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17. BACKGROUND PAPERS

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

APPENDIX A

PROGRAMME FOR FUTURE COMMITTEE MEETINGS 2019-20

17 March 2020	Annual Report Development Agreement for John Barker Place Universal Credit and Council Tax Reduction Scheme report New PIs for 2020/21 Priorities For The District – Key Projects 2020/21 3rd Quarter PIs 3rd Quarter Key projects District Wide Survey Greenspace Strategy 2021 - 2026 Scoping Document Resolutions Report Work Programme (Including Review of T&F Protocol)
	To be Scheduled.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Forward Plan of Key Decisions - 20 December 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, Member and Scrutiny Services on 01462 474655 before deciding to attend a meeting.**

Decision required	**Overview and Scrutiny**	**Decision Maker**	**Date of Decision**	**Documents to be submitted to Decision Maker**	**Contact Officer from whom documents can be requested**	**Confirmation that other documents may be submitted to the Decision Maker**	**Procedure for requesting details of other documents**
WHISTLEBLOWING POLICY /PROCEDURE REVIEW **(01.11.19)**		Delegated Decision by Councillor Martin Stears-Handscomb (Leader of the Council)	Not before 17th Dec 2019		Jeanette Thompson, Service Director - Legal and Community jeanette.thompson@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
COUNCIL TAX BASE 2020/2021 **(11.12.19)**		Council Tax Setting Committee	14 Jan 2020		Howard Crompton, Service Director - Customers howard.crompton@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
FAIR COLLECTION POLICY **(13.06.19)**		Cabinet	28 Jan 2020		Howard Crompton, Service Director - Customers howard.crompton@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
DEVELOPER CONTRIBUTIONS SPD **(06.09.19)**		Cabinet	28 Jan 2020		Nigel Smith, Strategic Planning Manager nigel.smith@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
GRANT POLICY REVIEW **(01.11.19)**		Cabinet	28 Jan 2020		Reuben Ayavoo, Policy and Community Engagement Manager reuben.ayavoo@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
GARDEN WASTE SERVICE **(01.11.19)**		Cabinet	28 Jan 2020		Jamie Sells, Service Manager- Waste and Recycling jamie.sells@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
DRAFT STATEMENT OF COMMUNITY INVOLVEMENT **(15.11.19)**		Cabinet	28 Jan 2020		Clare Skeels, Senior Planning Officer clare.skeels@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
PROPERTY INVESTMENT STRATEGY **(15.11.19)**		Cabinet	28 Jan 2020		Christopher Robson, Senior Estates Surveyor christopher.robson@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
CLIMATE CHANGE STRATEGY **(01.11.19)**		Cabinet	28 Jan 2020		Reuben Ayavoo, Policy and Community Engagement Manager reuben.ayavoo@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
COUNCIL TAX PREMIUMS AND EXEMPTIONS ON EMPTY PROPERTIES **(06.12.19)**		Cabinet	28 Jan 2020		Howard Crompton, Service Director - Customers howard.crompton@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
LAND ADJACENT TO 1 NORTH END, KELSHALL **(20.12.19)**		Cabinet	28 Jan 2020		Peter Lapham, Interim Property Consultant peter.lapham@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
LAND ADJACENT TO 9 NORTH END, KELSHALL **(20.12.19)**		Cabinet	28 Jan 2020		Peter Lapham, Interim Property Consultant peter.lapham@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
BALDOCK, BYGRAVE AND CLOTHALL NEIGHBOURHOOD PLAN **(20.12.19)**		Cabinet	28 Jan 2020		Clare Skeels, Senior Planning Officer clare.skeels@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
ROYSTON TOWN HALL ANNEXE **(20.12.19)**		Cabinet	28 Jan 2020		Peter Lapham, Interim Property Consultant peter.lapham@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
REVENUE BUDGET 2020/21 **(11.1019)**		Council	6 Feb 2020		Ian Couper, Service Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
DRAFT DESIGN SPD **(15.08.19)**		Cabinet	24 Mar 2020		Helen Leitch, Principal Landscape and Urban Designer hilary.dineen@north-herts.gov	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
REVISED ANIMAL LICENSING POLICY **(01.11.19)**		Cabinet	24 Mar 2020		Steve Cobb, Licensing Manager steven.cobb@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
DISTRICT WIDE SURVEY 2019 **(01.11.19)**		Cabinet	24 Mar 2020		Sarah Kingsley, Communications Manager sarah.kingsley@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
THIRD QUARTER REVENUE MONITORING 2019/20 **(06.12.19)**		Cabinet	24 Mar 2020		Ian Couper, Service Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
INVESTMENT STRATEGY (CAPITAL AND TREASURY) THIRD QUARTER REVIEW 2019/20 **(06.12.19)**		Cabinet	24 Mar 2020		Ian Couper, Service Director - Resources ian.couper@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
NHDC DRAFT ELECTRIC VEHICLE STRATEGY **(06.12.19)**		Cabinet	24 Mar 2020		Louise Symes, Strategic Infrastructure and Projects Manager louise.symes@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
PARKING OPERATIONAL GUIDELINES **(06.12.19)**		Cabinet	24 Mar 2020		Louise Symes, Strategic Infrastructure and Projects Manager louise.symes@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
PROPOSED PARKING TARIFF INCREASES **(06.12.19)**		Cabinet	24 Mar 2020		Louise Symes, Strategic Infrastructure and Projects Manager louise.symes@north-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	24 Mar 2020		Martin Lawrence, Strategic Housing Manager martin.lawrence@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
GREENSPACE STRATEGY 2021 - 2026 SCOPING DOCUMENT **(11.12.19)**		Cabinet	24 Mar 2020		Andrew Mills, Service Manager - Greenspace andrew.mills@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6
ENVIRONMENTAL CRIME VEHICLES **(11.12.19)**		Cabinet	24 Mar 2020		Rebecca Coates, Community Protection Manager rebecca.coates@north-herts.gov.uk	Yes	Via the Contact Officer named in Column 6

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OVERVIEW AND SCRUTINY COMMITTEE
21 JANUARY 2020

PUBLIC DOCUMENT

TITLE OF REPORT: 2nd QTR MONITORING REPORT ON KEY PROJECTS FOR 2019-20

REPORT OF: THE SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: LEADER OF THE COUNCIL: CLLR MARTIN STEARS - HANDSCOMB

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

1. EXECUTIVE SUMMARY

This monitoring report provides a 2nd quarter update on the delivery of the key projects for 19/20, first identified to the Committee in March 2019.

2. RECOMMENDATIONS

2.1 That delivery against the key projects for 19/20 be noted and commented on by the Overview & Scrutiny Committee

3. REASONS FOR RECOMMENDATIONS

3.1 To enable achievements against the key projects for 2019/20 to be considered.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 There are no alternative options as this is a monitoring report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 No external consultation has been undertaken in the preparation of this report as it is a monitoring report. Members will, however, be aware that a report setting out the key projects was brought to this Committee on 19 March 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.

7. BACKGROUND

7.1 This report provides details on the status of the key projects for 19/20. It does not include any projects initiated after the document was agreed and is not a full report on all the projects that the Council is undertaking.

7.2 This report summarises the status of each of the key projects. The following symbols have been used to summarise progress.

Status key	
🛑	Project Halted / funding not available/ Extremely Late
⚠️	Project behind original due date/ unlikely to hit original due date.
▶	Project not due for completion in 2018/19 or has not reached due date
-	Project Pending
✅	Project Completed.

8. RELEVANT CONSIDERATIONS

8.1 The 2nd Quarter monitoring report against key projects for 2019/20 is included in Appendix A.

8.2 Appendix A includes the original milestones which were reported to this Committee in March 2019 and progress made against those actions. In addition, updates may have been provided to Executive Members and where relevant through the Members Information Service. Progress against some, will also have been monitored through the Capital monitoring reports to the Finance Audit and Risk Committee and to Cabinet.

8.3 At the Overview & Scrutiny committee meeting in September 2019, the renovation of the play area at Great Ashby and the Bancroft MUGA were reported as completed projects, and have therefore been removed from future monitoring reports.

8.4 At the September 2018 meeting of the Overview and Scrutiny meeting it was requested 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. In order to fulfil this request, a more detailed update on the Waste Project has been provided in Appendix B. In addition, a regular waste update is now being sent via MIS.

8.5 Updates on Brexit have now been incorporated into the regular monitoring reports for 2019/20. Whilst not a traditionally defined project for the Council, it was decided that this would provide the best mechanism to monitor key issues and risk and report back on any actions undertaken.

9. LEGAL IMPLICATIONS

9.1 No direct legal implications arise from this report. Legal implications for the projects listed in Appendix A are considered as part of those projects and will include (but are not limited to) governance, property, planning and contractual issues. Under the Local Government Act 2000 there is a legal requirement for Councils operating Executive arrangements to appoint an overview and scrutiny committee with remit to review decisions and other actions.

9.2 Overview and Scrutiny's terms of reference include at paragraph 6.2.7(s) of the Constitution "to review performance against the Council's agreed priorities and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas". This report gives the Committee an opportunity to comment on progress made against the projects that have been identified for delivery against the Council's objectives.

10. FINANCIAL IMPLICATIONS

10.1 There are no specific revenue implications.

10.2 The actions identified were resourced through the corporate business planning process cycle for 2019/20 that was undertaken in 2018/19. A number of these projects formed part of the Council's capital programme for 2019/20.

10.3 The Council continues to face difficult spending decisions in view of the reduction in government support in future years and the availability of funding continues to impact on the projects that can be undertaken.

11. RISK IMPLICATIONS

11.1 The Lead Officer for each project is responsible for identifying any risks to the successful delivery of the Project.

11.2 Some of these major projects have been identified as Corporate Risks for the Council and these are monitored quarterly by the Finance, Audit & Risk Committee. These include:

- Local Plan
- Hitchin Town Hall
- Asset Management
- Brexit

12. EQUALITIES IMPLICATIONS

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

12.2 By reporting delivery against the key projects for 2019/20 this provides a means to monitor whether the council are meeting the stated outcomes of the district priorities, its targets or delivering accessible and appropriate services to the community to meet different people's needs. This assists the Council to fulfil a number of its obligations arising from the Public Sector Equality Duty.

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 implications arising from this monitoring report. The resources needed to deliver projects should be considered through the Corporate Business Planning process.

15. APPENDICES

15.1 Appendix A – 2nd Quarter Monitoring against Key Projects for 2019/20
Appendix B – Waste Project Update and Charts

16. CONTACT OFFICERS

16.1 Rachel Cooper, Controls, Risk & Performance Manager, Tel 474606, Rachel.cooper@north-herts.gov.uk

16.2 Ian Couper, Service Director, Resources Tel 474243; ian.couper@north-herts.gov.uk

16.3 Howard Crompton, Service Director, Customers Tel 474247, Howard.crompton@north-herts.gov.uk

16.4 Ian Fullstone, Service Director, Regulatory, Tel, 474480, ian.fullstone@north-herts.gov.uk

16.5 Kerry Shorrocks, Corporate Human Resources Manager, Tel, 474224, kerry.shorrocks@north-herts.gov.uk

16.6 Vaughan Watson, Service Director, Place, Tel 474641 Vaughan.watson@north-herts.gov.uk

16.7 Jeanette Thompson, Service Director, Legal & Community. Tel 474370 jeanette.thompson@north-herts.gov.uk

17. BACKGROUND PAPERS

17.1 None.

NORTH HERTFORDSHIRE
DISTRICT COUNCIL

Appendix A – 2019/2020 Reporting Against Projects Identified in the Corporate Plan – as at 17/12/2019

For **Q2 2019/2020** North Hertfordshire District Council is reporting against 8 Projects identified in the Corporate Plan 2019 - 24

Key for the Report

	Status key
	Project Halted / Funding not available / Extremely Late
	Project behind original due date/ unlikely to hit original due date.
	Project not due for completion in year or has not reached due date
--	Project Pending
	Project Completed.

Status	Q2	Q1	Summary of Movement this Qtr.
	1	1	
	3	2	Local Plan moved from Green to Amber
	2	3	
--	1	1	Churchgate moved to pending
	0	2	Bancroft MUGA / Great Ashby District Park Renovation removed from report
Total	7	9	

- **Where projects are carried over from previous years, their status is retained until they are complete – to ensure transparency**

Description in Corporate Plan	Corporate Objective	Portfolio	Milestones – current year and beyond	Due Date	Overall Status	Comments
Status – RED - 1						
Complete the fit out and open the North Hertfordshire Museum and Community Facility **Prince II** **Date of Last Project Board – 18 July 2017. Exception report since last Quarter – None.**	Prosper & Protect	Leisure	 Continue to negotiate on possible acquisition of 14/15 Brand Street. Report to Cabinet on proposed way forward. Complete fit out of Museum.	Original due date 30 September 2015 31/07/2018 September 2018		The Panel Review has now been completed and findings were reported to O&S Committee on 23 October 2019 and Cabinet on 17 December 2019. The Service Director - Commercial is now working with the former Project Executive (John Robinson) to put together a closure report, including any lessons learned.
Status – AMBER - 3						
Development of a Crematorium in North Hertfordshire - subject to approval by Cabinet March 2017 **NOT Prince II**	Prosper & Protect	Waste, Recycling & Env	Obtain outline planning permission from Central Beds. Agree the Heads of Terms and Options Agreements with our nominated partner. Prospective tenant exercises the option and	July 2018 July 2018 31 Dec 2018		Central Bedfordshire refused the outline planning application in March 2019. Cabinet approved funding for an appeal on 26 March 2019 The appeal was submitted in September 2019 and Officers are still waiting for confirmation of the date of the appeal.

