

NORTH HERTFORDSHIRE DISTRICT COUNCIL



10 July 2020

Our Ref Cabinet 21.07.20
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To: Members of the Cabinet:

Councillor Martin Stears-Handscomb, Leader of the Council (Chair)
Councillor Paul Clark, Deputy Leader of the Council, Executive Member for Planning and Transport (Vice-Chair)
Councillor Ian Albert, Executive Member for Finance and IT
Councillor Judi Billing MBE, Executive Member for Community Engagement
Councillor Elizabeth Dennis-Harburg, Executive Member for Recycling and Waste Management
Councillor Gary Grindal, Executive Member for Housing and Environmental Health
Councillor Keith Hoskins MBE, Executive Member for Enterprise and Co-Operative Development
Councillor Steve Jarvis, Executive Member for Environment and Leisure

Deputy Executive Members: Councillor Ruth Brown, Councillor Ian Mantle, Councillor Sam North, Councillor Helen Oliver, Councillor Sean Prendergast, Councillor Carol Stanier and Councillor Kay Tart.

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE CABINET**

to be held as a

VIRTUAL MEETING

on

TUESDAY, 21ST JULY, 2020 AT 7.30 PM

Yours sincerely,

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. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
3. CHAIR'S ANNOUNCEMENTS <u>Climate Emergency</u> Members are reminded that this Council has declared a Climate Emergency. This is a serious decision and means that, as this is an emergency, all of us, officers and Members have that in mind as we carry out our various roles and tasks for the benefit of our District. <u>Declarations of Interest</u> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5. ITEMS REFERRED FROM OTHER COMMITTEES Any Items referred from other committees will be circulated as soon as they are available.	
6. STRATEGIC PLANNING MATTERS REPORT OF THE SERVICE DIRECTOR – REGULATORY To identify the latest position on key planning issues affecting the District.	(Pages 5 - 18)

7. **DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)** (Pages 19 - 100)
REPORT OF THE SERVICE DIRECTOR – REGULATORY
- To consider the Developer Contributions Supplementary Planning Documents (SPD).
8. **STATEMENT OF COMMUNITY INVOLVEMENT** (Pages 101 - 142)
REPORT OF THE SERVICE DIRECTOR – REGULATORY
- To consider the comments made on the draft Statement of Community Involvement during public consultation and approve the subsequent changes made to the Statement of Community Involvement.
9. **COUNCIL PLAN 2021 - 2026 AND COUNCIL OBJECTIVES FOR 2021-2026** (Pages 143 - 148)
REPORT OF THE POLICY AND COMMUNITY ENGAGEMENT MANAGER
- To propose a refreshed Council Plan and process for finalising the Plan.
10. **MODERN SLAVERY CHARTER UPDATE** (Pages 149 - 186)
REPORT OF THE SERVICE DIRECTOR - LEGAL AND COMMUNITY & MONITORING OFFICER
- To provide an update on the Modern Slavery Action Plan, following the adoption of the Charter Against Modern Slavery in 2019.
11. **HITCHIN MARKET CONTRACT EXTENSION** (Pages 187 - 192)
REPORT OF THE COMMERCIAL MANAGER AND SERVICE DIRECTOR – COMMERCIAL
- To seek approval to enter into a contract extension with Hitchin Market Limited for a further period of eight months (1 August 2020 – 31 March 2021).
12. **COVID-19 LEISURE CONTRACTS RECOVERY** (Pages 193 - 202)
REPORT OF THE SERVICE DIRECTOR – PLACE
- To consider the Covid-19 Leisure Contracts Recovery Report.
13. **COVID-19 FINANCIAL IMPACTS** (Pages 203 - 216)
REPORT OF THE SERVICE DIRECTOR RESOURCES
- To summarise the forecast financial impact of Covid-19 on the Council and the implications that arise from this.
14. **EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following resolution:
- That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act (as amended).

- 15. COVID-19 LEISURE CONTRACTS RECOVERY – PART 2** 217 -
REPORT OF THE SERVICE DIRECTOR – PLACE 226

To consider the Covid-19 Leisure Contracts Recovery Report.

- 16. COVID-19 FINANCIAL IMPACTS - PART 2** 227 -
REPORT OF THE SERVICE DIRECTOR RESOURCES 230

To summarise the forecast financial impact of Covid-19 on the Council and the implications that arise from this.

CABINET
21 July 2020

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

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 This report identifies the latest position on key planning issues affecting the District.

2. RECOMMENDATIONS

2.1. That the report on strategic planning matters be noted.

2.2. That the submission in Appendix A be noted and endorsed by Cabinet.

3. REASONS FOR RECOMMENDATIONS

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

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. None

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Executive Member for Planning and Transport and Deputy have been briefed on the matters set out above. The Local Plan Project Board is regularly consulted and updated upon matters affecting the ongoing Local Plan Examination.

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. Members will be aware of, and familiar with, many of the issues surrounding the strategic planning matters referred to in paragraph 1.1 above. This report is intended to provide Members with the current positions on these matters. As with previous reports, only those matters where there has been substantive new information or change are reported upon.

8. RELEVANT CONSIDERATIONS

Other Plans and Examinations

- 8.1. **Central Bedfordshire** – A [consultation on additional evidence](#) began on 18 June 2020, running for a period of eight weeks to 12 August 2020. The consultation documents include technical papers on housing, transport and employment and an updated sustainability appraisal. Officers will review the consultation material and, if required, prepare a consultation response in consultation with the Executive Member. Any response will be reported to the September meeting of Cabinet.

North Hertfordshire Local Plan

- 8.2. There have been no formal updates from the Inspector regarding a possible future timetable for the resumption of hearing sessions or the progression of the Local Plan Examination. At the time of writing, no response has been received from the Secretary of State to the Executive Member's letter of June 2020 reported to the last meeting.
- 8.3. New household projections were released by the Office for National Statistics on 29 June 2020. The latest projections for the period 2011-2031 show a marked reduction when compared to those currently underpinning the Plan. If past trends were to continue, it is now estimated that approximately 6,400 additional households would form over the plan period. This compares to the Council's latest proposal that the Plan should include an overall requirement of 14,000 dwellings, which includes a contribution towards unmet housing needs from Luton (see Paragraph 8.5 below).
- 8.4. Housing projections are not a forecast or a Government target. They do not take account of (potential) future housing policy, economic conditions or issues such as housing affordability or 'pent-up' demand for new homes. They show what would happen if past trends were replicated in the future. Changes in methodology between releases can also have a significant impact. However, given the scale of change, further work is being carried out to understand the potential implications for the Plan. This will be reported to the Local Plan Project Board in the first instance.
- 8.5. The latest projections for Luton are also significantly different from past releases. This could have implications for the Local Plan's proposals for development to the East of Luton to address housing need which cannot be physically accommodated in Luton Borough.

- 8.6. Officers are also considering the impact that Covid-19 may have upon the future delivery of new homes in the District. Following the lifting of 'lockdown' restrictions monitoring visits have taken place. These show 318 net additional new homes were built in the District over the 12-months to 1 April 2020. These figures will be used to update the Council's five-year housing supply position.

Neighbourhood Plans

- 8.7. An examiner has been appointed for the Baldock, Bygrave and Clothall Neighbourhood Plan. He has requested, and been provided with, copies of key material and the responses to the latest consultation. The next steps are in the hands of the examiner.
- 8.8. A screening opinion has been issued to Ashwell Parish Council stating that the latest proposed draft of their Neighbourhood Plan would not require a formal Strategic Environmental Assessment / Sustainability Appraisal to take place.

Government Announcements and measures relating to Covid-19

- 8.9. In response to the Covid-19 pandemic, the Government has announced a range of further proposed changes to planning requirements and regulations. These include, but are not limited to:
- Allowing a wider range of commercial buildings to change to residential use without the need for a planning application;
 - Permitting shops to permanently change use to cafes or offices;
 - Taking proposals to demolish and rebuild vacant and redundant residential commercial buildings for new homes outside of the normal planning application regime;
 - Allowing certain forms of upward development, such as additional storeys on blocks of flats, under permitted development or fast-track approval process; and
 - Launching a planning policy paper later this month setting out proposals for comprehensive reform of the planning system.
- 8.10. With the exception of the last point, these planning changes are due to come into effect by September. Further information is anticipated on these measures and will be reported to Cabinet.

London Luton Airport

- 8.11. Officer meetings regarding the proposed expansion for Luton Airport and the Luton Airport Regional Forum had been placed on hold during the Covid-19 pandemic, it is anticipated that officer meetings will recommence shortly. LLAL have [stated on their website](#) that they will be now submitting their Development Consent Order application in 2021.

Other transport, planning and infrastructure matters

- 8.12. **Intalink Submissions for towns/areas feasibility studies 2021/22** – Hertfordshire County Council have invited Intalink partnership members to nominate a town or area for feasibility studies for 2020/21 for bus priority measures. As part of the Enhanced Partnership, HCC are committed to undertaking feasibility studies in three towns and/or areas per-annum. Hemel Hempstead has already been identified, so HCC are looking for 2 further areas. Officers have nominated Hitchin, with an additional proposal to include Letchworth Garden City and Baldock as well.
- 8.13. **England's Economic Heartland draft Transport consultation** – EEH will commence a 12-week consultation on its [draft Transport Strategy](#) on 14th July.
- 8.14. **Highways Agency A428 Black Cat to Caxton Gibbet improvements consultation** – the Highways Agency launched a [public consultation](#) on 24 June on planned improvements of the A428 Black Cat to Caxton Gibbet roundabouts:
- 8.15. **Other matters** – The Ministry for Housing, Communities and Local Government (MHCLG) wrote to the Council on 11 June 2020 requesting further information on the [Article 4 Direction covering certain employment areas](#) within the District. A response has been submitted and is attached at Appendix A.
- 8.16. The Council's Statement of Community Involvement and Developer Contributions SPD are subject to separate reports to this meeting.

9. LEGAL IMPLICATIONS

- 9.1. Under the Terms of Reference for Cabinet, the Constitution states that it may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, applications for, approval/designation, consultation/referendums revocations (or recommend revocation) of neighbourhood plans and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).
- 9.2. The preparation of statutory plans is guided by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. All local planning authorities are bound by a statutory Duty to Co-operate on cross-border planner matters.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no new financial implications arising from this report. The costs of preparing the Local Plan and running the examination are reviewed on a regular basis, and are reported through the quarterly revenue monitoring reports to Cabinet.