			enters into an agreement for lease (the prospective tenant will be responsible for applying for detailed planning permission). The prospective tenant enters into a lease, in accordance with the Heads of Terms, following the grant of detailed planning permission Practical Completion of Crematorium	 31 Mar 2019 December 2020		If planning permission is granted, Officers will assess any planning conditions and the options for progressing development.
Investigating a range of options to improve use of Council assets **NOT Prince II** **Project spans more than one year.**	Responsive & Efficient	Various	Report to Cabinet Shareholder Sub-Committee on potential options Obtain Cabinet approval to establish a Property Company Set up Property Company	15 March 2018 31 Mar 2018 Mid 2018		Officers continue to work through the details to ensure a viable business plan. Regulations / Council Constitution, require the Council to complete and approve the business plan prior to company registration. Officers presented a progress report to the Cabinet Sub-Committee (Local Authority Trading Companies' Shareholder) in September 2019. Following completion of relevant works in 2019/20, the letting of the redeveloped Harkness Court is now expected to commence in

						early 2020/21.
Submission of a Local Plan for North Herts Project spans more than one year.	Prosper & Protect	Planning & Enterprise	Consultation on major modifications (timescale dependant upon Planning Inspectorate) Response to the Inspectors questions with regard the modifications Additional Hearing dates to discuss modifications Publication of Inspectors Report (timescale dependant upon Planning Inspectorate) Adoption of the new local plan report to Full Council (timescale dependant upon Planning Inspectorate)	Jan - April 2019 Dec 2019 TBC TBC TBC		The Council responded to the Inspector's letters at the end of September 2019. This set out the Council's intention to respond to his queries by Friday 29 November 2019. Officers, in consultation with the Local Plan Project Board, have submitted the Council's responses and these have been published on the website. Additional Hearing dates are yet to be announced by the Inspector
Status – GREEN -2						
Brexit (Preparation for Brexit - deal or no deal) and implementation / management of those impacts, challenges and risks).	Prosper & Protect	Leader of Council	Working with regional lead and Local resilience forums to prepare for Brexit (deal or no deal). Work with strategically important contractors to understand the risks they will potentially face and to ensure plans are being taken to mitigate those			***NB** Rating relates to the Council's actions, rather than the national issue of Brexit.* Reviewed on **16.12.19** with Leader and Deputy Leader of Council. Brexit Project Board meetings to commence in January (meeting scheduled for 6). Monitoring and preparation

			risks if possible. Contribute to countywide preparations for managing potential emergency incidents associated with Brexit, e.g. local food resilience/ strategic co-ordination group and local resilience forums Work with LLG and MHCLG on process mapping for governance/secondary legislation process mapping. Constitution/delegation and warrant checks being undertaken. Relevant managers to check policies for compliance and enforcement post Brexit issues. Draft contract clause to cover data transfer – use of change of law provision to impose Exceptions and tension monitoring reports to be sent and received. Elections Board			based on deal recommenced (Withdrawal Bill 2019 no 2 amended on 20.12.19). Further scrutiny in January by Parliament (7-9.1.20). Lead Officer has further meetings now with government on Settlement Scheme - County level and Central (9 & 15.1.20). Defra organised for readiness assessment at NHDC (will visit relevant food officers/ SD Regulatory and lead Brexit officer - SD Legal & Community to assess and advise via workshop). Brexit lead officers to start weekly conference calls on 9.1.20. Herts food resilience forum group to consider bidding for business liaison officer (funding from central government) - either as a group or individual authority. Brexit page will go live again in January. Posters for Settlement Scheme been put up in DCO/ gone to local minority groups, to NHDC Libraries, to go to Member Surgeries - and

Not Prince II			preparation for snap election/further referendum considerations (September 2019).			assistance can be provided by Customer Services via We Are Digital referral from government. To review again prior to Brexit day on 31 January 2020.
Designating air quality management areas in Hitchin to address the improvement of the air quality – Stevenage Road and Paynes Park. (5 Year Plan commenced 2018) **Not Prince II**	Attractive & Thriving	Housing & Env Health	•Development of ECO stars scheme for business to reduce emissions from freight deliveries •Investigate options for extending and improving electric vehicle recharging facilities in the district	To be confirmed On-going		The Council were unsuccessful with a bid to DEFRA for a grant to progress this scheme. Officers are reviewing alternative funding options and have created a new milestone, "Work with businesses to reduce emissions from freight deliveries and buses/coaches" for 2019/20. Officers are negotiating with developers through the planning process to implement charging points within new homes. Officers are currently drafting an Electric Vehicle Charging Strategy.

			•Anti-idling campaign to encourage drivers to switch off when stationary, including investigation of enforcement options	Spring/Summer 2019		An initial survey of Hitchin town centre was completed in February 2019. Due to resource issues and conflicting priorities, it is now anticipated that this action will be completed in 2020/21. However, Legal are currently looking at the enforcement options relating to vehicle idling, the outcome of which will help to inform any associated campaign.
			•Review of on-street parking in air quality management areas	TBC subject to Parking strategy Action Plan		Will be co-ordinated with next general review of parking in Hitchin and adoption of the Electric Vehicle Charging Strategy - date to be confirmed
			•Participate in National Clean Air Day	Annual		Due to other work priorities, it was not possible to undertake any activity around National Clean Air Day in June 2019

			•Contribute development of Air Alert texting scheme with HCC and other partners	2019		Air Alert texting scheme launched 1 March 2019.
Status – PENDING - 1						
Churchgate Project will span more than one financial year **Once actual project commences will be** **Prince II** **Date of Last Project Board n/a**	Attractive & Thriving	Commercial	Further work to be undertaken to explore potential options prior to reporting back to Full Council at a future date	Tbc	--	Full Council on 7 February 2019 approved the principle of purchasing the Churchgate Shopping Centre, subject to the economic case. It also confirmed that any regeneration must be a viable investment that maintains a return to the Council. Full Council on 20 March 2019 voted to put Hitchin forward for a "Future High Streets Fund" bid. MHCLG have announced the 100 bids to be taken forward. Hitchin was not successful. Officers continue to explore the options around Churchgate with a report back to Full Council in

						due course.
Status – COMPLETE -0						

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Recycling & Waste Briefing Note
SEPTEMBER 2019

Garden waste service re-subscriptions

There have now been circa 26000 subscribers to the garden waste service and permit packs have been sent out to all subscribers.

The permits themselves have been well received by service users and collection teams. Collection teams do have an electronic list of subscribers but the permits assist in communal collection scenarios where residents place their bins out in a group for collection in particular

New subscribers should expect up to a 10 day wait time for a permit to be printed and posted however once paid the customer can present their bin(s) for collection.

Urbaser call centre provision update

Infrastructure work has now been carried out at the Urbaser call centre. This work included the re-introduction of a suitable answerphone message which tells the customer that they are on hold.

The number of calls into the Urbaser call centre has significantly reduced of late and customers are reaching call handlers successfully. Work is being carried out with Urbaser to ensure that this continues.

The report it function on the Councils website is fully operational and approximately 40% of missed collection are being reported via this method. Further work to introduce other service requests online is being carried out.

Communications

The shared client team recently attended the Royston Arts Festival. Engagement work included encouraging children to design their own reusable cotton bags. They were also distributing caddy liners and offering advice on reducing, reusing, recycling and composting.

The communications team have been sharing the national campaign #InOurOwnHands through social media. Our Waste Awareness officer is working on a programme which will see officers going into schools providing information and practical advice which supports the reduction of single use plastics. It is hoped to deliver this to as many school as possible across the district.

The Christmas bin hanger that provides residents with details of revised collection arrangements over the festive period will have a plastic free make over. The current hanger is made from plastic and not recyclable material but for Christmas 2019 there will be a move to a cardboard version that will be shower proof and importantly recyclable!

Waste and recycling collections update

There has been a noticeable improvement collection services. This has been seen through the number of missed bins and complaints received.

Work is ongoing with Urbaser to build on this improvement.

Recycling related social media post

From Twitter:
"As the majority of plastic items have a number in the #recycling symbol, it would be really useful if you actually listed the ones you can pick up from the kerbside on the leaflets."

Unfortunately the plastic types can actually complicate matters. For example a yogurt pot (which we can accept in the grey bin) is type 6 Polystyrene. Other examples of type 6 plastics include foam feel takeaway containers, white polystyrene packaging materials and even rigid car parts none of which would can be accepted in the grey bin. If you are not sure if a plastic item can be recycled check out our A-Z recycling guide available online.

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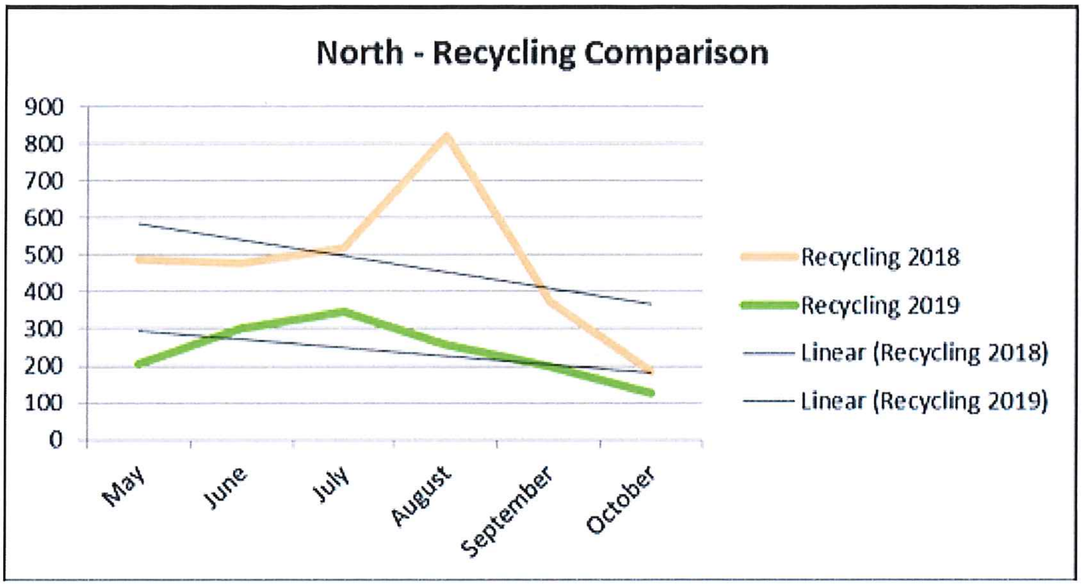
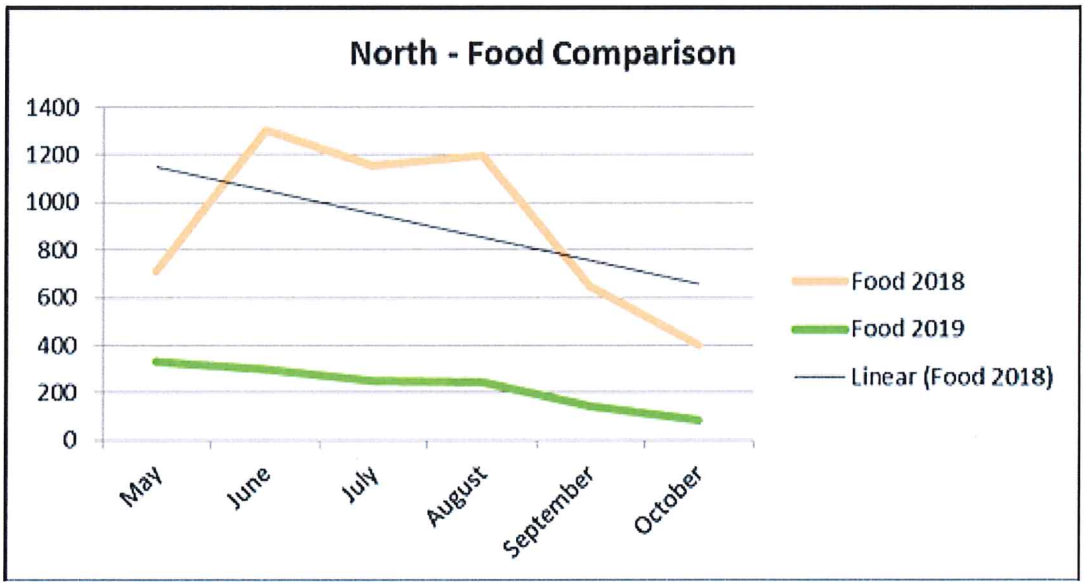
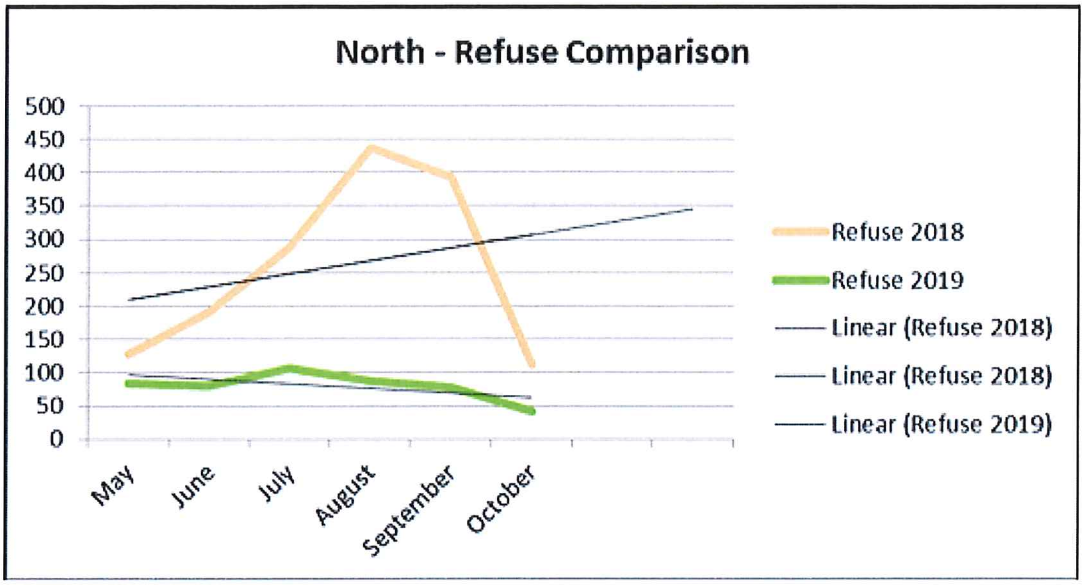
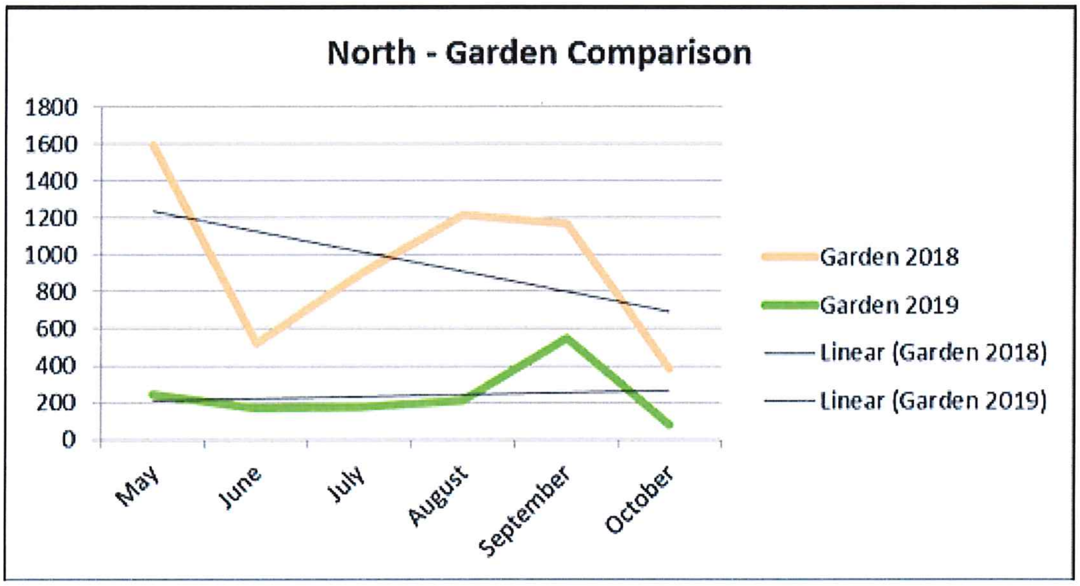
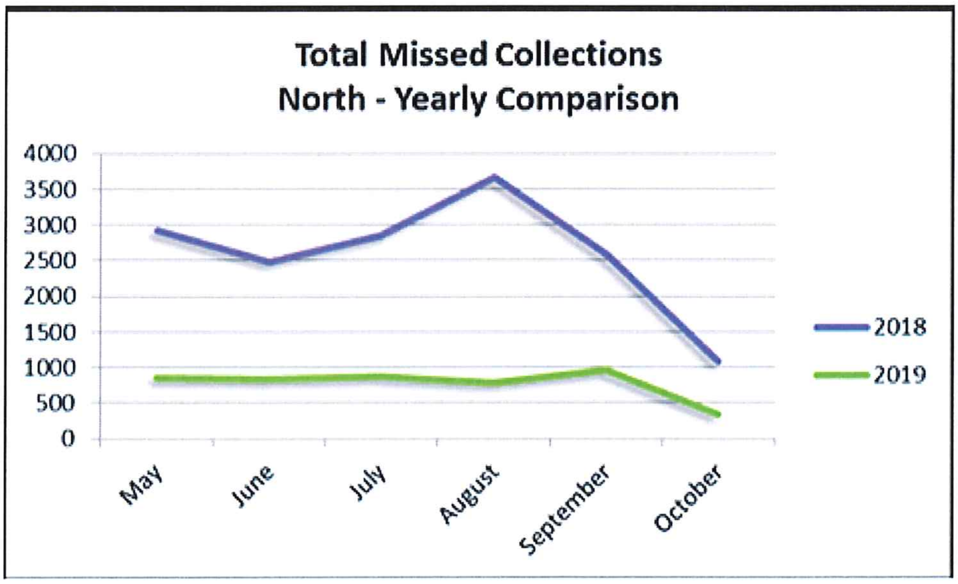
Graphs to show comparison between 2018 and 2019 Missed Bin figures