- 10.2. The general costs of preparing Supplementary Planning Documents, responding to consultations on neighbouring authorities' Plans, neighbourhood plans and Government consultations and the other activities identified in this report are met through existing revenue budgets or benefit from external funding or other arrangements to recover costs.
- 10.3. In previous financial years, funding has been available for local planning authorities (LPAs) in respect of neighbourhood planning. LPAs could claim £20,000 once a date has been set for a referendum following a successful examination. The [Government has announced](#) it will allow local planning authorities to submit claims for new burdens grants at an earlier point in the neighbourhood planning process in 2020/21. Claims will be able to be made when the Council announces its decision to send the plan to referendum.
- 10.4. The financial risks associated with planning were reviewed and updated as part of the budget-setting cycle for 2020/21. Risks are identified in relation to potential additional costs associated with progressing the Plan or any future challenge to it.

11. RISK IMPLICATIONS

- 11.1. Sustainable Development of the District and the Local Plan are both Corporate Risks. The Sustainable Development of the District has a sub-risk that covers the risks arising from the duty to co-operate with neighbouring authorities.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

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

14. ENVIRONMENTAL IMPLICATIONS

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

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. There are no new human resource implications arising from the contents of this report. Workload and vacancies are monitored on an on-going basis.

16. APPENDICES

- 16.1. Appendix A – Response to MHCLG on Article 4 Direction (excluding appendices)

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None

NORTH HERTFORDSHIRE DISTRICT COUNCIL

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2 July 2020

Ms Amy Price
Planning Casework Unit
Ministry of Housing, Communities & Local
Government
6 St Phillips Place
Colmore Row
Birmingham
B3 2PW

Your Ref: PCU/A4D/X1925/3254093

Contact Officer: Hollie Hawkins
Direct Line: 01462 474425
E-mail: hollie.hawkins@north-herts.gov.uk

Dear Ms Price,

Re: The Town and Country Planning (General Permitted Development) (England) Order 2015. Bondor Business Centre, Royston Road, Wilbury Way, Burymead Road, Station Approach, Land adjacent to Priory Park, Works Road, Blackhorse Road, Icknield Way, Spirella, Orchard Road and land north of York Way.

1. I refer to your letter dated 11 June 2020 requesting for further evidence to support and justify the making of the Article 4 Direction insofar as it relates to office to residential conversions and to demonstrate how it accords with the National Planning Policy Framework and Departmental guidance. North Hertfordshire District Council is pleased to provide this evidence to the Secretary of the State.

Employment Strategy for North Hertfordshire

2. North Hertfordshire District Council is dedicated to the delivery of sustainable communities to ensure the needs of existing and future residents are met. This includes maintaining an appropriate balance between the development of housing and employment uses. The Council has adopted a plan-led approach to housing and employment provision in line with National Planning Policy Framework. The proposed Local Plan 2011-2031 (hereafter Local Plan) has been at examination for three years and anticipated to be adopted late 2020.

3. A high proportion of residents in North Hertfordshire commute to London or sub-regional centres such as Stevenage and Welwyn Garden City.¹ The emerging Local Plan aims to redress the employment balance by securing existing and delivering new employment land. This will provide greater opportunities for people to both live and work in the District. The Council proactively encourages sustainable economic growth, supports new and existing businesses and seeks to build on the District's strengths, location and offer through Policy SP3 in the emerging Local Plan (A copy of this emerging policy and supporting text is attached. Please see appendix 1 for full details). Our ambition is:
 - To provide an adequate supply and range of employment land in the main towns to meet the requirements of the local economy;
 - To designate existing employment areas within the District's main settlements to enhance and safeguard employment potential;
 - To support B-class use in appropriate locations outside of the designated employment areas, including town centres and villages.
4. To maintain a sustainable balance between the provision of housing and employment floorspace, the Council has designated key employment areas that achieve a sustainable balance of uses across the district and within individual towns. The Local Plan identifies 11 employment areas to provide 138 hectares of land to balance the existing residential stock and the 14,000 housing delivery projection to 2031. The designated employment areas support local economic activity and growth by providing employment close to where people live.
5. Whilst there is a significant requirement for new homes in North Hertfordshire, the District is also helping Stevenage meet their employment needs. Employment models assume continued commuting from North Hertfordshire to Stevenage yet there is insufficient land in Stevenage to cater for the resultant growth and our proposed allocations take this into account.
6. In addition, the Council must consider how the economy will recover in an unprecedented way from the current Covid-19 pandemic. The local employment areas will be key towards recovery. These sites will not only help local businesses, but also for those who are currently based in major urban cities who may look to relocate outside of these, in order to reduce costs and deliver their businesses in a new way to reflect the changing workplace patterns.
7. The Article 4 Direction only applies to these key employment areas. It does not create a blanket ban on office to residential development and does not apply to other, smaller employment areas within the District. Residential

¹ Sustainable Community Strategy 2009-2021 notes that 49% of North Hertfordshire residents in employment commute to jobs elsewhere, available at: https://www.north-herts.gov.uk/sites/northherts-cms/files/files/sustainable_community_strategy_-_final.pdf

development of the land is still permissible under Article 4 but applications would have to follow the normal planning process where the impact on the land use balance can be assessed. It is therefore, considered that the proposed Article 4 Direction on the selected employment areas is not unduly restrictive as the prior approval process will continue to operate outside of these designated areas. Intervention on the Article 4 Direction at this stage would additionally potentially undermine the Inspector's consideration of the employment strategy proposed in the emerging Local Plan. Further evidence for the emerging Local Plan is available at: <https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/examination-library>

8. The Council declared a climate emergency on 21 May 2019 and produced a Climate Change Strategy to achieve zero carbon emissions in North Hertfordshire by 2030.² A strategic priority for the Council is to reduce carbon emissions by actively discouraging car use by encouraging residents to use alternative such as walking and cycling. By keeping businesses local, it will reduce the need for residents to commute outside of the District and reduce carbon emissions.
9. Further evidence of the Council's proportionate and flexible approach can be seen in our decision to proactively allocate several existing office sites for redevelopment into residential or mixed use schemes in the emerging Local Plan.³ In addition to these allocated sites, the Council has permitted residential schemes that have resulted in the release of employment land 'on their merits' in Letchworth Garden City. However, it is therefore important that the Council can protect the remaining employment sites to ensure there is a balance between the provision of housing and employment.

Loss of Employment Land and Displacement

10. The legal requirement for Article 4 Directions is that the local planning authority is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application (see paragraph (1) of article 4 of the GPDO).
11. The justification for implementing the Article 4 direction was considered by the Council's Cabinet in January 2019. This report (attached as Appendix 2) demonstrates the Council has identified loss of employment land across Hertfordshire as the main harm the direction is intended to address and sets out the justification of making an Article 4 Direction.
12. The reasoning in the Cabinet Report is supported by the Hertfordshire Local Enterprise Partnership (LEP) Loss of Employment Floorspace in Hertfordshire

² For further information see: The Climate Change Strategy 2020-2025, available at: <https://www.north-herts.gov.uk/sites/northherts-cms/files/Climate%20Change%20Strategy%202019%20FINAL.pdf>

³ Allocated sites: LG5, LG13, LE2, RY7 in the emerging Local Plan 2011-2031.

Report (2019).⁴ When comparing the gains and losses of B1(a) use, the LEP found: 30% of losses in the decade to 2018 were due to prior approval; a potential 25% total loss in office floorspace; and an actual loss of 21% of office floorspace across Hertfordshire. The LEP Strategy and Action Plan on Key Employment Sites (2020) identifies Icknield Way and York Way as key employment sites for expansion of key high value added industries and inward investment.⁵ Furthermore, the LEP has submitted a letter of support for the adoption of the Article 4 Direction (attached as Appendix 3).

13. For the conversion of offices (B1(a)) into residential (C3) under the Town and Country Planning (General Permitted Development) Order 1995, the change of use can be implemented through the process of prior approval. However, there is no requirement that the premises are vacant. The findings from the Hertfordshire LEP study have found that allowing conversions of office to residential under the prior approval process has created displacement where businesses are forced to move to premises outside of the borough. The 23% decline in office floorspace in North Hertfordshire has created an imbalance between supply and demand for office premises.⁶ It is therefore, considered expedient that the Council takes reasonable steps, such as adopting an Article 4 Direction, to ensure that the strategy to redress the housing and employment balance in the District is not undermined by permitted development rights.
14. Without the Council invoking an Article 4 direction to remove permitted development, there is a substantial risk that the employment function of North Hertfordshire's main settlements would be undermined and in turn, this will restrict the District's ability to meet the projected growth of employment.
15. Recognising the benefits of maintaining employment land, the decision to invoke the Article 4 Direction was a local decision made by the community through a democratic process with consultation following the legal requirements under schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Greenbelt

16. Preventing further loss of employment land is a priority for the Council as it is not always feasible to replace office premises, on the basis that there is a limited supply of land available for development and there is a growing pressure to accommodate the 'London Overflow.' Most towns in North Hertfordshire are limited in their capacity to expand due being surrounding by Green Belt. Locating new employment areas elsewhere in the District will undermine the Plan's principles of sustainable development.