North - Refuse Comparison
500
450
400
350
300
250
200
150
100
50
0
May
June
July
August
September
October
Refuse 2018
Refuse 2019
Linear (Refuse 2018)
Linear (Refuse 2018)
Linear (Refuse 2019)


North - Garden Comparison
1800
1600
1400
1200
1000
800
600
400
200
0
May
June
July
August
September
October
Garden 2018
Garden 2019
Linear (Garden 2018)
Linear (Garden 2019)


Total Missed Collections
North - Yearly Comparison
4000
3500
3000
2500
2000
1500
1000
500
0
May
June
July
August
September
October
2018
2019

NORTH HERTFORDSHIRE
DISTRICT COUNCIL

2019/20 Quarter 2 PI Data

For 2019/20, NHDC will report 19 corporate performance indicators. This report presents the red and amber performance indicators , as well as other indicators to note and displays the latest period that officers have updated and activated on Pentana Risk. The full report can be found on the intranet at the following location
http://intranet.north-herts.gov.uk/home/doing-business/performance-and-risk-management/performance-management

Performance indicator data is cumulative and represents performance between 1 April 2019 and the end of the latest reporting period. The report will indicate if any data relates to a different reporting period. Where available, the commentary for an indicator will include national benchmarking data. When targets are set, any national minimum requirements are taken into account.

Key for the Report

Status	
	Data value has met or exceeded the target figure
	Data value has not achieved the target figure but it is within the agreed tolerance range
	Data value has not achieved the target figure and it is outside the agreed tolerance range
	Data value is for information only and a traffic light status is not applicable

Direction of Travel	
	Data value has improved compared with the same time last year
	Data value has deteriorated compared with the same time last year
	Data value has not changed compared with the same time last year
N/A	A direction of travel is not applicable, as the performance indicator was introduced in 2019/20

Summaries

Status Summary		Direction of Travel Summary	
	8 (Q1 – 7)		**8** (Q1 – 8)
	4 (Q1 – 3)		**7** (Q1 – 8)
	0 (Q1 – 2)		**3** (Q1 – 2)
	7 (Q1 – 7)	N/A	**1** (Q1 – 1)

Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary
Executive Member for Housing and Environmental Health								
8	REG 1	Rate of homelessness prevention	Q2 2019/20	57.93%	Not Applicable		Q2 18/19 56.25%	During the first half of 2019/20, there were 145 cases where a Prevention Duty ended (74 in Q1 and 71 in Q2), of which, 84 ended with a positive outcome (34 in Q1 and 50 in Q2). Where homelessness was not prevented, in most cases, a *Relief Duty* would have been triggered. The Strategic Housing Manager is due to provide an overview of homelessness services and available benchmarking data at the January 2020 meeting.
9	REG 2	Rate of homelessness relief	Q2 2019/20	22.48%	Not Applicable		Q2 18/19 35.11%	During the first half of 2019/20, there were 129 cases where a Relief Duty ended (67 in Q1 and 62 in Q2). A Relief Duty occurs when a household has become homeless and 29 ended with a positive outcome when the households were successfully rehoused (15 in Q1 and 14 in Q2). Additional data for Q2 only is provided at the end of this report. The Strategic Housing Manager is due to provide an overview of homelessness services and available benchmarking data at the January 2020 meeting.

Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary
10	LI 035a	Number of households living in temporary accommodation	Q2 2019/20	84	Not Applicable		Q2 18/19 76	84 households were in temporary accommodation as at 30 September 2019, of which, four were in bed and breakfast accommodation. This was the total number of households accommodated under the relevant legislation by the Council, although placement was with a third party. The Strategic Housing Manager is due to provide an overview of homelessness services and available benchmarking data at the January 2020 meeting.
Executive Member for Environment and Leisure								
15	MI LI 015	Number of visits to leisure facilities	Sept 2019	783,268	785,400		Sept 18 785,412	Facility / 2019/20 / 2018/19 North Herts LC 283,025 282,527 Fearnhill 6,916 6,660 Letchworth OP 33,263 48,165 Hitchin SC 184,743 176,883 Archers 71,396 69,338 Royston LC 203,925 201,839 **783,268** **785,412** The decrease in usage mainly relates to the poor weather experienced over the outdoor pool season compared with last year. SLL continue to promote and encourage casual swimming within the leisure facilities.
Executive Member for Recycling and Waste Management								
17	NI 192	Percentage of household waste sent for reuse, recycling and composting (Government target is 50% by 2020)	Q2 2019/20	59.64%	60.5%		Q2 18/19 58.41%	The Q2 2019/20 return is currently a provisional figure, as the spreadsheet calculation includes some estimates for September 2019. **National Benchmarking** Source: LG Inform

Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary
								Latest Quarter - Three-Month Period Sample - Participating English district local authorities **Period** / **NHDC** / **Top Quartile** Q1 2019/20 / 62.41% / 57.03% to 65.30% NHDC ranked **6th out of 40** (1st Quartile) Update - The provisional figure of 62.41% submitted to meet the LG Inform deadline has subsequently been changed to 59.80%.
18	FW 1	Overall tonnage of food waste collected	Sept 2019	2,397	2,490		Sept 18 1,889	The April to September 2019 return is currently a provisional figure, as the spreadsheet calculation includes some estimates for September 2019. Food Waste collection is on the increase, however the target we have set is challenging. A waste composition analysis audit is planned for later in the year where we will be looking at participation levels, including food waste.
19	GW 1	Overall tonnage of garden waste collected	Sept 2019	6,059	6,600		Sept 18 6,234	The April to September 2019 return is currently a provisional figure, as the spreadsheet calculation includes some estimates for September 2019. An amnesty at the commencement of the contract in 18/19 meant that garden waste levels remained high at this time last year. Garden waste sign up currently at 47% compared to 51.3 % this time last year.

REG2 - Rate of homelessness relief

July to September 2019

Full breakdown of the 48 relief cases that ended in a non-accommodation outcome by reason:
56 Days Elapsed – 33 households
Contact Lost – 6
Application Withdrawn – 5
Refused Offer of Accommodation – 2
No Longer Eligible – 2

Final outcomes for the 33 cases that ended because the 56 days elapsed:
Main Housing Duty Owed (under which the Council must provide suitable long-term accommodation) – 13 households
Not in Priority Need – 15
Intentionally Homeless – 2
Not Homeless – 2
Lost Contact – 1

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OVERVIEW & SCRUTINY COMMITTEE
21 JANUARY 2020

PUBLIC DOCUMENT

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

INFORMATION NOTE OF THE CUSTOMER SERVICE MANAGER

EXECUTIVE MEMBER: COUNCILLOR MARTIN STEARS-HANDSCOMB

PRIORITY: RESPONSIVE AND EFFICIENT

1. SUMMARY

This information note is to provide an update on the first six months performance of 2019/2020 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, showing key 3Cs data, including that of our contractors and the breakdown of 3Cs by service and type at Appendix B.

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 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 directly to the Council or to the contractors who provide key services on our behalf. The policy was reviewed and updated in 2019.

3. INFORMATION TO NOTE

There are a small 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 such as waste and recycling and the leisure facilities and areas that provide a much valued service such as Careline.

Between 01 April and 31 September 2019 the number of 3Cs received, specifically complaints have decreased in comparison to the same period of 2018 when complaints were at an exceptionally high level following the significant changes to the waste and recycling service. The majority of complaints received (118) relate to the waste service and although the number of complaints has decreased, it is still higher than the two years preceding the service change, showing that it does take some time to return to what is considered a usual level.

The complaints regarding the waste service were mostly to do with repeated missed bin issues which spiked in June (24), July (31) and August (26). Problems with the Urbaser telephone lines also generated a number of customer complaints. Complaints decreased in September with 8 complaints for the month, 4 of which related to the telephone lines.

The service receiving the second highest number of complaints (13) was Revenues, billing and recovery, these complaints were mostly in relation to disputes or issues concerning bills and reminder notices.

Appendix B provides a breakdown of all 3Cs received by service and by type. The Careline service received a high number (27) 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. The Parks and Open spaces service also received 12 compliments.

There were 12 stage 2 complaints received, 9 of which related to waste 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 three complaints during this period, the table below summarises the LGO decisions on those complaints:

Service (as classified by the LGO)	**LGO Decision**
Private Sector Housing	Upheld, maladministration and injustice £200 remedy awarded
Planning Control	In progress
Waste and Recycling	In progress

- The complaint regarding private sector housing was in relation to poor living conditions and a delay by the council in responding to the initial complaint which led to an increased risk of harm and distress to the complainant. The LGO recommended a financial remedy of £200.
- The planning control complaint is one that is very complex and relates to a condition on a planning application not being enforced. The LGO has issued a draft decision which we have provided a response to and are awaiting a final decision.
- The waste and recycling is concerning repeated reports of spillages during collections, this is currently being considered and we expect a decision shortly.

Complaints that are escalated to the LGO are often complex and will usually have exhausted our own complaints procedure. We have had a small number of complaints upheld by the LGO over the last year or so and therefore we have arranged for the Assistant Ombudsman to speak at our next Senior Management Group (SMG) meeting in March to continue to raise the awareness of the role of the LGO and the importance of effective complaint handling.

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

6. CONTACT OFFICERS

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7. BACKGROUND PAPERS

None.

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3Cs Performance Summary - 01 April 2019 – 30 September 2019

NORTH HERTFORDSHIRE DISTRICT COUNCIL

3CS RECEIVED DIRECTLY AT NHDC – 6 MONTHLY COMPARISONS

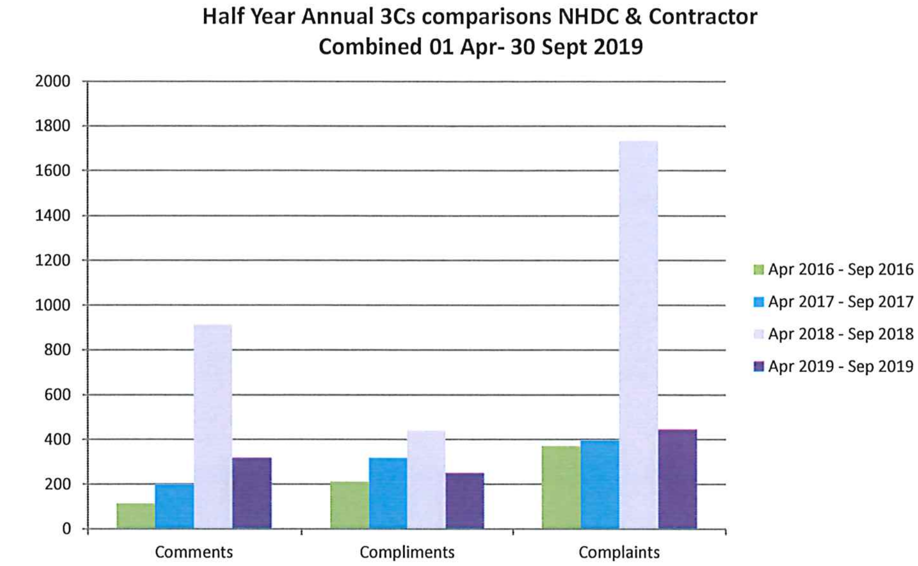
	2016 Apr - Sept	2017 Apr - Sept	2018 Apr - Sept	2019 Apr - Sept
Number of Comments received	42	67	155	31
Number of compliments received	101	71	84	66
Number of complaints received	126	85	731	176
% resolved within 10 working days	70%	68%	44%	73%
Complaints received by the LGO	3	6	3	3

Contractor Complaints Data

	2016 Apr - Sept	2017 Apr - Sept	2018 Apr - Sept	2019 Apr - Sept
Number of Comments received	72	133	600	288
Number of Compliments received	113	248	210	185
Number of Complaints received	247	312	605	270

Combined Totals

	2016 Apr - Sept	2017 Apr - Sept	2018 Apr - Sept	2019 Apr - Sept
Number of Comments received	114	200	755	319
Number of Compliments received	214	319	294	251
Number of Complaints received	373	397	1336	446



Local Government Ombudsman Complaint Decisions

Service Area (LGO Classification)	LGO Decision
Private Sector Housing	Upheld –maladministration and injustice £200.00 compensation
Planning Control	Draft decision being considered
Waste Management	Under investigation

Waste and Recycling Data (combined)

	Comments	Compliments	Complaints
April – September 19	16	6	118

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Appendix B

Breakdown of 3Cs by service area – 1 April 2019 to 30 September 2019

Chief Executive	**Comments**	**Compliments**	**Complaints**
Chief Executive	0	0	0
Deputy Chief Executive	0	0	0
Communications	1	0	0
Resource	**Comments**	**Compliments**	**Complaints**
Human Resources	0	0	0
Risk Management & Insurance	0	0	0
Property Services	1	0	0
Regulatory	**Comments**	**Compliments**	**Complaints**
Building Control	0	0	0
Environmental Health - Commercial	0	0	0
Environmental Health – Protection	0	0	0
Housing Needs	0	3	7
Private Sector Housing	0	0	0
Parking Services	2	0	8
Planning Control & Conservation	1	2	11
Planning Policy	0	1	2
Place	**Comments**	**Compliments**	**Complaints**
Active Communities	0	0	0
Grounds Maintenance	0	1	0
Leisure	1	0	1
Parks & Open Spaces / Green Space	1	12	1
Waste Management	16	6	118
Customer	**Comments**	**Compliments**	**Complaints**
Benefits	1	1	7
Careline	0	27	0
Customer Service Centre	1	2	1
IT	0	1	0
MSU Post & Administration	0	3	0
Revenues Billing and Recovery	2	5	13
Revenue Technical	1	0	1
Legal & Community	**Comments**	**Compliments**	**Complaints**
Community Development	0	0	0
Community Safety	0	0	3
Committee Services	0	0	0
Electoral Services	0	0	0
Legal Services	0	0	0
Licensing	0	0	1
Enforcement / Enviro Crime	0	2	1
Commercial	**Comments**	**Compliments**	**Complaints**
Town Hall & Hitchin Museum	2	0	1
Markets	1	0	0
Totals	**31**	**66**	**176**

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OVERVIEW AND SCRUTINY COMMITTEE
21 JANUARY 2020

PUBLIC DOCUMENT

TITLE OF REPORT: GARDEN WASTE SERVICE

REPORT OF: THE SERVICE DIRECTOR - PLACE

EXECUTIVE MEMBER: Executive Member for Recycling & Waste Management

COUNCIL PRIORITY: Responsive and efficient.
Be a more welcoming and inclusive council

1. EXECUTIVE SUMMARY

To consider and agree implementing concessionary rates and reconsider implementation of direct debits for future garden waste charges commencing in 2020/21.

2. RECOMMENDATIONS

For Cabinet to consider and agree:-

2.1. concessionary rates principles as proposed in para 8.2 and to delegate to the Service Director for Place the authority to update the relevant Council's waste and environmental policies to incorporate these principles

2.2. to implement concessionary rates and Direct Debits from April 2020 as stated in para 8.4

2.3. to implement plan B if necessary as state in 8.3 up to a max of £20k revenue per annum

3. REASONS FOR RECOMMENDATIONS

3.1 To deliver objectives set out in the Councils plan and to implement the recommendations in 2020/21.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. Not to provide a concessionary rate payment system.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Executive Member for Recycling and Waste and Political Liaison Board has been consulted.

6. FORWARD PLAN

6.1 This report contains a recommendation on a Key Executive decision that was first notified to the public in the Forward Plan on the 1st November 2019.

7. BACKGROUND

7.1. The Council want to provide an equitable and accessible garden waste service in the most efficient and effective way.

7.2. The Waste Contract does not currently include concessionary rates for the garden waste service. Although included in the contract as a payment method, Direct Debits have yet to be implemented.

7.3. The Council have approximately 55,000 households of which 90% are eligible for the garden waste service (properties with gardens). In 2018/19 approximately 29,000 households (58%) signed up to the service at a cost of £40. In 2019/20 at the time of writing this report there are currently 26,666 households signed up to the service.

7.4. Due to service disruption in 2018/19 the Council agreed a free three month extension to all subscribers of the garden waste service. This now means that the service year commences on the 1st August each year, there are no current reductions for part year provision.

7.5. The waste contractor, Urbaser, is responsible for the collection and management of the garden waste subscription service. Therefore any changes to the service need to be negotiated and agreed with the contractor in advance.

7.6. The new contract relies on technology including data bases which keep administration and management costs to a minimum. At the start of the contract this did cause some disruption due to lack of data and other significant changes to services.

8. RELEVANT CONSIDERATIONS

8.1. With regard to implementing concessionary rates the following are the key considerations

- Agree concessionary rate principles as stated in 8.2
- Utilise the Council Tax Reduction Scheme as the evidence for eligibility for concessionary rates for garden waste. Any other process would be complicated, time consuming and costly. This is discussed further in para 8.5.
- Any IT solutions will need to provide a robust and secure process of transferring data from the Council Tax Reduction Scheme to the waste contractor's software management system.
- Contractor to agree with their software provider on any changes necessary to accommodate any such changes and any associated one off capital costs.
- The contractor will need to test the system before going live however it is intended to fully test the system with the relatively small number of household's that are eligible for a concessionary rate (circa 7,000) between March - July 2020.
- To provide a simple and transparent process to pay a concessionary charge, online, telephone and in person.

- To provide a unique reference number for every property eligible for concessionary charge and ensuring that this can only be used by one property annually.

8.2. The following principles are proposed to be adopted as part of a concessionary rate

a. 50% reduction in the standard rate, currently £40
b. Concessions only apply to those households that receive Council Tax Reduction as stated in para 8.4 and they be required to provide evidence of eligibility by providing a unique reference number to for the concessionary rate to be applied
c. The unique reference number can only be used for one property annually, Applicants will need to renew annually for concessionary rates as their personal circumstances may change during the year.

8.3. Operationally there are many issues that need to be considered and resolved prior to implementation, these include but not limited to:-

a. Development of the contractor's management system for accommodating both concessionary and direct debits. Initial meetings have taken place and a further update will be available at the meeting.
b. Development of the Council Tax Reduction System to allow daily transfer of data to ensure residents can apply for garden waste concessionary rates who are receiving Council Tax Reduction at the time of their application.
c. Concessionary rate applicants would not be able to automatically renew annually as their personal circumstance may change.
d. Development of the on-line system to accommodate concessionary payments
e. Plan B in the event the system cannot be automated and this is manually inputted (further discussed in para 14 of this report), this will have staffing implications and would then only be available to eligible customers by phone or in person and not on-line.

8.4. Officers would recommend that the new payment system is implemented from no later than April 2020, this is because there will be significant changes with third party providers to implement both the newly adopted Direct Debit and concessionary rate payments for garden waste, any teething problems can take place over the four month period before the next subscription year that commences on the 1st August 2020. We are anticipating another 3,000 garden waste subscription in this subscription year (approximately 10% of the total). Approximately 90% of our subscription will take place during the months of August and September (start of the subscription year).

8.5. The Council Tax Reduction Scheme for North Herts that is intended to be used to determine eligibility for the concessionary rates for garden waste is a means tested discount applied to Council Tax accounts for those on low incomes. The Scheme is closely aligned to Housing Benefit and is calculated taking the following into account:

- The amount of income of the claimant and partner, if applicable. This could be earned income from a job, or unearned income such as a pension or welfare benefits or could be a combination of the two
- The amount of any capital held over £6,000
- The circumstances of the household, i.e. number of dependents, whether there are any disabilities, certain outgoings such as the cost of child care, whether there are any non-dependants in the household and the amount of Council Tax payable

9. LEGAL IMPLICATIONS

9.1. Paragraph 5.6.1 of the Council's Constitution confirms Cabinet's authority *"To prepare and agree to implement policies and strategies other than those reserved to Council."*

9.2. Section 45(3) of the Environmental Protection Act 1990 states "*no charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State*". Section 4 of Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012 states that charges may be made for the collection of household garden waste.

9.3 Section 45(3) of the Environmental Protection Act 1990 requires that collection authorities make a reasonable charge for the collection of household garden waste. The Council has therefore set a charge with a view to recovering its operational contract costs, overheads, risks and administration costs. Cabinet may choose to update its waste collection policies to include a garden waste charge subsidy for certain residents based on criteria subject to an equality impact assessment and data impact assessment.

9.4 It is advisable for the Council to update its enforcements policies to cover applications for the proposed concessionary rate.

10. FINANCIAL IMPLICATIONS

10.1. This report is seeking a decision on the scope of how concessions will operate. The system proposed is believed to be the simplest possible and therefore should be the lowest cost to implement and operate on an ongoing basis. Following a decision on the concession system, work will be carried out to determine what the costs involved will be. Up-front revenue costs could be incurred in either 2019/20 or 2020/21 and any budget overspends will be reported to Cabinet as required by the Financial Regulations. Any up-front capital costs should be significantly less than £100k, and therefore approval for these costs will be sought from the Executive Member for Finance and IT in line with the financial regulations.

10.2. The draft budget for 2020/21 onwards includes an estimate of the ongoing cost of providing the concessionary rate. This attempts to reflect the lost income from those that are currently paying £40, but will become eligible for the reduced £20 rate. This is based on there being a similar level of take-up (50%) of the current service amongst those that would be eligible for a concessionary rate as amongst the total population. It is expected that this will be an over-estimate as the current take-up is likely to be lower than amongst the wider population e.g. due to not being able to afford the £40 charge. No allowance has been made for ongoing administration costs, so this will off-set the expected over-estimate on take-up levels. There has been no assumption made on the impact of the concessionary rate increasing take-up. The financial impact of this would be minimal as the direct costs of each additional sign-up are broadly in line with the £20 concessionary charge.

11. RISK IMPLICATIONS

11.1. The transfer of Data from the Councils benefit system to the Waste Contractor, and other relevant third parties, will need to be set up in line with the GDPR rules in order to ensure there is no risk to sensitive personal data.

11.2. Efforts have been made to balance the simplicity of the concessions system with sufficient controls to check eligibility. However there is a risk that the system will allow a discount to be claimed incorrectly or not allow a discount when it should be allowed. The system testing should help to reduce this risk.

11.3. If there are any complications regarding setup and implementation, there is the potential for service disruption and negative impact on residents. It is not possible at this stage to estimate the length and cost of disruption because this depends on the reasons and how quickly officers can mitigate the issues. Starting in April 2020 should help mitigate many of the risks as the subscription year starts in August

11.4. The ability of third party contractors to develop their systems to incorporate a two tier payment system and direct debits.

11.5. One off capital and ongoing revenue costs are not certain at this stage and this creates financial risk to the Council.

11.6. In the event the system cannot be automated there will be additional on-going revenue costs associated with manual input (Para's 2.3 & 8.3)

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 A concessionary rate policy may provide more access to some of our financially disadvantaged residents for our garden waste service. Any change needs to trialled as set out in 8.1. It would be prudent to carry out a consultation to test the assumptions that lower income families will participate in the paid garden waste scheme and that those who benefit from the CTRS are the most financially disadvantaged. There is a presumption that a reduced fee will attract greater take up from these and other financially disadvantaged groups. For example, the report suggests that a £20 is a small sum of money, whereas this may not be the case. An initial Equality analysis has been completed (Appendix A)

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report. However, a concessionary rate for the garden waste charge would improve residents access to this service

14. HUMAN RESOURCE IMPLICATIONS

14.1. Providing there are no issues with the Council Tax reduction data being automated with the waste data system managed by Urbaser; it's not anticipated there will be a significant impact on either Urbasers or the client team and managed within existing resources.

14.2. If there are issues with the two separate systems working together, then a manual process of putting the information in will be necessary and there would need to be additional staff employed by Urbaser and possibly the client team for an 8 week period during the renewal period. These costs would need to be determined and agreed but not expected to be greater than £20k p.a.

14.3. There may be resource implications for the Council's enforcement team as there would be further consideration of claims for the concessionary charge in respect of fraudulent Council Tax Reduction claims.

15. APPENDICES

15.1. Appendix A – Equality Analysis

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1. None

Equality Analysis

Equality Analysis Template

1. Name of activity:	**Garden Waste Service**
2. Main purpose of activity:	a. implementing concessionary rates in the following manner b. 50% reduction in the standard rate, currently the rate is £40 c. Concessions only apply to those households that receive council tax reduction (to be required to provide evidence of eligibility by providing a unique reference number relating to the already established the CTRS benefit).
3. List the information, data or evidence used in this assessment:	Existing garden waste subscribers and policies, council tax benefit database and policies

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)	☐	☒	☒	**Negative** There is a possibility that those on a low income may not be on receipt of CTRS and not benefit from this reduction on fee. Those on low incomes may still not to choose to spend funds on garden waste removal over other essential purchases/costs **Positive** a. Those that are part of the CTRS are on low incomes and therefore are most likely to benefit from a reduction in the charge if they apply. The CTRS is already a well used method of means tested benefit provision.
A person living with a disability	☒	☐	☒	**Negative** **Positive** This vulnerable group may have less availability for spending on non-essential items such as garden waste collections.
A person of a particular race	☒	☐	☐	**Negative** n/a **Positive** n/a
A person of a gay, lesbian or bisexual sexual	☒	☐	☐	**Negative**

orientation				**n/a** **Positive** n/a
A person of a particular sex, male or female, including issues around pregnancy and maternity	☒	☐	☐	**Negative** **n/a** **Positive** n/a
A person of a particular religion or belief	☒	☐	☐	**Negative** n/a **Positive** n/a
A person of a particular age	☐	☒	☒	**Negative** Some elderly residents have a lower income and therefore have less availability for spending on non-essential items such as garden waste collections. Elderly residents may be capital rich and revenue poor so may not meet the criteria for means testing. **Positive** Elderly residents may need assistance to remove their garden waste, which they cannot achieve themselves. By paying for removal this reduces a burden on them.
Transgender	☒	☐	☐	**Negative** n/a **Positive** n/a

5 Results

	Yes	No	
Were positive impacts identified?	☒	☐	Greater uptake of the paid garden waste scheme to reduce the impact on the environment. Ensures the service is made more accessible to the community.
Are some people benefiting more than others? If so explain who and why.	☐	☒	All householders that pay for the service benefit from the removal of green waste.
Were negative impacts identified (what actions were taken)	☐	☐	Some residents on a lower income may not be eligible for CTRS – CTRS is already established as a trusted means tested benefit system and can be translated to a concessionary rate decision for garden waste. There are no current reductions for part year provision.