⁴ Hertfordshire Local Enterprise Partnership, Loss of Employment Floorspace in Hertfordshire (2019) available at: <https://www.hertfordshirelep.com/media/7128/loss-of-employment-space-in-hertfordshire-february-2019.pdf>

⁵ Hertfordshire Local Enterprise Partnership, Strategy and Action Plan on Key Employment Sites (2020) available at: <https://www.hertfordshirelep.com/media/8093/hertfordshire-key-employment-sites-march-2020.pdf>

⁶ Experian (2018) UK Local Market Forecasts FTE Employment, broad sectors. 2018 figures

Acceptable standards and tenure

17. The adoption of Article 4 Directions allows the Council to judge planning applications for office to residential conversions upon their own individual merit. This is important as conversions under permitted development rights are not required by legislation to provide affordable housing, meet the Government's minimum space standards or provide contributions towards (e.g.) education or health services. This in turn can become a significant infrastructure burden.
18. The emerging Local Plan seeks to provide a range of housing tenures to meet residents' needs. Under emerging Policy SP8, the Council aims to provide 33% of all homes over the plan period as affordable housing. The supply of affordable housing is a key issue and therefore it is important that new developments provide an appropriate mix of tenure to support a diverse community. Adopting an Article 4 Direction on the identified key employment areas is a sustainable approach to ensuring that, in the event of an application being permitted, a variety of homes are provided for different groups in the community.
19. The Council considers good design to be a key aspect of sustainable development (emerging Policy SP9). This includes promoting the Government's technical standards for the size of new homes, water efficiency and in special circumstances, accessibility. In order to promote sustainable growth, new development must be of high quality and inclusive which creates a safe and healthy environment for people to live. By removing permitted development rights, the Council can ensure that new developments accord to the Government's minimum space standards and other design and amenity requirements.
20. Recognising the benefits of maintaining employment land, the decision to invoke the Article 4 Direction was a local decision made by the community through a democratic process with consultation following the legal requirements under schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
21. For the reasons above, adopting an Article 4 Direction for the safeguarding of key employment areas satisfies the exceptional circumstances that justify the making of the Article 4 Direction. The making of the Article 4 Direction was a decision made by the local community who recognised the significance of employment areas. As such, intervening in the Article 4 Direction will indirectly undermine their views and the principles in the emerging Local Plan and create a greater imbalance between the provision of housing and employment floorspace. Both uses are considered necessary for the delivery of sustainable communities.
22. Nevertheless, all premise holders that fall within the key employment areas will be able to apply for planning permission and applications considered

suitable for an office to residential conversion will be granted planning permission. The North Hertfordshire Council will regularly monitor and review the appropriateness of the Article 4 Direction for the key employment areas.

23. We hope the evidence submitted in this letter and accompanying documents provide sufficient evidence behind the Council's decision to adopt an Article 4 Direction and the justification under paragraph 53 of the National Planning Policy Framework.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Clark', written in a cursive style.

Councillor Paul Clark
Executive Member for Planning and Transport

The following appendices are enclosed in this letter:
Appendix 1 – Local Plan Policies
Appendix 2 – Council's Cabinet Report January 2019
Appendix 3- Letter of support from LEP

Appendix 1: Emerging Local Plan Policies

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**CABINET
21 July 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: 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. The SPD was approved for a six-week period of public consultation through Cabinet in January 2020. Cabinet are asked to note the contents of the SPD and updated Regulation 12 Statement of Consultation. Furthermore, Cabinet are asked to resolve to adopt the SPD upon adoption of the new Local Plan (Proposed Submission Local Plan 2011-2031 (as amended by main modifications or any post-hearing modifications recommended)), so long as the new Local Plan is adopted within 12 months of the date of this Cabinet meeting.

2. RECOMMENDATIONS

- 2.1. That Cabinet resolve to adopt the Developer Contributions SPD, attached as Appendix A to this report, subject to the adoption of the new Local Plan within 12 months of the date of this Cabinet meeting.
- 2.2. That, in the interim, the proposed adoption version of the Developer Contributions SPD, be published and used as a material consideration in the determination of relevant schemes.

- 2.3. That authority to make minor amendments to the Developer Contributions SPD prior to its formal adoption be delegated to the Service Director - Regulatory in consultation with the Executive Member for Planning and Transport as and when any further updates to the new Local Plan require alterations.

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.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The Council could retain the existing Planning Obligations SPD or delay considering adoption of this SPD until such a time that the new Local Plan is adopted. The current SPD dates from 2006 and is not reflective of the emerging Local Plan policies or national planning policy and guidance. Given the number of sites coming forward for development on the strength of the new Local Plan, delaying the resolution to adopt the SPD will reduce its effectiveness in supporting the management of these planned developments.
- 4.2. The Developer Contributions SPD cannot be formally adopted in advance of the adoption new Local Plan. The SPD contains policy requirements which conflict with the Adopted Development Plan (currently the Saved Local Plan 2007). As a result, the SPD's adoption prior to the adoption of the new Local Plan would conflict with the Town and Country Planning (Local Plan) Regulations 2012 (as amended).
- 4.3. 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).
- 4.4. Officers have been instructed to conduct a review to consider the feasibility of introducing a Community Infrastructure Levy (CIL) as resolved in Cabinet meeting dated 28 January 2020. This work is ongoing, and is not an alternate option to the adoption of the Developer Contributions SPD. The Developer Contributions SPD will remain required and relevant regardless of the outcome of the ongoing review into CIL which is due to report to Cabinet by the end of the calendar year.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Planning and Transport and Deputy have 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 SPD.
- 5.4. Following Cabinet resolution in January 2020, the Developer Contributions SPD has been through a six-week public consultation. The results of this public consultation can be found in appendix B (Regulation 12 Statement of Consultation). Furthermore, all Members have been invited to comment on the appendix A (Developer Contributions SPD) and appendix B (Regulation 12 Statement of Consultation) for a three-week period prior to this meeting.

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. In June 2020, the Cabinet approved the Council's updated 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.
- 7.6. Following the resolution of Cabinet in January 2020, a draft form of the Developer Contributions SPD has been through a six-week period of public consultation. This ran from 09:00 on 12 February 2020 to 17:00 on 24 March 2020. The results of this public consultation are outlined within appendix B: Regulation 12 Statement of Consultation, and has informed the final version of the document shown in appendix A: Developer Contributions SPD.
- 7.7. Subsequent to the resolution of Cabinet in January 2020, Officers are conducting a review to consider the feasibility of introducing CIL for residential sites. The results of this review cannot be prejudiced at this stage. The Developer Contributions SPD recommended here for a resolution to be adopted will remain relevant and required regardless of the result of the review into CIL.

8. RELEVANT CONSIDERATIONS

Resolving to Adopt the Developer Contributions SPD upon adoption of the new Local Plan

- 8.1. The new 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 new 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 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 Developer Contributions SPD has been subject to a six-week public consultation, which was resolved by Cabinet on 28 January 2020. Appendix B is the resultant, updated, Regulation 12 Statement of Consultation, which contains a summary of all responses and actions taken in respect to those comments. The SPD was made available on the Council website, and letters were sent to interested parties with a link and information on the purpose of the document and notification. Sixteen representations were made, with comments specific to each section of the SPD. Many minor alterations have been made as a result of the consultation, adding clarity and further explanation to certain sections. No significant or key changes were required following the consultation. A further notification has been made of all Members of the Regulation 12 Statement of Consultation and resultant Developer Contributions SPD for a period of three weeks. The public consultation and notification of Members has informed the Developer Contributions SPD attached as appendix A
- 8.6. It is proposed to resolve to adopt the SPD upon adoption of the new Local Plan in advance of the Inspector's report for three main reasons:
- The SPD would contain policies which would conflict with the current adopted development plan (Saved Local Plan), so until such a time that the new Local Plan is adopted, the adoption of the SPD would conflict with relevant regulations;
 - So that the SPD can be adopted as close as is possible to any future adoption of the new Local Plan; and
 - To enable use of the SPD as a material consideration in the negotiation and determination of planning applications, or in providing pre-application advice, at the earliest opportunity, especially for sites allocated in the new Local Plan coming forward in advance of its adoption

Publication of the Developer Contributions SPD

- 8.7. As the new Local Plan progresses, sites allocated for development within it are coming forward in advance of the adoption. This has resulted in the negotiation of developments in line with policies contained with the new Local Plan. The Developer Contributions SPD will be a useful tool in clarifying and expanding upon the policy requirements of the new Local Plan.
- 8.8. Publishing the Developer Contributions SPD on the Council website in advance of its adoption would not contravene any relevant regulations or legislation. The publication will allow access to the SPD for all relevant parties prior to its adoption and allow greater weight to be afforded to the contents of the document in the negotiation and determination of planning applications. It is expected that the publication will assist in the processing of planning applications relevant to allocated sites in the new Local Plan which come forward in advance of the plan's adoption. It will help progress complex legal agreements on sites where planning applications have been submitted but are unlikely to be determined in advance of the examination outcome. This will help reduce further delays once any final decision to adopt the new Local Plan has been made.

Delegation of non-material amendments to the Developer Contributions SPD

- 8.9. It is anticipated that non-material amendments to the Developer Contributions SPD will be required prior to its adoption to ensure it aligns to the new Local Plan. The SPD has been formulated in line with the new Local Plan as altered by Main Modifications resultant from the first round of hearings. There are aspects already contained within the SPD which will need updating prior to its adoption, such as final policy numbers brought through from the new Local Plan.
- 8.10. Other amendments may be required as a result of the further hearings requested but not yet scheduled by the Inspector, and any subsequent amendments required in line with the Inspector's final report. It is recommended that Cabinet resolve to delegate authority to the Service Director - Regulatory to make minor-material amendments to the SPD as required by any changes required to the new Local Plan. This delegation will be subject to review and discussion with the Executive Member for Planning and Transport as and when the scale of the amendments are known. If the Service Director - Regulatory and Executive Member for Planning and Transport consider the amendments to be of a scale that requires the scrutiny of Cabinet, an amended Developer Contributions SPD will be presented to Cabinet for resolution to adopt or, if significant changes are required, further consultation.

Community Infrastructure Levy

- 8.11. As set out above, as a result of the resolution of Cabinet dated 28 January 2020, Officers are conducting a review into the viability of CIL for residential developments within the District. Even if a CIL for North Hertfordshire were eventually pursued as a result of this review, there would still be a role for Section 106 legal agreements and the Developer Contributions SPD. The SPD 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.

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. As soon as reasonably practicable after adoption of the Developer Contributions SPD, pursuant to the adoption of the new Local Plan, the Council will produce an adoption statement in line with regulation 14 and 11 of the Town and Country Planning (Local Plans) Regulations 2012 (as amended) and publish it in line with regulation 35 of those Regulations. Furthermore, the adoption statement shall be sent to any person who has asked to be notified of the adoption of the SPD.