			This may disadvantage those who circumstances change within the year.

6. Consultation, decisions and actions		
If High or very high range results were identified who was consulted and what recommendations were given?		
None identified		
Describe the decision on this activity		
n/a		
List all actions identified to address/mitigate negative impact or promote positively		
Action	Responsible person	Completion due date
n/a	n/a	n/a
When, how and by whom will these actions be monitored?		
n/a		

7. Signatures	
Assessor	
Name:	Signature**
Validated by	
Name:	Signature**
Forward to the Corporate Policy Team	
Signature**	
Assessment date:	Review date:

** **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.

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OVERVIEW AND SCRUTINY COMMITTEE
28 JANUARY 2020

PUBLIC DOCUMENT

TITLE OF REPORT: DRAFT DEVELOPER CONTRIBUTIONS SPD

REPORT OF: THE *SERVICE DIRECTOR - REGULATORY*

EXECUTIVE MEMBER: *EXECUTIVE MEMBER FOR PLANNING & TRANSPORT*

CURRENT COUNCIL PRIORITY: ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

NEW COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY / SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

1.1 The Council is preparing a new Local Plan 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 Cabinet has previously made decisions relating to (i) the nature of the SPDs that shall be produced to support the new Local Plan and (ii) the future approach to seeking developer contributions from new developments towards affordable housing, infrastructure and other matters.

1.3 The Developer Contributions SPD is the first of the proposed SPDs supporting the emerging Local Plan. Cabinet are asked to note the contents of the draft SPD and approve a six-week public consultation which will inform any final version of the document.

2. RECOMMENDATIONS

2.1. That the draft Developer Contributions SPD, attached as Appendix A to this report, be endorsed and approved for a six-week public consultation.

2.2. That Officers be instructed to conduct a review to consider the feasibility of introducing a Community Infrastructure Levy for residential sites of 10 units or less.

3. REASONS FOR RECOMMENDATIONS

3.1. To allow the Developer Contributions SPD to be progressed so that it may be (i) adopted at the same time as, or shortly after, any future decision to adopt the new Local Plan and (ii) taken into account in relevant planning decisions.

3.2. To determine whether there is scope to introduce a levy for small sites which are not normally subject to requests for contributions but which, collectively, result in additional burdens upon local infrastructure.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. 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.

4.2. 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. Officers have previously 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 was 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).

4.4. Following a Hertfordshire-wide series of workshops held during 2019, officers now consider there is merit in exploring the scope to use CIL for smaller developments of 10 homes or less (see paragraph 7.8). At this time Officers have no particular grounds on which to recommend that the 18 December 2018 Cabinet resolution be overturned in order to pursue a Community Infrastructure Levy more broadly. However, Members may now wish to further consider this matter and instruct officers to explore CIL across a wider range of (or all) applications (see paragraphs 8.8 to 8.14) or await the outcome / anticipated financial receipts of the small developments CIL review.

4.5. 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 (see paragraph 7.9).

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.

5.2. 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.

5.3. 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 that 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) 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 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 in planning decisions.

7.4. A review of the Council’s current planning guidance was undertaken in 2017 following submission of the proposed new Local Plan for examination. 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. Work on the SPDs since this time was delayed due to the ongoing nature of the Local Plan examination as an adopted SPD must relate to an adopted plan policy.

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 the planning decision that monies will be spent on any particular matter or project relating to that planning application.

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 has lifted pooling restrictions so that an unlimited number of Section 106 agreements can now be used to collect contributions towards a single infrastructure project. Pooling restrictions were in place between 2015 and 2019 and had meant that no more than five Section 106 contributions could be made towards any single infrastructure scheme. This had presented a notable barrier to the funding and delivery of infrastructure, particularly for larger projects.

7.8. During 2019, and following the above Cabinet decision, Council officers participated in a county-wide review in association with Hertfordshire County Council, the Planning Advisory Service (PAS) and the other nine district authorities. This process allowed officers to critically re-evaluate their position. This reaffirmed, in officers’ view, that the use of Section 106 agreements is the best approach for the development strategy in the emerging local plan, where development is dispersed and (small groups of) sites can be reliant on the delivery of critical, locally specific infrastructure projects such as a school expansion. However, it did focus awareness of the cumulative infrastructure burden arising from the development of small residential sites of 10 units or less which are normally exempted from Section 106 requirements.

7.9. 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.

8. RELEVANT CONSIDERATIONS

Draft Developer Contributions SPD

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 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 which dates from 2006.

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 draft SPD is attached as Appendix A. 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. Compared to the Local Plan, there is far greater scope to amend a draft SPD in response to consultation responses and other matters prior to its adoption.

8.6. Subject to approval by Cabinet, the draft SPD will be made available for public consultation for a period of six weeks. This is longer than the statutory minimum of four weeks. However, this approach allows for consultation to be co-ordinated with the draft Statement of Community Involvement and Baldock, Bygrave and Clothall Neighbourhood Plan which are subject to separate reports to this meeting. It is proposed that consultation on all three documents will take place from Wednesday 12 February to Wednesday 25 March 2020. Any comments received will inform the final version of the SPD which would then be re-presented to Cabinet for approval and adoption at an appropriate time.

8.7. 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 negotiation and determination of planning applications, or in providing pre-application advice, at the earliest opportunity given the age of the current guidance.

Community Infrastructure Levy

8.8. As set out above, as a result of the PAS review work, officers now consider there is merit in assessing whether small sites might be asked to contribute towards infrastructure requirements. Sites of 10 homes or less are normally exempted from providing affordable housing or making other contributions through a legal agreement. However, they still create a demand for local services and infrastructure particularly when the cumulative impact of multiple small developments is considered.

8.9. Subject to approval by Cabinet, officers will consider the business case for introducing a small-sites CIL for the District. The review would consider the prospective benefits and costs of this approach. This would include, but is not necessarily limited to:

- Exploring the detailed legislative and regulatory requirements for producing, adopting and collecting CIL. This would include fully understanding the ability to set CIL thresholds in such a way as to capture small sites;
- Identifying the quantum of development that might be captured by such a CIL (allowing for relevant exemptions);
- Considering the level at which a CIL charge might be set having regard to viability and other relevant factors. It is notable that CIL examinations tend to take a precautionary approach. The recent examination in neighbouring Stevenage recommended CIL rates of between £40 and £100 per square metre of qualifying residential development whilst the evidence supporting our own Local Plan has consistently assumed that any future CIL for the District would be set at around £100 per square metre;
- The potential CIL receipts that might be realised as a result of the above;
- The potential timetable and administrative costs for producing a CIL up to the point of adoption;
- The ongoing administrative processes and costs that would be required to support a CIL including calculation of CIL for individual sites, collection of receipts, enforcement and governance arrangements for its expenditure.

8.10. It is anticipated that the review would report back to Cabinet in the second half of 2020, however this timescale is dependant upon progress of the Local Plan and associated workloads.

8.11. Officers recognise there are potential benefits to introducing CIL more widely. These include the greater certainty provided to applicants, officers and community groups. By setting a flat-rate levy, CIL can reduce the requirement for lengthy negotiations on legal agreements. It also provides a guaranteed share of receipts to Parish Councils to be spent at their discretion rather than having to bid for specific projects in response to each individual planning application.

8.12. However, this needs to be balanced against a number of factors including the setup and ongoing costs to the Council of introducing CIL, the recent lifting of restrictive pooling limits on the collection and use of Section 106 legal agreements and the reduced certainty under a CIL regime that specific, and sometimes critical, local infrastructure projects will actually be delivered.

8.13. These factors informed the recommendation to Cabinet in December 2018. Notwithstanding the proposed approach to small sites above, officers have no particular grounds on which to now recommend that this decision is wholly reversed. However it is recognised that the joint administration may wish to widen the parameters of the review outlined in Paragraphs 8.8 and 8.9 above.

8.14. Even if a CIL for North Hertfordshire were eventually pursued more widely, there would still be a role for Section 106 legal agreements. They would still be required to secure affordable housing as well as contributions towards any matters not covered by a CIL. The largest proposed sites in the new Local Plan in particular would still be accompanied by a bespoke legal agreement. In this regard, it is necessary to maintain an up-to-date SPD on developer contributions in any event and any recommendation under 2.2 above would not undermine this.

9. LEGAL IMPLICATIONS

9.1. 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).

9.2. The provisions for planning obligations are set out under Section 106 of the Town and Country Planning Act 1990.

9.3. The process for introducing a Community Infrastructure Levy is set out in Section 211 of the Planning Act 2008 and a variety of accompanying regulations.

10. FINANCIAL IMPLICATIONS

10.1. The general costs of preparing Supplementary Planning Documents are met through existing revenue budgets.

10.2. It is proposed that the CIL review work would be undertaken in-house but that any specific consultancy support (e.g. on viability) could be met through an existing revenue budget for CIL/Planning Obligations.

10.3. Any future financial implications of introducing a CIL will be set out in any review directed under recommendation 2.2 above.

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 negotiating and determining planning applications;
- lack of consistency with the emerging Local Plan as well as national planning policy and guidance; and
- a risk of not securing the maximum range and / or amount of contributions possible within the parameters of the CIL regulations.

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” requirements 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 although the outcomes of any review directed under recommendation 2.2 of this report could have resource implications in the future.

15. APPENDICES

15.1. Appendix A – Draft Developer Contributions SPD

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17. BACKGROUND PAPERS

17.1 Review of North Hertfordshire Planning Guidance report to Cabinet, 25 July 2017

17.2 Strategic Planning Matters report to Cabinet, 18 December 2018

17.3 Housing Delivery Test Action Plan report to Cabinet, 11 June 2019

17.4 Local Plan Viability Assessment Update, August 2016 (Local Plan reference TI2)

17.5 NHDC Viability Addendum, February 2018 (Local Plan reference ED72)

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Developer Contributions Supplementary Planning Document

Draft

January 2020

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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 Hertfordshire County Council's Guide to Developer Infrastructure Contributions document, recently consulted upon in draft form, will be published. The Council will monitor progress on 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, agents 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 obligations, whether by Section 106 agreements or 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 SPDs[1].

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

1.3.3 The Community Infrastructure Levy Regulations 2010 (as amended) set out the requirements that planning obligations must fulfil. Planning obligations can only be used:

- 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 Paragraph: 4, reference ID: 23b-004-20190901 of the planning practice guidance on planning obligations makes clear that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. Whether or not an obligation meets this test will be assessed on a case by case basis considering the project, harm or stress added to such facilities (in the round) from the development proposed, and considering the residual S106 figures arising from the viability evidence supporting the Local Plan[2].

1.3.5 The pooling limits previously imposed by regulation 123 of the above Regulations have been omitted by way of regulation 11 of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. This omission now allows more than five obligations to fund a single infrastructure project.

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 plan[3].

1.4.2 Local Planning authorities should consider whether otherwise 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 condition[4].

1.4.3 Where up-to-date policies set out the contributions expected from development, planning applications that comply with them should be assumed to be viable[5].

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

[2] DSP – North Hertfordshire District Council – Local Plan Viability Assessment – Update – Final Report (August 2016); DSP – North Hertfordshire District Council – Local Plan Examination Addendum (Viability) (Proposed policies HS4 and HS5) (January 2018)
[3] NPPF Paragraph 34
[4] NPPF Paragraph 54
[5] NPPF Paragraph 57

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 obligations[6].

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. Following review and consideration of representations made in response to the draft Main Modifications, the Inspector wrote to the Council setting out the next stages of the examination in July 2019 with additional questions in a further letter sent by the Inspector in August 2019. The Council have responded to both letters, in November and December 2019. Further hearings are expected following the Inspectors response in regards to matters, issues and questions for additional hearing sessions expected in late January.

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, S106 and Community Infrastructure Levy (CIL)

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.

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

1.6.3 Planning obligations may be set out in a Section 106 agreement between the Council and the developer (and any other relevant parties) or in a unilateral undertaking offered by the developer. Section 106 agreements and unilateral undertakings are individual, scheme-specific, legal documents. Such agreements or undertakings can contain a number of planning covenants which can relate to both financial and non-financial obligations.

1.6.4 This document and the guidance contained within will remain a material planning consideration in the assessment of future development management applications if a CIL is subsequently adopted. Whilst some elements of this document may be superseded by any future CIL, this guidance will remain relevant and some form of legal agreement will still be required to secure affordable housing provision, on-site infrastructure delivery and/or any site specific obligation which falls outside of any future adopted CIL. In the case of adoption of CIL in the future, legal agreements securing obligations will work alongside CIL for the above reasons in a hybrid fashion.

1.7 Sustainability Appraisal

1.7.1 This draft SPD has been reviewed against the European Directive relating to Strategic Environmental Assessments 2001/42/EC. This scoping exercise has shown that this draft SPD does not require an SEA to be undertaken. To the extent that applies, this document shall be reviewed against any replacement legislation related to Brexit arrangements[7].

[7] https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-environmental-assessments-and-miscellaneous-planning-amendment-eu-exit-regulations-2018

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:

   i. On-site and/or off-site improvements and infrastructure necessary as a result of the development in order to:

      - ensure appropriate provision of facilities and infrastructure for new residents;
      - **contribute toward** ~~help~~ address**ing** 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

   ii. 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~~;

c. 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**;

e. Work with landowners, developers and other agencies in facilitating the delivery of sites identified in the Local Plan **and associated infrastructure** and seek to overcome known obstacles; and

f. ~~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 These providers may also be signatories to the s106 agreement. The decision to make any other provider a signatory will be based on the level of financial contribution sought by the other provider. For clarity, any financial contribution to be made to a provider other than North Hertfordshire District Council in excess of £150,000 will usually require the other provider to be a signatory to the Section 106 agreement.

1.10 Infrastructure Planning and Funding

1.10.1 An Infrastructure Delivery Plan (IDP)[8] 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.

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[8] Infrastructure Delivery Plan to support the North Hertfordshire Local Plan 2011-2031 (2016) - https://www.north-herts.gov.uk/files/ti1-infrastructure-delivery-planpdf

1.10.4 In addition to updating the IDP, Annual Infrastructure Funding Statements are a requirement of Regulation 121A of the Community Infrastructure Levy Regulations 2010 as amended by Regulation 9 of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

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. Developers should be aware that obligations may be required to secure details outside of the scope of this document, such as securing a masterplan, final location and use splits of local neighbourhood centres, or management plans for the maintenance and sustainability of any new neighbourhood centres required as a result of the development.

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 Council would expect a draft Heads of Terms with any pre-application advice for housing developments expected to exceed 10 units of 1,000sqm in floor space, or any other form of development for which an obligation may be expected on a fair reading of this guidance. 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 fully 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 pre-application 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. For further advice, please see section 2.3 of this guidance document.

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 Council[9]. 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 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. The legal documents which secure the obligations, whether via section 106 or unilateral undertaking, must be agreed in regards to wording of definitions, scale, phasing of delivery and trigger points of any obligations prior to the deadline for draft reports for the targeted Committee date.

2.2.6 Standard templates for the legal agreements and Unilateral Undertakings can be found on the Council’s 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 the Council’s legal costs as well as their own 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 on viability grounds, a viability appraisal will be required. For further advice, please see section 2.3 of this guidance document.

2.3 Viability

2.3.1 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

[9] 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

viability evidence demonstrating overall viability[10]. 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.

2.3.2 A viability 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 yield;
- Construction site abnormals;
- Development phasing/timetable.

2.3.3 A viability appraisal should be submitted at application stage for any planning application where viability is a factor in determining the application. 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.

2.3.4 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.

2.3.5 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.

2.3.6 Overpayment for land will not be accepted as a reason for reducing contributions.

2.4 Viability review mechanisms

2.4.1 The Council will consider using a viability review mechanism where obligations or covenants 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.

2.4.2 A viability review mechanism may be used for multi-phased or long-term development schemes. Viability review mechanisms may also be appropriate

[10] DSP – North Hertfordshire District Council – Local Plan Viability Assessment – Update – Final Report (August 2016)
DSP – North Hertfordshire District Council – Local Plan Examination Addendum (Viability) (Proposed policies HS4 and HS5) (January 2018)

whereby there are large scale, estimates or bespoke costs which may be subject to change or further surety upon investigation. The trigger point(s) for review will be set out at application stage, and be relevant to the reason for the inclusion of the viability review mechanism. 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.

2.4.3 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. The viability review mechanism would be included in the S106 agreement.

2.5 Policy priorities and planning obligations

2.5.1 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).

2.5.2 Paragraph 4.83 of the Local Plan identifies that there may be instances whereby policy requirements are prioritised. 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.

2.5.3 The Council will normally prioritise those contributions that have been properly tested through the Local Plan, in accordance with Planning Practice Guidance. 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.

2.5.4 Whether contributions have been subject to appropriate levels of consultation, examination and / or testing, is 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 other requests.

2.5.5 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.

2.6 Deeds of variation

2.6.1 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 prior to the submission of any application under Section 106B of the Town and Country Planning Act 1990 (as amended). This will result in additional costs to the applicant to take into account the negotiation, preparation and drafting of the variation. These costs include the costs of the applicant's legal representation, the reasonable costs of the Councils legal representation as well as the costs of the application to vary or modify an obligation in of itself.

2.7 Monitoring, enforcement and allocation

2.7.1 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 meet the requirements of Part 11 Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended by Regulation 10 of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. Those requirements are that the sum to be paid fairly and reasonable relates in scale and kind to the development and does not exceed the authority's estimate of its costs. Fees may be required to cover the cost of land transfer, where applicable.

2.7.2 The authorities estimate of costs for monitoring of obligations will, necessarily, be bespoke and context dependent. The estimated costs may include the monitoring costs of other departments in and or outside of the District Council. Fees for monitoring will be negotiated by the case officer.

2.7.3 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.

2.7.4 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.

2.7.5 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

2.7.6 The Council will comply with the requirements of Part 10A, Regulation 121A of the Community Infrastructure Levy Regulations 2010 as amended by Regulation 9 of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in so far as it relates to planning obligations. The Council will provide an annual infrastructure funding statement in the form of a "section 106 report", the first being due, at the time of writing, the 31 December 2020.

2.8 Indexation

2.8.1 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. The Retail Price Index (RPI) will be used for ongoing revenue costs, and PubSec for all capital costs. This is to ensure that the value of an obligation does not reduce over time. This information is correct at the time of writing, but is subject to change.

2.8.2 For contributions required by Hertfordshire County Council, indexation will be calculated having regard to any relevant requirements in their own planning obligations guidance[11].

2.9 Bonds

2.9.1 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.

2.9.2 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.

[11] Hertfordshire County Council Guide to Developer Infrastructure Contributions, https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/draft-developer-contributions-guide-consultation.aspx

3 ECONOMY AND TOWN CENTRES

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

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 communities[12].

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.

[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 Construction Industry Training Board's client based approach.

3.2.3 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 Regeneration, town centres and streetscapes

3.3.1 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 major development 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.

3.3.2 Major residential or non-residential development schemes near town centres have potential to drive substantive increases in footfall in town centres. Schemes for out-of-centre development will have to meet the necessary policy tests in regards to the sequential and impact tests. It may be that within the impact tests, contributions could be nominated or sought to mitigate harm to the vitality or viability of an existing town centre to an acceptable level.

3.3.3 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 Town Centre Strategies. Work on these is due to commence during 2020.

3.3.4 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). Alternatively, financial contributions may be sought.

3.3.5 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.

3.3.6 The Council may seek contributions towards the ongoing maintenance of any public realm improvements to be provided.

4 TRANSPORT

Local Plan Policies	Other relevant Strategies & Guidance
➢ 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 ➢ Appendix 4: Car Parking Standards	➢ 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* ➢ Hertfordshire County Council Guide to Developer Infrastructure Contributions[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 pursued[14].

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.

[13] Hertfordshire County Council Guide to Developer Infrastructure Contributions, https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/draft-developer-contributions-guide-consultation.aspx
[14] NPPF Paragraph 102

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 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 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 Guide to Developer Infrastructure Contributions provides an indication of the scale of requests they are likely to make in response to planning application consultations.

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 where those impacts would be directly related to the development proposed.

4.2.3 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.

4.2.4 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.

4.2.5 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.

4.2.6 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 may be sought for monitoring.

4.2.7 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

4.3 Policy context

4.3.1 The NPPF stresses the importance of addressing the needs of groups with specific requirements for housing[15].

4.3.2 The Council's overall planning approach to Affordable Housing is set out in Policy HS2 of the Local Plan and supporting text. This section of the SPD provides additional information to aid interpretation of these requirements.

4.3.3 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.

4.3.4 Policies HS4 and HS5 contain specific requirements relating to housing for older persons and accessibility respectively.

[15] NPPF Paragraph 59

4.4 Affordable Housing

Demonstrating compliance with Affordable Housing requirements

4.4.1 We encourage the submission of an Affordable Housing Statement alongside any relevant planning applications to demonstrate how the requirements of the Local Plan 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

4.4.2 The following details set out the Councils expectations in line with policy HS2 of the Local Plan. All expectations set out below will be secured in a legal agreement in any potential approval of a relevant application. In the event of an outline planning application with all or most matters reserved, these matters will remain secured in a legal agreement, up to, including and not limited to amount, tenure, mix and design.

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

4.4.3 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%

4.4.4 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 evidence[16], 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.

4.4.5 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.

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

4.4.6 These factors will also be considered in other instances where the proposed Affordable Housing contribution does not comply with policy.

Off-site provision of Affordable Housing

4.4.7 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.

4.4.8 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%).

4.4.9 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%).

4.4.10 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

4.4.11 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

4.4.12 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.

4.4.13 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

4.4.14 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.

4.4.15 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.

4.4.16 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.

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

Viability

4.4.18 Our overall approach to viability is set out in Policy SP7 of the Local Plan and Section 2.8 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.

4.4.19 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))

4.4.20 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.

4.4.21 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.

4.4.22 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

4.4.23 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.

4.4.24 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

4.4.25 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.

4.4.26 At the time of writing this approach gives a unit cost of £123,000 [17].

C2 Uses and affordable housing

4.4.27 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 requirement 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.

4.4.28 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).

4.4.29 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

4.4.30 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

[17] *Taken from* North Hertfordshire District Council Local Plan Viability Assessment Update 2016 (DSP). *Figure based upon: a base build cost for a 79m^2 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 value of £370,000 per hectare. Total rounded to nearest £1,000.*

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.

4.4.31 The relevant sum will be calculated on a case-by-case basis using the dwelling estimate and affordable housing policies in the Plan and the guidance above on commuted sums.

Expenditure of commuted sums for Affordable Housing

4.4.32 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;

4.4.33 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))

4.4.34 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.

4.4.35 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

4.4.36 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.

4.4.37 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.

4.4.38 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.

4.4.39 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.

4.4.40 The Government recognises that shared ownership products can be hard to replace, particularly in rural areas. To address this issue, regulations identify Designated Protection Areas[18]. Within these, any shared ownership products will be required to restrict 'staircasing' to a maximum 80% equity share in the property.

4.4.41 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

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

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

4.4.42 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.

4.4.43 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.

4.4.44 On schemes of 25 units or more it should be possible to deliver the tenure split required by Policy HS2.

4.4.45 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.

4.4.46 The most appropriate mix of intermediate products will be negotiated on a case-by-case 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.

4.4.47 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))

4.4.48 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. We supplement data from district-wide studies, with more localised information.

4.4.49 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.

4.4.50 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.

4.4.51 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.

4.4.52 Applicants will need to demonstrate compliance with any additional or alternate requirements in Neighbourhood Plans that are brought forward following adoption of the Local Plan[19].

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

4.4.53 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.

4.4.54 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.

4.4.55 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.

4.4.56 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.

4.4.57 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.

[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.

Affordable Housing Design

4.4.58 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.

4.4.59 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.

4.4.60 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.

Registered Providers

4.4.61 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.

4.4.62 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

4.4.63 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.

4.4.64 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.

4.4.65 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

4.4.66 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.

4.4.67 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

4.4.68 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.

4.4.69 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.

4.4.70 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.

4.4.71 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.

4.4.72 This approach will normally be continued on smaller rural sites. However, some rural parishes have 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

4.4.73 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.

4.4.74 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

4.4.75 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.

4.4.76 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.

4.4.77 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))

4.4.78 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.

4.5 Self-build

4.5.1 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.

4.5.2 The delivery of self-build sites, or proportion of sites as self-build opportunities, brings complexities, as detailed below. Considering the depth of considerations for the appropriate delivery of self-build housing, it is highly likely that any approval of such housing will require planning obligations, rather than conditions, to secure the details of delivery. As a result, guidance in what is required to be considered in delivery of self-build housing is set out below to inform heads of terms and eventual agreed obligations.

4.5.3 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.

4.5.4 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.

4.5.5 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.

4.5.6 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.

4.5.7 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.

4.5.8 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

4.5.9 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 application[20].

[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.

4.5.10 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.

4.5.11 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.

4.5.12 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.

4.5.13 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 DESIGN

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

*Forthcoming

5.1 Policy context

5.1.1 National policy recognises that good design is a key aspect of sustainable development[21]. 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.

5.2 Design

5.2.1 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).

5.3 Sustainable construction methods

5.3.1 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.

5.4 Protecting living conditions

5.4.1 Policy D3 seeks to secure protection against potential statutory nuisances and other impacts which may adversely impact upon living conditions.

5.4.2 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

5.5 Air quality monitoring

5.5.1 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.

5.5.2 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.

5.5.3 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.

5.5.4 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.

5.5.5 Identified measures or contributions will be secured by condition or legal agreement as appropriate in each instance.

5.6 Waste collection and recycling

5.6.1 A waste collection and recycling programme for North Hertfordshire is contained within the Hertfordshire Joint Municipal Waste Management Strategy 2007[22].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.

5.6.2 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

5.6.3 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.

5.6.4 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).

5.6.5 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.

5.6.6 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.

5.6.7 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.

6 HEALTHY COMMUNITIES

Local Plan Policies	Other relevant Strategies & Guidance
➢ SP4: Town Centres, Local Centres and Community Shops ➢ SP10: Healthy communities ➢ ETC3: New retail, leisure and other main town centre development ➢ ETC8: Tourism ➢ CGB2b: Community facilities, services and affordable housing in the Rural Area beyond the Green Belt ➢ HE4: Archaeology ➢ Site-specific policy criteria	➢ North Hertfordshire Indoor Sports Facilities Strategy and Action Plan ➢ Community Halls Strategy for North Hertfordshire ➢ Hertfordshire Country Council Guide to Developer Infrastructure Contributions[23]

6.1 Policy context

6.1.1 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 environments[24].

6.1.2 The Local Plan recognises that the provision of adequate social infrastructure is essential to the successful delivery of the levels of growth 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.

6.1.3 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 sixth-form 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] Hertfordshire County Council Guide to Developer Infrastructure Contributions, https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/draft-developer-contributions-guide-consultation.aspx
[24] NPPF Paragraph 92

6.1.4 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.

6.1.5 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. Hertfordshire County Council Guide to Developer Infrastructure Contributions[25] provides an indication of the scale of requests they are likely to make in response to planning application consultations, along with the associated justification.

6.1.6 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.

6.2 Education and early childcare facilities

6.2.1 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 facilities[26] can be delivered in a timely way. This includes having regard to the Hertfordshire County Council Guide to Developer Infrastructure Contributions[27] to determine the demand for school and nursery places based on forecasted child yield.

6.2.2 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 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.

6.2.3 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

[25] Hertfordshire County Council Guide to Developer Infrastructure Contributions, https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/draft-developer-contributions-guide-consultation.aspx

[26] 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.

[27] Hertfordshire County Council Guide to Developer Infrastructure Contributions, https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/draft-developer-contributions-guide-consultation.aspx

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 or other sources.

6.3 Youth Provision

6.3.1 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.

6.4 Health

6.4.1 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.

6.4.2 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 m² of additional space required ➢ Require m2 of additional space required by £2,964 to calculate build cost including fit out and fees

6.4.3 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.

6.4.4 For health contributions of less than £250,000 the Council will not require the NHS to be signatories to planning obligations. For strategic sites and any contributions greater than £250,000 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.

6.5 Indoor sports facilities

6.5.1 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.

6.5.2 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.

6.6 Arts, culture and public realm

6.6.1 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).

6.6.2 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.

6.6.3 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.

6.6.4 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.

6.7 Libraries

6.7.1 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.

6.7.2 Hertfordshire County Council has a statutory duty to provide a library service and applicants should have regard to Hertfordshire County Council Guide to Developer Infrastructure Contributions [28] to inform the contributions required.