10. FINANCIAL IMPLICATIONS

- 10.1. The general costs of preparing Supplementary Planning Documents are met through existing revenue budgets.
- 10.2. Resolving to adopt the SPD will help ensure that developers make fair and justified contributions towards the provision and / or management of infrastructure. Without these contributions, the financial burden of making necessary provision might otherwise fall to the Council and the wider public sector

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. ENVIRONMENTAL IMPLICATIONS

- 14.1 Supplementary Planning Documents are required to undergo a Strategic Environmental Assessment screening assessment by the Environmental Assessment of Plans and Programmes Regulations 2004. A Strategic Environment Assessment Screening Determination Statement was produced prior to the six-week public consultation period, and the relevant consultees notified. No substantive responses have been received. The conclusion of the Screening Determination Statement is that a Strategic Environmental Assessment (SEA) is not required,
- 14.2 A SEA is not required as the development plan policies upon which this SPD supplements, have themselves been subjected to a SA and SEA. These assessments are considered as part of the new Local Plan examination by the Inspector, and would not be impacted by the SPD, as the SPD is only entitled to provide guidance to existing policies. Consequently, no further action is required in respect to the environmental implications of the SPD.

15. HUMAN RESOURCE IMPLICATIONS

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

16. APPENDICES

- 16.1 Appendix A – Draft Developer Contributions SPD
- 16.2 Appendix B – Regulation 12 Statement of Consultation

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18. BACKGROUND PAPERS

- 18.1 [Review of North Hertfordshire Planning Guidance report to Cabinet, 25 July 2017](#)
- 18.2 [Strategic Planning Matters report to Cabinet, 18 December 2018](#)
- 18.3 [Housing Delivery Test Action Plan report to Cabinet, 11 June 2019](#)
- 18.4 [Local Plan Viability Assessment Update, August 2016](#) (Local Plan reference TI2)
- 18.5 [NHDC Viability Addendum, February 2018](#) (Local Plan reference ED72)
- 18.6 [Draft Developer Contributions SPD report to Cabinet, 28 January 2020](#)

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NORTH HERTFORDSHIRE DISTRICT COUNCIL



***Developer Contributions Supplementary
Planning Document***

July 2020

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Note

This 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.

References to the Local Plan in this version of the SPD are to the Plan as presently proposed to be modified. The Council's Cabinet resolved in June 2020 that this SPD will be formally adopted once the emerging Local Plan is adopted.

In the interim, this document is the version of the SPD the Council intends to adopt. It has been produced in accordance with statutory requirements, subject to public consultation and updated in response to the representations made. It is therefore a material consideration for pre-application schemes and planning applications that rely upon, or otherwise seek to meet the requirements of, proposed policies or allocations in the emerging Plan. Reference to paragraphs and policies within this document will be updated to reflect the final version of the emerging Local Plan, prior to its subsequent adoption.

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 has been widely consulted upon, including with developers and members of the public.
- 1.2.3 This SPD is 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 SPDs¹.
- 1.3.2 Section 106 of the Town and Country Planning Act 1990 allows local planning authorities to enter into agreements with persons with an interest in land. These agreements can be used (but are not necessarily limited) to:
- Restrict the development or use of the land;
 - Require (parts of) the land to be used in a specific way;
 - Require the payment of a sum to the local authority.

¹ 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 the test of fairly and reasonably related in scale and kind to the development 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 Plan².

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 where the contribution meets the three tests set out in paragraph 1.3.3 of this document.

1.4 National policy context

1.4.1 The National Planning Policy Framework (NPPF) says that Local Plans should set out the contributions expected from development. This should include the levels and types of affordable housing and other infrastructure requirements. These policies should not undermine the deliverability of the plan³.

1.4.2 Local Planning authorities should consider whether 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 condition⁴.

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 viable⁵.

1.4.4 The Government has already introduced changes by reforming the approach to viability, which is set out in the revised National Planning Policy Framework and in associated national planning practice guidance. This new approach ensures that

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

local plans clearly set out the contributions that developers are expected to make towards infrastructure and affordable housing; introduces a standard approach to establishing land value; and increases transparency and accountability through the publication of viability assessments and through improvements to the monitoring and reporting of Section 106 planning obligations⁶.

1.5 The Local Plan and Neighbourhood Plans

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

1.6 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.
- 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

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

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 arrangements⁷.

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-addressing** cumulative impacts that might arise across multiple developments;
 - avoid placing unreasonable additional burdens on the existing community or existing infrastructure;
 - mitigate ~~any~~ adverse impacts **where appropriate**; and/or
 - enhance critical assets or make good their loss or damage; and
 - 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 affect 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, the Police and Crime Commissioner for Hertfordshire and local Parish, Town or Community Councils. These are indicated under the relevant topic areas below. Guidance should also be taken from programmes from these other authorities, such as Hertfordshire County Council Developer Infrastructure Contributions document, or neighbourhood development plans from local Councils.
- 1.9.2 Hertfordshire County Council will normally be signatories where contributions are required for services they provide. Other providers may also be required to 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.
- 1.9.3 Any provider (other than North Hertfordshire District Council, Hertfordshire County Council and any Parish or Town Council) seeking a financial contribution in excess of £250,000 will, on a case by case basis, be requested to be a third party signatory to the Section 106 agreement. This threshold has been set as holding funds in excess of this figure for third parties represents an unacceptable financial and audit risk for North Hertfordshire District Council.

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 regularly to take into account the infrastructure needs of the District, including any updating of costs that is required.

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>

1.10.2 The IDP examines the supply and demand for infrastructure based on forecasts of population growth.

1.10.3 Individual Council departments have priority projects that are set out in relevant strategies and action plans. These are identified under specific topics elsewhere in this SPD. Applicants should also have regard to other plans and strategies prepared by other service providers.

1.10.4 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, other relevant policies in the Plan and in this document. Developers should be aware that non-financial 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 will be considered at this stage. The Council will accept the submission of and develop a draft Heads of Terms as part of 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. 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 may be encouraged with that organisation also. This may include, but is not limited to, discussions with: Registered Providers, Hertfordshire County Council, the Police and Crime Commissioner on behalf of Hertfordshire Constabulary, utility providers and the NHS. The Council will approach most organisations which will be engaged in the forming of the S106 obligations document. The above organisations are recommended as they provide independent, chargeable, pre-application advice services, or have particular requirements which may require further, independent engagement.
- 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 if comments from the Council are required on this matter. 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 North Hertfordshire District Council case officer.** This is to ensure that

- correct processes are followed;

- applications can be dealt with in a fair and consistent way having regard to all relevant policy requirements; and
- All requests for contributions are assessed to meet the relevant regulatory and policy tests..

- 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). Whilst applicants are encouraged to engage in pre-application discussions with certain organisations, no obligation should be agreed independently of the case officer representing 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 Council⁹. 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 to cover the County Councils legal costs for negotiating and checking of the legal agreement as well as proof of title will be required by Hertfordshire County Council where applicable.

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

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 viability evidence demonstrating overall viability¹⁰. 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 abnormalities;
- 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 in line with paragraph 57 of the National Planning Policy Framework (2019).

2.3.6 Overpayment for land will not be accepted as a reason for reducing contributions.

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)

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 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, and will, as is necessary, be bespoke based on the facts of the case and reasons for its requirements in the first place.

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 any signatories' 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 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 guidance¹¹.

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
<ul style="list-style-type: none"> ➤ 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 	<ul style="list-style-type: none"> ➤ 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 communities¹².
- 3.1.2 The Local Plan sets out our aspiration to provide an appropriate balance between skills, housing and economic development. It recognises the contribution of ‘footloose’ careers in sectors such as construction and the trades in the overall employment balance of the District.
- 3.1.3 The retail policies of the Plan seek to maintain the vibrancy and vitality of key centres within the District. This includes the main town centres of our largest settlements as well as smaller parades of shops serving a local function.
- 3.1.4 The Hertfordshire Local Enterprise Partnership (LEP) provides the strategic framework for economic growth within the county. This is supported by local strategies for economic development and our town centres.

3.2 Business, economic development, local employment and training

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

¹² NPPF Paragraphs 80 and 85

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.

- 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). Such an agreement will be on a case by case basis, and if not feasible, 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
<ul style="list-style-type: none"> ➤ 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 	<ul style="list-style-type: none"> ➤ 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 Contributions¹³ ➤ Hertfordshire Local Transport Plan ➤ The North Central Hertfordshire Growth & Transport Plan* ➤ Hertfordshire County Council’s Highways Design Guide ➤ Department for Transport (DfT) Circular 02/2013

*Forthcoming

4.1 Policy context

- 4.1.1 The levels of growth and development envisaged in the plan will place additional demands on transport and highway networks and planning obligations can be used to mitigate against these effects.
- 4.1.2 The NPPF asks that transport issues be considered from the earliest stages to allow development impacts to be addressed and so that opportunities to promote more sustainable modes of travel can be identified and pursued¹⁴.
- 4.1.3 Hertfordshire County Council is the local highway authority and has the primary responsibility for delivering transport provision in the District. Hertfordshire County Council as Highway Authority is consulted on all applications for which contributions may be required and is a statutory consultee.
- 4.1.4 The County Council’s Local Transport Plan (LTP4) states that sustainable transport modes such as walking, cycling and improving access to public transport are to be prioritised while working to reduce need for journeys overall. LTP4 is supported by a

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

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 Hertfordshire County Council's Highways 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. On occasions where the developer is solely responsible for delivering works, a S278 agreement may be used in place of S106, secured by way of Grampian condition.
- 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, and safe cycle storage. Where Travel Plans are required for a development, contributions may be sought for monitoring.

5 HOUSING

Local Plan Policies	Other relevant Strategies & Guidance
<ul style="list-style-type: none"> • SP8: Housing • HS2: Affordable housing • HS3: Housing mix • HS4: Supported, sheltered and older persons housing • HS5: Accessible and adaptable housing • Site-specific development criteria 	<ul style="list-style-type: none"> • Housing Strategy • Homelessness Strategy • Tenancy Strategy

5.1 Policy context

- 5.1.1 The NPPF stresses the importance of addressing the needs of groups with specific requirements for housing¹⁵.
- 5.1.2 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.
- 5.1.3 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.
- 5.1.4 Policies HS4 and HS5 contain specific requirements relating to housing for older persons and accessibility respectively.

5.2 Affordable Housing

Demonstrating compliance with Affordable Housing requirements

- 5.2.1 We encourage the submission of an Affordable Housing Statement alongside any relevant planning applications to demonstrate how the requirements of 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

¹⁵ NPPF Paragraph 59

➤ Environmental Statement

5.2.2 The following details set out the Council's 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))

5.2.3 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%

5.2.4 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 evidence¹⁶, this approach is unlikely to affect scheme viability. Subject to the exceptions below, the Council will not entertain viability appraisals or attempts to reduce the Affordable Housing contribution on this ground alone.