6.8 Community facilities including Town and Village Halls

6.8.1 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.

6.8.2 The Council will encourage the development and use of such facilities as multi-functional community centres. These can act as 'hubs', offering a range of facilities to support the creation of sustainable communities.

6.8.3 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.

6.8.4 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.

6.9 Fire and rescue services and community safety

6.9.1 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 2004[29].

6.9.2 Legal agreements will be used to ensure that the developer provides fire hydrants based on one hydrant within 90 metres of each property.

6.9.3 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.

6.9.4 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 addressed through planning conditions and/ or obligations. This may be through the provision a new fire station or an extension to an existing facility.

[28] Hertfordshire County Council Guide to Developer Infrastructure Contributions, https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/draft-developer-contributions-guide-consultation.aspx

[29] Fire and Rescue Services Act 2004

6.9.5 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.

6.9.6 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.

6.9.7 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.

6.9.8 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.

6.10 Information Technology

6.10.1 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.

6.10.2 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.

6.10.3 Hertfordshire County Council have a programme to deliver connectivity to harder to reach areas[30]. 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.

6.10.4 This approach supports the rise in homeworking and the need to manage private vehicle use in accordance with local and county transport policy.

[30] https://www.connectedcounties.org/

7 NATURAL ENVIRONMENT

Local Plan Policies	**Other relevant Strategies & Guidance**
➢ SP11: Natural resources and sustainability ➢ SP12: Green Infrastructure, landscape and biodiversity ➢ D1: Sustainable design ➢ Policy NEx: Strategic green infrastructure ➢ NEx: Biodiversity and geological sites ➢ NE4: Protecting open space ➢ NEx: New and improved open space ➢ NE7: Reducing flood risk ➢ Policy ➢ NE8: Sustainable drainage systems ➢ NE9: Water quality and environment ➢ NE10: Water conservation and wastewater infrastructure ➢ NE11: Contaminated land ➢ NE12: Renewable and low carbon energy development ➢ Site-specific policy criteria	➢ North Hertfordshire Playing Pitch Strategy and Action Plan ➢ A Green Space Management Strategy for North Hertfordshire ➢ Hertfordshire Rights of Way Improvement Plan ➢ NHDC Local Cycling and Walking Infrastructure Plan (LCWIP)* ➢ Planning for biodiversity and the natural environment in Hertfordshire: guiding principles ➢ Hertfordshire Biodiversity Action Plan ➢ Hertfordshire County Council Guide to Developer Infrastructure Contributions[31] ➢ Therfield Heath SSSI Mitigation Strategy* ➢ North Hertfordshire Green Infrastructure Strategy ➢ NHDC Green Space Action Plans (various) ➢ Strategic Flood Risk Assessment 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

[31] Hertfordshire County Council Guide to Developer Infrastructure Contributions (…TBC…) https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/draft-developer-contributions-guide-consultation.aspx

7.1 Policy context

7.1.1 The NPPF identifies that access to a network of high quality open spaces is important for the health and well-being of communities[32]. It also seeks to minimise impacts on, and provide net gains for, biodiversity and advocates a proactive approach to mitigating and adapting to climate change[33].

7.1.2 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.

7.1.3 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.

7.1.4 These policy requirements are supported by a breadth of supporting strategies produced by the District Council, County Council and other bodies.

7.2 Biodiversity

7.2.1 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.

7.2.2 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.

7.3 Therfield Heath SSSI Mitigation Strategy

7.3.1 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.

7.3.2 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.

7.3.3 This approach may require schemes to make provision for and / or contributions towards:

- Enhanced open space provision within the development scheme;

[32] NPPF Paragraph 96
[33] NPPF Paragraphs 149 and 170

- 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.

7.4 Open Spaces

General principles and standards

7.4.1 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 Local Plan 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.

7.4.2 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 open space		Standard (per 1,000 persons)
Multi-functional Open Space	Amenity Greenspace & Recreation	2
	Natural and Semi-Natural Greenspace	
Provision for Children and Young People		0.57[29]
Outdoor Sports Facilities		1.60
Allotments		0.25

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

7.4.4 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

7.4.5 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 'Multi-functional 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.

7.4.6 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.

7.4.7 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

7.4.8 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

7.4.9 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.

7.4.10 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 may be sought towards existing facilities having regard to specific projects identified in green space strategies or action plans, Neighbourhood Plans or other relevant documents.

7.4.11 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.

7.4.12 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

7.4.13 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:

Type	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

7.4.14 In relation to Outdoor Sports Facilities and allotments, the Council will only seek on-site provision where this would generate a usable quantity of open space for a form of provision for which there is an identified requirement.

7.4.15 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,

7.4.16 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.

7.4.17 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.

7.4.18 Where on-site provision is not deemed appropriate, financial contributions may be sought towards identified projects.

Payments in lieu towards any type of open space

7.4.19 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

7.4.20 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.

7.4.21 The Council's approach will generally be to not 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.

7.4.22 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.

7.4.23 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.

7.4.24 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.

7.5 Flood risk and management

7.5.1 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.

7.5.2 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.

7.5.3 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.

7.6 Waterways

7.6.1 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.

7.6.2 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.

7.6.3 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.

7.6.4 Applicants should work with the Council, the Internal Drainage Board and the Environment Agency where proposals affect water resources.

7.7 Other forms of Green Infrastructure

7.7.1 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.

7.7.2 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.

7.7.3 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.

7.8 Water supply and waste-water infrastructure

7.8.1 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.

7.8.2 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.

7.8.3 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.

7.8.4 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.

7.9 Development on contaminated land

7.9.1 The Council will support proposals that involve the remediation of contaminated land in line with Local Plan Policy SP11 Natural resources and sustainability.

7.9.2 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.

7.10 Climate change and renewable and decentralised energy

7.10.1 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.

7.10.2 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.

7.10.3 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.

Completion of legal agreement

Legal agreement signed and planning permission issued

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

OVERVIEW AND SCRUTINY COMMITTEE
21 JANUARY 2020

PUBLIC DOCUMENT

TITLE OF REPORT: UPDATE ON COMMERCIAL WORK PROGRAMME

REPORT OF : SERVICE DIRECTOR - COMMERCIAL

EXECUTIVE MEMBER : EXECUTIVE MEMBER FOR ENTERPRISE AND CO-OPERATIVE DEVELOPMENT

COUNCIL PRIORITY : ATTRACTIVE AND THRIVING / PROSPER AND PROTECT

NEW COUNCIL PRIORITY : BUILD THRIVING AND RESILIENT COMMUNITIES / RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY.

1. EXECUTIVE SUMMARY

To provide the Committee with an update on the work that the Commercial Directorate has undertaken in the last year and what it is planning to undertake in future years.

2. RECOMMENDATIONS

For the Committee to note the report

3. REASONS FOR RECOMMENDATIONS

3.1 The report is following the request of the committee for a more detailed update on the work programme of the Commercial team and is for information only.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Executive Member and Deputy Executive Member for Enterprise and Co-operative Development have been kept regularly updated on the work of the Commercial team and have been fully briefed on the contents of this report.

6. FORWARD PLAN

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

7. BACKGROUND

7.1 The Service Director – Commercial first presented to this committee in December 2018. At this committee he explained the new staffing structure that had been approved, the long term vision for the organisation and provided an overview of the key topics that would be included in the Commercial Strategy.

7.2 The Service Director presented the Commercial Strategy to this committee in January 2019, which was then considered and adopted at the January 2019 Cabinet meeting. For ease of reference for the committee, the agreed vision and three initial strategic themes are set out below:-

"To stimulate innovation, develop existing services and new businesses, whilst developing a commercial culture, for the benefit of our community."

Culture
1: Enhancing the Council's commercial culture and capability.

Business Improvements
2: Become more business like in our day to day activities.

Investments
3: Increasing capital and revenue returns to the Council through investment opportunities.

7.3 In May 2019 the Commercial Manager and Commercial Officer commenced employment, which meant all roles were then filled within the Commercial team. The other two members of the team are two Commercial Support Officers. The Commercial Manager and Officers roles are essential for the Council to explore internal and external commercial opportunities. Both members of staff have private sector experience and the Commercial Officer has also worked in the public sector.

7.4 The Estates team has also recruited an Interim Property Consultant on a temporary contract, whom will work alongside the Commercial team to seek investment opportunities where property is involved.

7.5 At the September Committee the Service Director – Commercial provided a verbal presentation updating the Committee on the progress of the Commercial Strategy. Some Members of the Committee were expecting a formal report and more detail than what was presented, therefore, it was agreed that a further formal report with a clear focus on achievements to date and plans going forward be made at the next available Committee slot. Therefore the following was resolved:

RESOLVED: That the Service Director – Commercial present a written report to the next meeting of the Overview and Scrutiny Committee, which should provide the following information:

(1) The work of the Commercial Team;
(2) The essential provision of future forecasting

REASON FOR DECISION: To allow the Overview and Scrutiny Committee to comment on the work of the Commercial Team.

8. COMMERCIAL UPDATE

8.1 CULTURE

8.1.1 One of the biggest challenges that have been identified is the need to ensure everyone is aware of what a Commercial Council looks like at North Hertfordshire District Council (NHDC). There is a need for officers and councillors to have a better understanding of what councils can and can not do to generate additional income or make a surplus.

8.1.2 The quote by Peter Drucker 'Culture eats Strategy for Breakfast' is an absolute reality. A limited understanding of commercialisation impacts the way both officers and councillors think and act towards exploring new opportunities. Recent research demonstrates that strategy will ultimately only succeed where cultural issues are addressed. Therefore, although we have a Commercial Strategy which has been adopted by this Council we need to ensure we have the right culture in place for it to succeed and that everyone understands the need to be more commercial is not just for the Commercial department but is for everyone.

8.1.3 We are aiming to embed a more 'business like' approach throughout the organisation. By doing this it allows officers to think differently, consider more opportunities and streamlines the way in which we work as a council. It also gives employees the freedom to think commercially, in a way that will improve their service area or the council as a whole. The term 'thinking commercially' refers to being more strategic and considering financial implications from an income stream perspective to benefit the council and surrounding District. It also allows NHDC to identify efficiencies within our current processes as well as striving to reduce costs without affecting the services provided.

8.1.4 The Commercial team have been working hard to ensure all staff understand what commercialisation is within local government, and how we are trying to be more commercial in our approach to implement this culture change. Below is an overview of some of this work: -

- The Service Director provided a briefing to all staff last year to explain what commercialisation is and how this can provide opportunities for the council to explore.
- A new intranet page has been launched, explaining what commercialisation looks like at NHDC.
- A suggestion board has been displayed in the canteen to provide the opportunity for councillors and officers to 'post' their commercial ideas. This enables officers to 'think on their feet' and to have an informal discussion in an open space about commercialisation in general. The board is reviewed weekly and new ideas are scored and explored.
- A dedicated email account has been set up to encourage people to email the team directly to suggest commercial ideas.

- An engagement/ communications plan has been created alongside the Communications team. This includes a poster refresh throughout the District Council Offices, as well as displaying new screensavers on employee's screens. This campaign will continue into 2020 and run alongside the training (see below for further details).
- The Commercial team has featured in 'Insight' to explain and update readers on the role of the team, as well as to remind officers and councillors to think commercially.
- A drop in session took place on 18 September, providing an opportunity for officers and councillors to meet the team ask questions, present ideas and find out more about the Commercial Group.
- The Commercial Group held its first meeting on 30 October 2019. This group is made up of officers from different service areas and are commercial champions that will help the council explore more opportunities. The creation of the group is in line with the Commercial Strategy and seeks to discuss the ideas of the Commercial department. This forum has so far been very useful, with the next meeting planned on 8 January 2020.
- The Service Director has attended all departmental team meetings to discuss commercialisation and to explain what the Council can and can not do.

8.1.5 The Commercial Team have been working alongside an external training provider to arrange two types of specific training sessions for both Councillors and Managers at NHDC. The first session took place in November and was aimed at officers that could become directors of the Council company if this is formed.

8.1.6 The second set of training is aimed at all Councillors and Senior Management Group attendees and will take place on 22 January 2020. This training will ensure all attendees have a better understanding of what commercialisation is within the public sector and allow them to think differently when seeking a commercial venture internally and externally.

8.1.7 Following this training, the Commercial Manager and the Service Director – Commercial will deliver bespoke Commercial training to all members of staff. This training will aim to ensure that all staff has a good understanding of commercialisation, think differently and be more open minded when identifying opportunities within their service area. It will also allow attendees to understand how they can contribute to the overall success of the Council. Ongoing training will take place with new employees as and when they join.

8.1.8 The Commercial Manager and Service Director are in the process of appointing an external consultant from 'CommercialGov' to ensure that the strategy and the delivery of commercialisation at NHDC are inline with other local authorities and the ever-changing climate. The consultant will aim to build upon the "strong foundations" already made at NHDC, and to review the methodology in which commercial activity is researched and taken through to viable business case level. The role of the consultant is also to make recommendations based on the work done by the team, and also support in evolving culture to ensure that thinking and acting commercially becomes the 'normal' way of operating at NHDC. The selected consultant has worked on similar projects alongside over 60 local authorities including; Cheltenham (who have recently achieved the 'Commercial Council of the Year' award), Mendip District Council and South Somerset District Council.

8.1.9 Three webinars have been made available to all Senior Management Group attendees these are:-

- "Developing a commercial venture and corporate approach"
- "Successfully launching a commercial venture"
- "Managing risks and legal issues"

Since being made available over 48 officers have viewed the above.

8.1.10 The Service Director - Commercial has set up a networking group which comprises of senior Commercial officers from seven Councils. This group shares best practice and is also a good way to discuss new ideas.

8.2 BUSINESS IMPROVEMENTS

8.2.1 The Commercial team have received in excess of 100 ideas (an example of these ideas can be found in Appendix A). These ideas have derived from a combination of officer research, employee interaction and liaising with other councils. In order to determine the viability of an idea specific to NHDC, the team follows an internal process, shown below:

- Stage 1
  The idea is scored against the commercial criteria (written by the team) and includes elements such as financial implications, resources required, political issues and competition.
- Stage 2
  If the idea does not reach a score above 50% according to the criteria, it is not pursued any further by the team.
- Stage 3
  If a score is over 50% the idea is assigned to a Commercial Support Officer, who investigates and compiles the research paper. As part of the research process, the team meet with the service area that has either suggested the idea or could be responsible for the project. Further research is then carried out including include liaising with relevant councils or organisations.
- Stage 4
  Following the research, a detailed business case will be completed (the level of detail will be determined by the size and scale of the idea). This will be presented to the Commercial Officer and Commercial Manager for approval.
- Stage 5
  The Service Director – Commercial will take the idea for further discussion and approvals via the Senior Management Team meeting. This will be discussed further before seeking the approval of Councillors.