5.2.5 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.

5.2.6 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

5.2.7 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.

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

- 5.2.8 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 ($40 / 100 = 40\%$).
- 5.2.9 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: $(67 / (67+100) = 40\%)$.
- 5.2.10 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

- 5.2.11 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

- 5.2.12 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.
- 5.2.13 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

- 5.2.14 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.
- 5.2.15 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.
- 5.2.16 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.
- 5.2.17 Vacant Building Credit will not be applied where the above conditions are not met.

Viability

- 5.2.18 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.
- 5.2.19 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))

- 5.2.20 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.
- 5.2.21 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.
- 5.2.22 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

- 5.2.23 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.
- 5.2.24 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

5.2.25 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.

5.2.26 At the time of writing this approach gives a unit cost of £123,000¹⁷.

C2 Uses and affordable housing

5.2.27 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.

5.2.28 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).

5.2.29 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

5.2.30 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 compensates for any loss of affordable housing units that might otherwise have been provided if the site had been fully developed for C3 use in accordance with the Plan.

5.2.31 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.

¹⁷ Taken from North Hertfordshire District Council Local Plan Viability Assessment Update 2016 (DSP). Figure based upon: a base build cost for a 79m² 2-bed home at £1,190/m²; £4,500 site prep and survey costs; a 17% uplift on the base build cost for contingencies, fees and sustainable design & construction standards; £2,447 to achieve M4(2) accessibility compliance; and £9,250 to purchase 1/40th hectare of land at assumed greenfield enhancement value of £370,000 per hectare. Total rounded to nearest £1,000.

Expenditure of commuted sums for Affordable Housing

5.2.32 Any specific provisions relating to the expenditure of the commuted sum, including time limits, will be set out in the s106 agreement. In general terms, commuted sums for Affordable Housing might reasonably be spent upon (but is not necessarily limited to):

- The delivery of additional affordable units on other s106 schemes;
- The provision of new affordable homes on (up to) 100% Affordable Housing schemes by the Council or a Registered Provider;
- The acquisition of (serviced) land to facilitate such schemes;
- The adaptation or modification of existing stock to meet standards and / or specific identified housing needs;
- The acquisition of homes on the open market for Affordable Housing; or
- The provision of other forms of housing providing homeless or temporary accommodation;

5.2.33 Specific projects may be identified in our Housing Strategy or other relevant documents and expenditure can take place anywhere in the District regardless of the location of the development to which the commuted sum relates. The Council will endeavour to locate commuted sum expenditure close to sites where the sum has been contributed, however, this may not always be viable or appropriate.

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

5.2.34 Housing affordability is a significant issue in the District. The ratios of house prices to earnings are at the highest levels ever recorded. Even with discounts applied, rents and purchase requirements for intermediate products remain difficult to afford for many households.

5.2.35 The Local Plan recognises that it will be necessary to introduce rental caps at below 80% of market rates to ensure affordability, particularly for larger units. Our approach to rents, and seeking to ensure the affordability of all Affordable Housing products, is set out in our Housing Strategy and Tenancy Strategy. We currently require the following rental levels:

- 1 & 2 bed properties: 80% of market rents
- 3 bed properties: 70% of market rents
- 4 bed properties: social rents

5.2.36 All rents are to be within Local Housing Allowance Rates. Rents for 1-, 2- and 3-bed properties should achieve the percentages above inclusive of any service charges, management fees or similar.

5.2.37 The requirements in the Plan are based upon households allocating 35% of their gross income to housing. Applicants should demonstrate that any intermediate products, including the initial purchase percentage(s), will be affordable on this basis having regard to local income and house price data. House prices vary significantly across North Hertfordshire and district-wide price averages will generally not be

considered an appropriate basis for making these calculations. In determining the affordability of products, any service charges, management fees or similar which may be applied should be included.

5.2.38 For shared ownership units, applicants should be able to purchase an initial equity share in the property of between 25% and 75%. The rent on unsold equity will be capped at 2.75% in accordance with Homes England requirements.

5.2.39 Due to the high cost of housing throughout the District, some forms of intermediate tenure products are considered unlikely to meet the affordability requirements of the Plan. This includes, but is not necessarily limited to, discounted market sales housing and Starter Homes.

5.2.40 The Government recognises that shared ownership products can be hard to replace, particularly in rural areas. To address this issue, regulations identify Designated Protection Areas¹⁸. Within these, any shared ownership products will be required to restrict 'staircasing' to a maximum 80% equity share in the property.

5.2.41 Where applicable, these requirements will be incorporated into the legal agreement. The following parishes within North Hertfordshire are currently Designated Protection Areas:

- | | |
|----------------|-------------------|
| ➤ Ashwell | ➤ Lilley |
| ➤ Barkway | ➤ Newnham |
| ➤ Barley | ➤ Nuthampstead |
| ➤ Bygrave | ➤ Offley |
| ➤ Caldecote | ➤ Pirton |
| ➤ Clothall | ➤ Preston |
| ➤ Codicote | ➤ Radwell |
| ➤ Graveley | ➤ Reed |
| ➤ Hexton | ➤ Rushden |
| ➤ Hinxworth | ➤ Sandon |
| ➤ Holwell | ➤ St Pauls Walden |
| ➤ Ickleford | ➤ Therfield |
| ➤ Kelshall | ➤ Wallington |
| ➤ Kimpton | ➤ Weston |
| ➤ Kings Walden | ➤ Wymondley |
| ➤ Langley | |

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

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

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

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

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

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

5.2.51 Any findings from the above will help inform whether there is justification to depart from the general tenure and mix requirements set out in the Local Plan and this SPD on a case-by-case basis.

5.2.52 Applicants will need to demonstrate compliance with any additional or alternate requirements in Neighbourhood Plans that are brought forward following adoption of the Local Plan¹⁹.

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

5.2.53 The aim of the Plan is to meet assessed district-wide needs for Affordable Housing over the period to 2031. The starting point for consideration of appropriate housing mix will therefore be our most recent Strategic Housing Market Assessment.

5.2.54 The current SHMA concludes that the requirements for Affordable Housing are split on an almost 50% / 50% basis between smaller (1- and 2-bed) and larger (3+bed) units. However, in calculating these requirements, it is assumed that current patterns of occupation will continue. Our Housing Strategy recognises there is evidence of 'under-occupation' of the existing Affordable Housing stock within the District. This is a particular issue with 3-bed homes given their prevalence across North Hertfordshire. The Local Plan recognises that increasing the proportion of smaller homes may, in particular, provide additional opportunities for older households to downsize. Most households in the top preference bands of the Council's Housing Register require smaller homes.

5.2.55 The above shows how the SHMA is the starting point for consideration of affordable housing mix and split. Other existing evidence shows the Council may seek a slightly higher proportion of smaller units. The Council may seek a differing proportion of unit sizes for affordable housing than that suggested by a straight reading of the SHMA based on all available evidence.

5.2.56 As set out above, we will consider whether any specific, local evidence justifies a departure from this general guidance on a case-by-case basis.

5.2.57 In considering the suitability of the proposed Affordable Housing mix, we will also have regard to other relevant policies of the Plan. Please refer to the following sections of this chapter in relation to self-build, older persons housing and housing accessibility.

Affordable Housing Design

5.2.58 Wherever practicable, affordable housing design should be tenure blind. It should be physically indistinguishable from the market housing and on larger sites be distributed across the site in small clusters, rather than concentrated on one of two parts of the site. Affordable Housing should be distributed in a way which ensures

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.

that access to key facilities such as schools, local shops and open space is equivalent to that provided for market homes.

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

5.2.60 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. 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

5.2.61 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.

5.2.62 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

5.2.63 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.

5.2.64 Where development is anticipated to occur over a number of phases, the provision of Affordable Housing should not normally be backloaded into later phases, but should be equally distributed among the phased development. This will be addressed through the inclusion of appropriate trigger points in the legal agreement.

5.2.65 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

5.2.66 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.

5.2.67 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:

$$\text{Agreed site-wide Affordable Housing provision (\%)} \times 150$$

5.2.68 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.

5.2.69 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.

5.2.70 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.

5.2.71 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.

5.2.72 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

5.2.73 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.

5.2.74 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

5.2.75 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.

5.2.76 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.

5.2.77 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))

5.2.78 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.

5.3 Self-build

- 5.3.1 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.
- 5.3.2 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.
- 5.3.3 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.
- 5.3.4 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.
- 5.3.5 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.

- 5.3.6 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.
- 5.3.7 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.
- 5.3.8 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
- 5.3.9 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 application²⁰.
- 5.3.10 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.
- 5.3.11 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

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.

deliver the scheme where they will seek assistance in building their home. Plots should be made available at a reasonable market value so as to encourage, rather than deter, their uptake.

- 5.3.12 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.
- 5.3.13 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.

6 DESIGN

Local Plan Policies	Other relevant Strategies & Guidance
<ul style="list-style-type: none"> ➤ SP9: Design and sustainability ➤ D1: Sustainable Design ➤ D3: Protecting living conditions ➤ D4: Air quality 	<ul style="list-style-type: none"> ➤ 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

6.1 Policy context

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

6.2 Design

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

6.3 Sustainable construction methods

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

6.4 Protecting living conditions

6.4.1 Policy D3 seeks to secure protection against potential statutory nuisances and other impacts which may adversely impact upon living conditions.

6.4.2 There may be requirement for reciprocal measures to be secured from proposed development in adjoining authorities under the arrangements set out in Section 1.8. This may include, but is not necessarily limited to, any future schemes at London Luton Airport.

²¹ NPPF Paragraph 124

6.5 Air quality monitoring

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

6.6 Waste collection and recycling

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

22 Hertfordshire Joint Municipal Waste Management Strategy 2007

Sustainable design to reduce waste and consider the visual impacts of a development.

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

7 HEALTHY COMMUNITIES

Local Plan Policies	Other relevant Strategies & Guidance
<ul style="list-style-type: none"> ➤ 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 	<ul style="list-style-type: none"> ➤ North Hertfordshire Indoor Sports Facilities Strategy and Action Plan ➤ Community Halls Strategy for North Hertfordshire ➤ Hertfordshire County Council Guide to Developer Infrastructure Contributions²³

7.1 Policy context

7.1.1 The NPPF requires us to plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments²⁴.

7.1.2 The Local Plan recognises that the provision of adequate social infrastructure is essential to the successful delivery of the levels of growth over the plan period. Social infrastructure encompasses a range of facilities, including but not limited to: health services, educational facilities, libraries, arts and cultural facilities, community facilities, and indoor sports and leisure facilities.

7.1.3 Local Plan Policy SP10 Healthy communities states that the Council will work with

- Hertfordshire County Council as the Local Education Authority, as well as other education providers to ensure sufficient school places to meet the needs of the population. This includes nursery, primary, secondary and 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

- 7.1.4 Policy ETC8 Tourism sets out that planning permission will be granted where development increases attractiveness of the District as a tourist destination and delivers sustainable tourist and visitor attractions in appropriate locations.
- 7.1.5 Hertfordshire County Council is responsible for collecting contributions towards a number of the facilities identified in this section. The District Council will be guided by their response(s) in determining measures required to mitigate impacts upon relevant social infrastructure. Hertfordshire County Council Guide to Developer Infrastructure Contributions²⁵ provides an indication of the scale of requests they are likely to make in response to planning application consultations, along with the associated justification.
- 7.1.6 Taken together, requests for social infrastructure are normally the largest single ‘ask’ of applicants on new development schemes. We will have regard to these requests in accordance with the general approach set out in Section 2 of this document. The Council will consider potential for other sources of funding, such as direct funding from Government departments or agencies, when planning new social infrastructure provision.

7.2 Education and early childcare years facilities

- 7.2.1 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 facilities²⁶ can be delivered in a timely way. This includes having regard to the Hertfordshire County Council Guide to Developer Infrastructure Contributions²⁷ to determine the demand for school and nursery early years places based on forecasted child yield.
- 7.2.2 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 the provision of, and/or contributions towards, serviced land will also be required. Hertfordshire County Council have a land specification which should be adhered to wherever practicable.

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>

7.2.3 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 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.

7.3 Youth Provision

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

7.3.2 Discussions should be undertaken at an early stage with Hertfordshire county Council to ensure that there is sufficient capacity of youth facilities to mitigate the implications of the proposed development. This includes having regard to the Hertfordshire County Council Guide to Developer Infrastructure Contributions to determine the level of contributions expected to be provided from the proposed development.

7.4 Health

7.4.1 The largest development sites should make provision for new, on-site healthcare facilities and this will be secured through legal agreements. The threshold for on-site provision is set out in the table below. The East and North Hertfordshire NHS Trust deliver hospital services and GP surgeries and other secondary facilities are primarily managed by the East and North Hertfordshire Clinical Commissioning Group.

7.4.2 Requests for health contributions are normally based upon the following standard formula. Please note that the figures below are subject to change over time:

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	<ul style="list-style-type: none"> ➤ 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

- 7.4.3 Providers have identified that many practices still retain extensive paper records at their premises. This is space which could, subject to various considerations, be used to help provide additional patient capacity. Contributions may therefore be sought in future towards the digitising of records and / or offsite storage as a means of releasing additional capacity to meet demands generated by new development. It must however be demonstrated that the space saved can be meaningfully used as additional clinical space and how this new space can be secured through the digitisation project. If internal or external permanent alterations are also required it would be more appropriate for S106 contributions to fund the physical building works rather than the digitisation project itself.
- 7.4.4 For health contributions of less than £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.

7.5 Indoor sports facilities

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

7.6 Arts, culture and public realm

- 7.6.1 Arts and culture contributions may relate to museums, arts or heritage assets. Contributions may also be sought for public realm improvements that improve the attractiveness and character of the District (see Section 3.4).
- 7.6.2 It is recognised that a number of the proposed allocations in the Local Plan are extensive greenfield sites. These may yield a significant quantity of archaeological material when they are explored in compliance with Policy HE4 of the plan. This is particularly the case in areas of known historic importance such as the land around Baldock.
- 7.6.3 Contributions may be sought towards new public facilities that allow the preservation and display of archaeological remains; to enhance and/or expand existing facilities; or to deliver improvements to a heritage asset in situ.

- 7.6.4 The Council will seek contributions towards other public realm and public facilities, including public conveniences, where necessary and reasonable. This is underpinned by policy D1 Sustainable Design that seeks to create or enhance public realm and design-out opportunities for crime and anti-social behaviour.

7.7 Libraries

- 7.7.1 Library provision can range from large central libraries within towns to community libraries, resource centres providing electronic access to services within multi-use buildings and mobile facilities.
- 7.7.2 Hertfordshire County Council has a statutory duty to provide a library service and applicants should have regard to Hertfordshire County Council Guide to Developer Infrastructure Contributions ²⁸ to inform the contributions required.

7.8 Community facilities including Town and Village Halls

- 7.8.1 The Plan's policies seek that appropriate community hall facilities are available and that new facilities are provided where needed as a result of development proposals.
- 7.8.2 The Council will encourage the development and use of such facilities as multi-functional community centres. These can act as 'hubs', offering a range of facilities to support the creation of sustainable communities.
- 7.8.3 The most up to date Community Halls Strategy for North Hertfordshire includes an Action Plan that can be used to inform required developer contributions. Further projects may be set out in Neighbourhood Plans, Parish Council strategies or similar. Engagement with the appropriate Parish, Town or Community Councils should be undertaken.
- 7.8.4 Where new community centres are to be provided within new development, the Council will expect, in most instances, 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. It will be incumbent on the developer to evidence the proposed management arrangements and potential contributions towards on-going management to be proportionate and sustainable.

7.9 Fire and rescue services and community safety

- 7.9.1 Hertfordshire County Council is the Fire Authority and has a statutory duty to ensure that all developments are provided with adequate water supplies for fire fighting as well as provision is made for emergency response arrangements under the Fire and Rescue Services Act 2004²⁹.

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

- 7.9.2 Legal agreements will be used to ensure that the developer provides fire hydrants based on one hydrant within 90 metres of each property.
- 7.9.3 The provision of adequate water supplies for firefighting purposes e.g. suitable and sufficient water mains and hydrants should be determined at the same time as the water services are planned in detail. This is usually following planning consent.
- 7.9.4 The ability for large-scale developments to be adequately served by fire and rescue services will be assessed on an individual basis. Any impacts will need to be addressed through planning conditions and/ or obligations. This may be through the provision a new fire station or an extension to an existing facility.
- 7.9.5 Hertfordshire Fire & Rescue Service on behalf of the Fire Authority would always recommend consideration for the placement of sprinkler systems in all buildings and new developments to form part of an integrated fire safety provision.
- 7.9.6 Contributions may be sought from development schemes which have the potential to increase the demand on the Hertfordshire Fire and Rescue Service (HFRS) as currently provided across the respective Council area. In those cases, HFRS may seek planning obligations towards fire and rescue services.
- 7.9.7 Police services are provided through the Office of The Police and Crime Commissioner for Hertfordshire and contribute to the overall well – being of local communities. Police infrastructure comprises fixed property and technology assets; and human resources, which includes Local Community Policing, victim support, and crime reduction initiatives such as use of CCTV. These can arise either locally, or as a result of cross – boundary considerations where scale and efficiency of operation require policing facilities to be located out with the boundaries of the local authority. The Council will therefore require development, where required and appropriate, to contribute towards the delivery of policing infrastructure to serve new developments and mitigate against their impact upon existing police resources.
- 7.9.8 In line with Local Plan Policy D1 Sustainable Design applicants, should demonstrate that opportunities for crime and anti-social behaviour have been designed-out. Hertfordshire Constabulary will be consulted on planning applications where it is considered that there may be an impact in terms of community safety.
- 7.9.9 Where it is expected that the proposed development will generate a need for extra policing, resources and extensions to or new police buildings, this will be sought through legal agreements.
- 7.9.10 Contributions towards CCTV will be sought on a case by case basis where needed to cover the cost of equipment, installation, maintenance and running costs.

7.10 Information Technology

- 7.10.1 Internet and mobile coverage across the District is generally quite good, though there are pockets where this is not the case, particularly in more rural areas.

7.10.2 All new developments should be able to plan-in the provision of high quality (superfast) communication infrastructure in consultation with providers. Early engagement is recommended. This avoids the need to retrofit cabling or other required facilities in recently completed schemes. It also increases the saleability of new properties. Where appropriate, we will secure the provision of high-speed connectivity with new development, normally by condition.

7.10.3 Hertfordshire County Council have a programme to deliver connectivity to harder to reach areas³⁰. Where development is proposed in an area that currently has a lower quality of coverage, the Council may additionally seek contributions towards wider projects aimed at boosting high-speed communications coverage. This will help to ensure that North Hertfordshire residents have the best possible access.

7.10.4 This approach supports the rise in homeworking and the need to manage private vehicle use in accordance with local and county transport policy.

³⁰ <https://www.connectedcounties.org/>

8 NATURAL ENVIRONMENT

Local Plan Policies	Other relevant Strategies & Guidance
<ul style="list-style-type: none"> ➤ 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 	<ul style="list-style-type: none"> ➤ 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 Contributions³¹ ➤ 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>

8.1 Policy context

- 8.1.1 The NPPF identifies that access to a network of high quality open spaces is important for the health and well-being of communities³². It also seeks to minimise impacts on, and provide net gains for, biodiversity and advocates a proactive approach to mitigating and adapting to climate change³³.
- 8.1.2 Open spaces are a defining feature of North Hertfordshire and provide a valuable resource for recreation, sports and culture. The quality of the open spaces is critical to ensure that active lifestyles can be promoted.
- 8.1.3 The Local Plan contains a range of policy requirements relating to open space and the natural environment which, collectively, seek the provision and retention of a network of quality spaces.
- 8.1.4 These policy requirements are supported by a breadth of supporting strategies produced by the District Council, County Council and other bodies.

8.2 Biodiversity

- 8.2.1 There is a requirement on development sites to seek net gains for biodiversity and geodiversity. Where biodiversity measures are provided in, or otherwise associated with, a development (e.g. through the provision of natural or semi-natural greenspace), a long-term maintenance and management plan will be required having regard to the advice provided in relation to open spaces above.
- 8.2.2 Similarly, planning conditions and legal agreements will be used to set out the required biodiversity mitigation measures (including during the construction phase) or as a last resort, compensation, as required by Policy NEx Biodiversity and geological sites. Planning conditions will be preferred where appropriate. However, in cases where off-site mitigation or compensation is required, these will be secured by planning obligation.