8.2.2 There are currently two projects under consideration and progress will be subject to business case. The table below demonstrates these projects and their current status.

Project Title	Estimated Income/ Savings Per Annum (£)	Status
Purchasing Annual Leave This scheme will allow employees to purchase an additional five days leave (pro-rata for part time staff) at a cost depending on their grade. This will be managed through salary deductions and will run alongside the current holiday period (April-March). Employees would not have the option to buy back additional annual leave, although this may be considered due to Service area demands.	Estimated savings to NHDC: • Low position: £9,500* at a 5% staff take up • Midpoint position: £94,000* at a 50% staff take up • Maximum position: £187,000* at a 100% staff take up **Based on salary figures of Full Time Equivalent staff from HR and taken at a salary midpoint per grade.* Current take up across other Councils vary from a 3% take up to 10%. See below for breakdown of take up by Council and what this would equal to for NHDC. • Thurrock: 3% (£5,600) • Basildon: 4% (£7,500.) • Dacorum: 5.2% (£9,700) • Central Bedfordshire: 8.85% (£16,600) • Babergh and Mid Suffolk: 10% (£18,800). This will require a set up fee of £600 which covers the administrative costs of adding the function onto the current Wider Wallet system.	**Purchasing Annual Leave** This scheme will allow employees to purchase an additional five days leave (pro-rata for part time staff) at a cost depending on their grade. This will be managed through salary deductions and will run alongside the current holiday period (April-March). Employees would not have the option to buy back additional annual leave, although this may be considered due to Service area demands.
Implementing a Community Lottery A Community Lottery that will generate additional revenue in support of good causes within the district. Funds raised through the Lottery	Tickets cost £1 each. The price of the ticket is broken into the following areas: • 50p directly to the players chosen good cause • 10p which will be	**Implementing a Community Lottery** A Community Lottery that will generate additional revenue in support of good causes within the district. Funds raised through the Lottery

will effectively substitute (not fully) the Authority's grant funding, which has been reduced as a consequence of the ongoing budget cuts. Both voluntary and community organisations will have the opportunity to benefit from this initiative, raising funds via ticket sales. When a ticket is purchased, the player then chooses which good cause they wish to support. The following calculations are based on the total percentage of NHDC player population (how many players signed up in respect of the District population). For comparative purposes, 28% of ticket sales from the National Lottery go to good causes, 27.5% from the Postcode Lottery and 20% from the Health Lottery.	controlled by NHDC and could be used to replace existing funds and therefore be a potential saving • 20p to the prize fund • 17p to the external Lottery management company for administration and management • 3p VAT. Estimated income to the community grants fund controlled by NHDC: • 1%: £5,500 • 1.5%: £8,300 • 2%: £11,000 Estimated income for good causes: • 1%: £27,000 • 1.5%: £41,500 • 2%: £55,500 A sample of *minimum* take up figures across other Councils varies from 0.9% to 2% based on area population. See below for breakdown by Council and what they have raised for good causes so far. • East Herts: 0.9% (£34,000) • Bexley: 0.6 (£36,000) • Broxbourne: 1% (£23,000) • Lincoln: 1.7% (£42,000) • Melton: 1% (£12,000) • Aylesbury Vale: 2% (£85,000). According to research, most Council's have targeted a 0.5% increase in players per year in business cases to a maximum of 3% in year five.	will effectively substitute (not fully) the Authority's grant funding, which has been reduced as a consequence of the ongoing budget cuts. Both voluntary and community organisations will have the opportunity to benefit from this initiative, raising funds via ticket sales. When a ticket is purchased, the player then chooses which good cause they wish to support. The following calculations are based on the total percentage of NHDC player population (how many players signed up in respect of the District population). For comparative purposes, 28% of ticket sales from the National Lottery go to good causes, 27.5% from the Postcode Lottery and 20% from the Health Lottery.

8.2.3 In recent years the Council has had to act more commercially, via generating income or providing services more efficiently, the table below demonstrates some specific services that have been successful in this area. Although generating income from selling our services improves the Councils financial position, our first priority must be to focus on delivering our core services, therefore, the income that is generated can be variable from year to year.

8.2.4 It is good that many departments are taking this approach which demonstrates that our employees are already thinking commercially and are on board with delivering these incentives. The Commercial team will continue to become more integrated across the different service areas to support this type of commercial thinking and activity.

Project title	**Forecasted income 2019/20**	**Status**
Providing woodland and meadow burials	£5,500	Ongoing
Selling our IT services	£16,700	Ongoing
Garden Waste Collection Service	£764,100	Ongoing
SLL ice skating rink	Awaiting figures once the project has completed	November 2019 – January 2020

8.2.5 The aim is to take a business partnering approach whereby the Commercial team will actively seek opportunities alongside service areas by having a greater understanding of the area and its potential efficiencies. This will also keep momentum going throughout NHDC regarding commercialisation, and allow employees to have a better understanding of the Commercial itself.

8.2.6 The majority of ideas that have been brought to the team are internal opportunities; however the team are also exploring external opportunities. External opportunities are considered as large investment ideas that are more likely to remain the responsibility of the Commercial or Estates team whom also report to the Service Director – Commercial.

8.3 Existing Property Portfolio

8.3.1 The District Council has a fixed asset property portfolio with an overall capital value of approximately £103 million. Part of this portfolio comprises investment properties with a capital value of approximately £18.2 million, generating a net rental income to the Council of approximately £1.1 million annually and a yield of approximately 6% per annum. The investments mainly consist of commercial and retail ground rents. The remainder of the Council's portfolio includes land for development, several buildings earmarked for refurbishment or conversion, together with operational properties such as the Council Offices, community centres and leisure centres.

8.4 Property Acquisition & Development Strategy

8.4.1 To build on the Commercial Strategy adopted by the District Council, Estates is writing a Property Acquisition & Development Strategy. The intention is to present this Strategy to Cabinet on 28th January 2020 with a view to its adoption for the next

5 years, and will be subject to annual review. The draft Strategy was presented to the Political Liaison Board on 5th November 2019.

8.4.2 The Property Acquisition & Development Strategy's core goal is to secure property opportunities for the purposes of the District Council's functions or for the benefit, improvement or development of its area. The goal is expressed through a set of objectives in the Strategy. By way of example, acquiring property in support of a regeneration programme that generates enterprise and employment is one objective.

8.4.3 The Strategy puts in place a framework of principles that apply governance and rigorous appraisal to property acquisition and development decisions by the District Council, to protect the long-term security and minimise risk for capital outlay by the Council. The Strategy also aims to help secure positive financial returns wherever possible for the purposes of its functions or the benefit, improvement or development of its area.

8.4.4 The Strategy provides a range of qualitative and quantitative criteria by which property opportunities will be appraised. One example is lot size. The Strategy advises targeting single investments in the range of £3 million to £5 million to promote a proportional and balanced property portfolio, limit management costs and to help ensure an optimal risk-return outcome for the District Council.

8.4.5 Once the Property Acquisition & Development Strategy is approved by Cabinet, and the necessary capital funding is in place (which is subject to the budget process), the District Council will be in a position to pursue suitable property opportunities that satisfy the governance and due diligence criteria of the Strategy in pursuit of the Strategy's core goal and objectives. Whilst the Strategy does not identify specific property opportunities, Estates and the Commercial team are in position to explore options.

8.5 Property Disposals

8.5.1 The District Council is proposing to dispose of the following surplus sites. These disposals will generate capital receipts to fund the Council's capital programme and acquire and develop new assets. The estimated capital receipts are shown in the Part 2 report.

Property/Site	**Proposed Disposal Date**
Town Lodge, Bungalow, Document Centre & Store, Gernon Road, Letchworth	2020-21
Land at Ivel Court, Letchworth	2020-21
Land rear of Clare Crescent, Baldock	2020-21
Land off Windmill Close, Barkway	2021-22
Land rear of Baldock Road, Letchworth	2021-22
Land off Templars Lane, Preston	2021-22
Former Depot, Icknield Way, Letchworth	2022-23
Land off Yeomanry Drive, Baldock	2022-23
Land at The Snipe, Weston	2022-23

8.6 Property Refurbishments

8.6.1 The District Council is proposing to refurbish the former Careline offices at Harkness Court, Hitchin into four residential units. The proposed date of refurbishment completion is 2020-21. Following refurbishment, additional homes will be created and additional rental income generated. The estimated rental income is provided in the Part 2 report. Two further proposed property refurbishment projects are outlined in the Part 2 report.

8.6.2 Since planning permission was obtained for the conversion, there have been delays to this project. This first is due to approval for an external canopy structure to the property in order to secure the installation of an upgraded power supply for the four flats proposed. This requires settle's approval and the utility provider to upgrade the power supply. The aim is to commence refurbishment work in March/April 2020, but is based on resolving the utility issue.

9. LEGAL IMPLICATIONS

9.1. There are various legislative provisions that give Local Authorities the power to trade, such as S1 of the Local Authority (Goods and Services) Act 1970, S95 of the Local Government Act 2003 and S1 of the Localism Act 2011 ('the general power of competence'). As part of the assessment of any proposed trading activity pursuant to the Commercial Strategy, the Council will need to ascertain the most appropriate power and comply with any associated requirements.

9.2 The District Council can borrow to acquire or develop property for the purposes of NHDC's functions or for the benefit, improvement or development of its area. In its capacity of local authority, the District Council cannot borrow to acquire or develop property purely in order to profit from the investment of the sums borrowed. However, this does not necessarily preclude the Council generating a surplus from property acquired or developed pursuant to the Strategy.

10. FINANCIAL IMPLICATIONS

10.1. Financial implications are covered in the body of the report.

11. RISK IMPLICATIONS

11.1. The body of the report has referenced the relevant risks associated with the update.

11.2. There is a Corporate Risk entitled "Income Generation", which assesses the risks associated with the Council adopting a more commercial approach to service delivery, as well as focusing on the many opportunities and positive benefits it could achieve by delivering the aims and objectives of the Commercial Strategy.

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 strategy states that all proposed ideas will be of an ethical nature and will be considered to have a positive impact on the community as a basis for consideration. In line with the council's commitment to demonstrate due regard the Equality Duty, it will conduct equality impact assessments that require them (i.e. any key decisions, major budget implications and any revisions to major service provisions).

13. SOCIAL VALUE IMPLICATIONS

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

14. HUMAN RESOURCE IMPLICATIONS

14.1. There are no direct human resources implications for this report.

15. APPENDICES

15.1. Appendix A – An example of Internal Commercial ideas

16. CONTACT OFFICERS

16.1 Steve Crowley, Service Director – Commercial (steve.crowley@north-herts.gov.uk / ext 4211)
16.2 Anthony Roche, Deputy Chief Executive (anthony.roche@north-herts.gov.uk / ext 4588)
16.3 Chloe Gray, Commercial Manager (chloe.gray@north-herts.gov.uk / ext 4223)
16.4 Christopher Robson, Senior Estates Surveyor (christopher.robson@north-herts.gov.uk / ext 4252)
16.5 Ian Couper, Service Director – Resources (ian.couper@north-herts.gov.uk / ext 4243)
16.6 Reuben Ayavoo, Policy and Community Engagement Manager (reuben.Ayavoo@north-herts.gov.uk / ext 4212)
16.7 Tim Everett, Performance & Risk Officer (tim.Everitt@north-herts.gov.uk / ext 4646)

17. BACKGROUND PAPERS

17.1 North Hertfordshire District Council's Commercial Strategy.

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An example of Interal Commercial ideas

Project	Project Status
Charging for food inspection advice	With Service Area
Provide a Cashless Council	With Service Area
Alarms Installation at Careline	With Service Area
Careline to advertise at the new crematorium	With Service Area
Introducing a Commercial Waste Contract	With Service Area
Letting of the 2nd floor at the DCO	With Service Area
Providing woodland and meadow burials	With Service Area
Charging/ advertising hire of Green Space	With Service Area
Improved advertising of outdoor pools	With Service Area
Creating a Hitchin Town Hall events package	With Service Area
Commercial Dog Walking Licences	With Service Area
Introducing a Purchasing Annual Leave scheme for employees	Ongoing/Open
Selling our Services - Finance, IT, Legal, Grounds Maintenance	Ongoing/Open
Disposing of surplus equipment via Ebay Sales (for example: furniture acquired from Town Lodge)	Ongoing/Open
Using our green space to host outdoor cinemas and other events	Ongoing/Open
Website sponsorship/ Advertising	Ongoing/Open
Charging for room hire at the DCO	Ongoing/Open
Introducing a Filming policy that applies to our local areas (in response to recent filming for commercial uses such as the Boots Christmas advert in 2018)	Ongoing/Open
Selling Carelines 'Bernine' to other Council's/ contractors for lone workers	Ongoing/Open
Pet cemetery	Ongoing/Open
Refurbish houses that are aquired via the Housing Act 2004 if they are long term empty properties	Ongoing/Open
Commercial Shared Services	Ongoing/Open
Introducing and running a Community Lottery in support of local good causes	Ongoing/Open
Rural Maintainence for the Letchworth Heritage Foundation - i.e. Maintaining the Greenway	Ongoing/Open
Transforming 'The Dell' in Hitchin to an open air theatre	Ongoing/Open
Go Ape installation	Ongoing/Open
Advertising in Multi Story car parks	Ongoing/Open
Installing electric car charging points	Ongoing/Open
Standalone/LHF/NHDC events and equipment that will appeal to children/young adults with disabilities and learning difficulties	Ongoing/Open
Winter Wonderland Events	Ongoing/Open
Extended Leisure Facilities - high ropes/ kids fun zones/ trampoline parks	Ongoing/Open
Providing Funeral Services such as direct & simple cremations	Ongoing/Open
Introducing the use of outdoor swimming pools in Winter months	Research complete - not viable
Installation of map vending machines in the local area	Research complete - not viable
Providing start up companies with initial loans	Research complete - not viable
Installation of Ice skating rink/ facility	Research complete - not viable
Copywriting Service for flyers/posters etc	Research complete - not viable
Commercial Drone Service	Research complete - not viable
Running outdoor events - i.e. Toughmudder	Research complete - not viable
Staff Loan (money) scheme with reduced APR	Research complete - not viable
Installing a Public Bike Share Scheme	Research complete - not viable
Social Impact Investment Fund	Research complete - not viable

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