8.3 Therfield Heath SSSI Mitigation Strategy

- 8.3.1 Therfield Heath is a popular destination for recreational walkers at the west of Royston. This site is also a Site of Special Scientific Interest (SSSI). It is necessary to manage recreational disturbance to protect the notified features of the site.
- 8.3.2 The Council is working with Natural England and the heath's Conservators to develop a planning mitigation strategy to inform new developments within the SSSI's identified Zone of Influence (ZOI). Sites within the ZOI may be required to make appropriate contributions towards projects or approaches identified in the Strategy, or any other management strategy (or equivalent) produced for this area.

³² NPPF Paragraph 96

³³ NPPF Paragraphs 149 and 170

8.3.3 This approach may require schemes to make provision for and / or contributions towards:

- Enhanced open space provision within the development scheme;
- Contributions towards provision or projects within the SSSI to be delivered in agreement with Natural England and / or the Conservators of Therfield Heath;
- Alternate recreation provision or projects within Royston and the surrounding area that provide alternate open space, leisure routes and / or recreational opportunities.

8.4 Open Spaces

General principles and standards

8.4.1 Contributions towards new or improved open space are required by the Local Plan. The priority is to secure on-site provision, however the policy recognises that financial contributions may be accepted in certain instances. The 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.

8.4.2 In determining the amount of open space required on development sites, applicants should have regard to the Council's open space standards. The current standards for on-site open space provision are outlined below (with units of space measurements in hectares). 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

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

	1 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

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

Qualitative criteria: determining the type of open space provided

8.4.5 The Council will take a pragmatic approach to the application of the standards and the delivery of new open space. To streamline the open space standards, and to recognise the need to respond to specific site circumstances, the general ‘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.

8.4.6 It is acknowledged that some types of open spaces can only be delivered at a strategic scale due to the amount of space that would be required and that they may need to be grouped together to ensure the long term management.

8.4.7 No standards have been set for the on-site provision of the following types of open space. These are often either strategic in nature, more likely to be provided as standalone facilities and/or provided as part of other forms of open space or landscaping:

- Parks and Gardens
- Cemeteries and Churchyards
- Green Corridors

8.4.8 Provision towards these forms of open space will be considered on a case-by-case basis having regard to:

- The generated needs arising from the scheme suggested by recognised benchmark guidelines, such as the Fields in Trust standards;
- Any specific requirements set out in other adopted plans or strategies (such as the Green Space Management Strategy and any associated Action Plans); and
- The advice in this document

Parks and gardens

- 8.4.9 Parks and gardens includes urban parks (normally with formally laid out paths, planting and / or areas of maintained grass for general amenity and recreation), formal gardens and country parks.
- 8.4.10 Most proposed sites will not be large enough to accommodate a meaningful park or garden on-site or would be served by an existing facility or other strategic-scale open space provision. For this reason, we have not identified a specific standard for new developments. On non-strategic sites, contributions 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.
- 8.4.11 Of the largest, strategic sites in the Local Plan, the proposed North of Baldock and East of Luton sites would each generate a requirement of five hectares or more open space provision when considering the Fields in Trust recommended standards and expected occupancy figures. The most appropriate approach to parks and gardens provision on these sites will be negotiated as applications are brought forward having regard to the standards mentioned above and other relevant information.
- 8.4.12 In relation to the remaining proposed strategic sites, provision for this type of open space may be dealt with as set out below and appropriate contributions may be sought towards relevant projects:
- The site North of Letchworth Garden City is located adjacent to the existing recreation ground which could provide opportunities for some more formal provision.
 - The site North of Stevenage would have access to the proposed Forster Country Park (within Stevenage Borough), which would provide strategic scale open space provision.
 - The Land off Mendip Way site in Great Ashby would have access to Great Ashby District Park.
 - The Highover Farm site in Hitchin is smaller in size and residents are likely to make use of existing strategic facilities in Hitchin or Letchworth Garden City.

Provision for children and young people

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

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

- 8.4.14 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. In circumstances where the standards in the table at 8.4.2 of this SPD would not generate a usable amount of sports pitch provision, contributions will be focussed towards improvements to existing provision.
- 8.4.15 On strategic sites, where contributions towards sports facilities are provided, the Council will expect the inclusion of Community Use Agreements to ensure that the use of the facilities can be maximised,
- 8.4.16 The most up to date Playing Pitch Strategy and Action Plan sets out a series of management and programming actions and this should be used to identify projects for future developer contributions.
- 8.4.17 For allotments, the Council may accept provision in the form of informal community gardens or landscaping with space for residents to grow food rather than towards the provision of formalised plots, which tend to be grouped together in larger numbers. Where this is the case, a maintenance and management plan should be provided to ensure the long-term quality of such sites.
- 8.4.18 Where on-site provision is not deemed appropriate, financial contributions may be sought towards projects identified in the Playing Pitch Strategy and Action Plan, any subsequent equivalent document, or on a case by case basis in consultation with Sports England and North Hertfordshire District Councils Greenspace team.

Payments in lieu towards any type of open space

8.4.19 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

8.4.20 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.

8.4.21 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. Sign off on management and maintenance arrangements will be secured by way of S106 agreement requiring the submission of details.

8.4.22 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, and secured, as above.

8.4.23 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 and secured through a S106 agreement. For larger or strategic sites, the ten-year timeframe may be extended or subject to a commencement trigger linked to a latter phase of the development.

8.4.24 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.

8.5 Flood risk and management

8.5.1 Policy SP11 Natural resources and sustainability expects that development is directed at areas of lowest risk of flooding and that Sustainable Drainage Systems (SuDS) and other appropriate measures are in place. Applicants are required to work

with the Lead Local Flood Authority (Hertfordshire County Council), the Environment Agency and Internal Drainage Boards at the earliest opportunity.

- 8.5.2 It is expected that any necessary flood mitigation measures are to be provided by the developer through on or off site provisions to make the proposed development acceptable and this will be secured by planning conditions and/or legal agreement.
- 8.5.3 Where SuDS are required, on-going management and maintenance arrangements will need to be demonstrated. All management and maintenance arrangements for SUDs will be at nil cost to the Council and in no circumstances will the Council seek to adopt SUDs schemes as part of a wider open space transfer.

8.6 Waterways

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

8.7 Other forms of Green Infrastructure

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

8.8 Water supply and waste-water infrastructure

- 8.8.1 Local Plan Policy SP11 Natural resources and sustainability requires that the water environment is protected, enhanced and managed. The Water Cycle Studies for both the Rye Meads catchment area and Royston identify technical solutions that will be secured via planning conditions and/or legal agreement.
- 8.8.2 The Environment Agency's Catchment Data Explorer should be used to identify contributions that may be required by development proposals towards improvements to water resources.
- 8.8.3 Residential schemes are required by Policy D1 Sustainable design to meet or exceed the optional water efficiency standards. This will be secured by planning conditions and/or legal agreement.
- 8.8.4 Mechanisms for delivering any necessary new or improved water and/ or wastewater infrastructure, including foul water treatment and drainage disposal, may be required via planning conditions and/or legal agreement in accordance with Local Plan Policy NE10 Water Conservation and wastewater infrastructure.

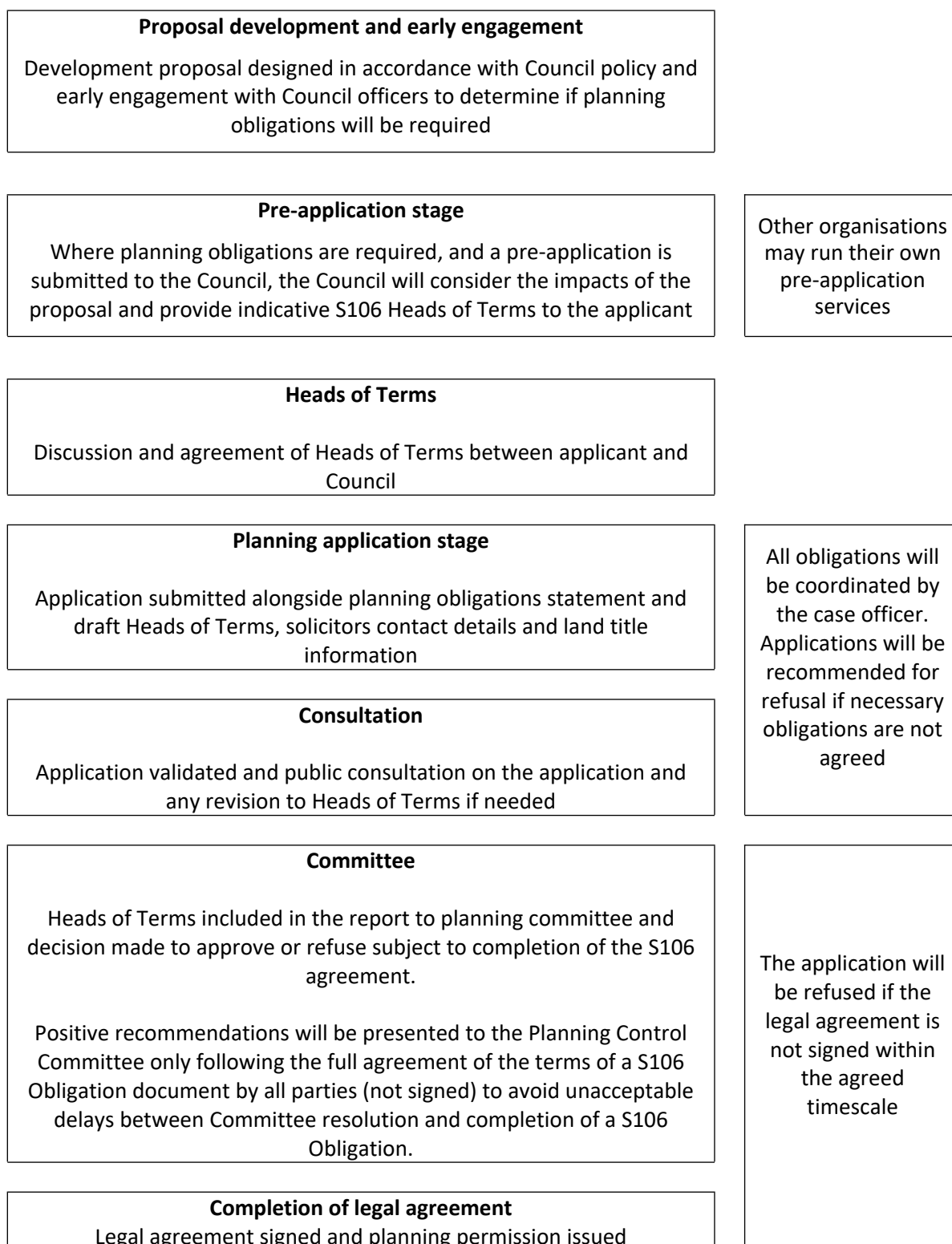
8.9 Development on contaminated land

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

8.10 Climate change and renewable and decentralised energy

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

Appendix A: S106 process flow-chart



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***Draft Developer Contributions Supplementary
Planning Document (SPD)***

Statement of Consultation

June 2020

1. Introduction

- 1.1. This consultation statement has been prepared in accordance with Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The statement sets out who was consulted when preparing the Draft Developer Contributions Supplementary Planning Document (SPD), when and how they have been consulted, and summarises the representations received and how they have influenced the SPD.
- 1.2. The document consulted upon is named the Developer Contributions Supplementary Planning Document (SPD).
- 1.3. This SPD sets out detailed guidance on the type and scale of developer contributions that will be sought to support new development in our area.
- 1.4. 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.
- 1.5. A significant number of planning policies within the Proposed Submission Local Plan 2011-2031 are relevant to the infrastructure delivery in the sense that compensation may be required to mitigate impacts relevant to those policies. The main policy “hook” for infrastructure contributions is policy SP7: Infrastructure Requirements and Developer Contributions.

2. Preparation of the Draft Developer Contributions SPD

- 2.1. In preparing the Draft Developer Contributions SPD consultation was targeted towards those organisations with an interest in the delivery of infrastructure. The list below provides an overview of the types of organisation consulted. A collaborative approach has been taken to the preparation of the SPD; relevant internal colleagues have been directly involved in contributing to and reviewing the draft.
- 2.2. A member workshop was held for all locally elected members in February 2019. Feedback was provided on the day, as well as some written feedback from specific members. The issues raised included viability issues, off-site affordable housing, phasing and timing of contributions and whether smaller sites could contribute to infrastructure requirements. These points were largely resolved within the meeting, and some have been integrated into the draft SPD.
- 2.3. The draft SPD has been prepared in consultation internally within NHDC with the Housing Development Team; Planning Policy; Economic Development; Legal Services; Environmental Health; Development Management; Resources; Policy and Community Engagement; Monitoring; Grounds Services; Urban Design Officer; colleagues from Hertfordshire County Council in respect of Growth and Infrastructure; as well as relevant NHS Clinical Commissioning Groups, in order to make it as usable and accurate as possible in draft form. The consultations were sent by email to relevant parties in February 2019.

- 2.4. The 19 responses received were informative, and the draft Developer Contributions SPD now being consulted more widely has evolved as a result of the comments received. The comments received which have informed the resultant draft were both procedural as well as substantive, resulting in improvements to the SPD in regards to clarity and adding information that was otherwise absent. There were some occasions where the comments have not informed the draft SPD. The occasions by which the comments have not informed the draft were by reason of conflict between parties in regards to the same points, or avoiding overly prescriptive or descriptive requirements.
- 2.5. The draft SPD was approved for consultation at Cabinet on 28 January 2020.
- 2.6. The draft SPD has been reviewed against the European Directive relating to Strategic Environmental Assessments 2001/42/EC. This screening exercise has shown that this draft SPD does not require an SEA to be undertaken. This report is to be made available alongside this round of consultation for this draft SPD.

3. Consultation Methodology

- 3.1. A wider public consultation has now taken place on the draft Developer Contributions SPD.
- 3.2. Notifications has been sent to a wide range of statutory and non-statutory consultees, developers, parish and town councils, landowners, and those who have registered interest in relevant policies in the consultation of the Proposed Submission Local Plan 2011-2031 by letter. The consultation has been published on the North Hertfordshire District Council website.
- 3.3. A six-week consultation period of the draft Developer Contributions SPD has taken place between:

09:00 on 12 February 2020 to 17:00 on 24 March 2020

- 3.4. The draft Developer Contributions SPD has been available to view: on our website: <https://www.north-herts.gov.uk/home/planning/planning-applications/planning-obligations/guidance-planning-obligations-supplementary>; and at the Council Offices during normal opening hours.
- 3.5. Sixteen representations have been received in response to the consultation, made through the website, and via email and letter.

4. Issues Raised

- 4.1. Following the close of consultation, the key issues raised by respondents is summarised in this updated document, including details of how the issue was dealt with.

- 4.2. The below table outlines and summarises comments made from respondents, and how issues raised have been dealt with in forming the final draft of the SPD.

NORTH HERTFORDSHIRE DISTRICT COUNCIL – DRAFT DEVELOPER CONTRIBUTIONS SPD

Subsection	Comment ID's	Summary of comments	Actions
Section 1 - Introduction			
Generic	8428; 8437; 8425; 8359	Outside of support and requests for continued updates, requests are made for clarity regarding the nature of development contributions which may be sought and what the term 'correct at the time of writing' means. A further specific request has been made to re-term parts of the flowchart on the final page (from 'completion' to 'agreed form').	References to 'correct at time of writing' deleted and replaced left as 'subject to change'. Wording of flowchart adapted as per suggestion.
1.3	8430; 8428	Request for formulaic approach to contributions. Comment that the document fails to address the relationship between contributions and CIL, and when and whether CIL will be introduced. A further request made to repeat the tests of obligations in paragraph 1.3.5	No action on formulaic contributions. CIL is currently being researched and will be reported on in the future, the SPD cannot predict the outcome of this process. Tests of obligations re-referenced in 1.3.5.
1.5	8438; 8431	SPD should not be adopted until after adoption of ELP. SPD should confirm a case by case basis is adopted to the applicability of the current SPD and any HCC documents as and when they are adopted.	We will review the options for adoption of the SPD based on progress of the ELP. The weight applied to HCC documents will be based on their progress. No action required in SPD document itself.
1.6	8437; 8431	Welcomes CIL. Suggests SPD should emphasise there is no scope for developers with existing S106 to be asked to make CIL payments as well.	The technical application of CIL will be examined as and when it is considered for adoption by the Council following a forthcoming recommendation. No action required in the SPD.
1.9	8430; 8360; 8427; 8429; 8433; 8437; 8438.	£150,000 limit contradicts 7.4.4. Police and Crime Commissioner for Hertfordshire could be added to list of providers. Clarity requested on third party signatories, collection, distribution and return of unspent contributions	Figure corrected to £250,000. Clarity added in section 1.9.1, 1.9.2 and 1.9.3.
1.10	8430	Clarity on when the Infrastructure Development Plan will be updated with a timetable	No action required.
1.11	8430; 8426; 8433; 8438	Re-wording, partial deletion, further explanation requested	Partially actioned to add some clarity to the purpose of the section (1.11.2)
Section 2 – Process, Procedure and Management			
2.1	8444; 8448; 8450; 8463; 8471;	Suggested additional providers, re-wording requested to put responsibility for HoT on the Council, suggesting draft viability appraisal not always possible at pre-app stage and is not a land use issue.	Amendments made to provide clarity and loosen wording where required to resolve issues raised. (2.1.2 & 2.1.3)
2.2	8471; 8470; 8463; 8450; 8448;	Contradiction raised with 2.1.3, requirement for agreeing terms of S106 before committee impractical, formulaic approach re-iterated, obligations must meet tests, amendments requested for clarity, County Councils legal costs should be covered.	Contradiction resolved, section added regarding tests of conditions, amendments for clarity added. County Council costs request added. (2.2.2, 2.2.3 & 2.2.8)
2.3	8457; 8450; 8448	Should viability data be public, comments made on factors of viability, circumstances are flexible and changeable.	Clarity on why viability public added. (2.3.5). No other action required.

NORTH HERTFORDSHIRE DISTRICT COUNCIL – DRAFT DEVELOPER CONTRIBUTIONS SPD

2.4	8457; 8450	Methodology and triggers should be clear in the SPD, inappropriate to use review mechanism on small and medium sized developments	Addition to state mechanisms by their nature bespoke to the circumstances of the viability issue in each development. (2.4.3) No other action required.
2.5	8457; 8450; 8448	HCC contributions represent priority matters to make development acceptable, policies are the basis of contributions, contributions need to be fair.	No action required.
2.6	8470	County Council legal fees also payable.	Amended to account for this (2.6.1)
2.7	8450	Monitoring costs should be published at an hourly rate, report to Area Committee should include unspent contributions.	No action required, many different skills and skill levels may be required in monitoring, and report will be based on and include regulatory and legislative requirements in place at the time of the report.
2.8	8471;	Suggested re-wording of 2.8.1.	No action required, re-wording more vague and confusing, no harm resultant from existing wording.
Section 3 – Economy and Town Centres			
3.2	8439; 8458	Clarity on what is larger sites, document should recognise that economic appraisal may be required where development would harm local economy	No action required, definition of larger sites present, harm is a policy issue, not related to contributions.
3.3	8445; 8451; 8464	Criteria for schemes to contribute to public realm, how can the applicant complete works outside of their control, contributions need to meet tests of conditions, town centre developments should have lesser contributions than out-of-centre developments, contributions should be sought for policing works to ensure security.	Minor clarification made to 3.3.4. No other action required.
Section 4 - Transport			
Generic	8424	Please add DFT Circular 02/2013 to the opening table at chapter 4 Transport, under other relevant Strategies & Guidance	Actioned.
4.1	8440; 8466	Herts Highways not consulted on all applications, if sustainable transport contributions render a scheme unviable, such developments should not go ahead	'for which contributions may be required' added for Herts Highways consultation (4.1.3). No other action required.
4.2	8472; 8466; 8459; 8452	Requests made should be reasonable and not impact on delivery, engagement of all parties early on should be reiterated, HCC guide to developer contributions not yet final, transition period suggested, HCC should be identifying schemes, not developers, S278 can be used in combination with grampion condition as well as in conjunction with S106, Roads in Herts suggested to be re-referenced in the SPD, clarification on non-financial contributions, all obligations should meet the tests of obligations	Change in reference to Roads in Hertfordshire actioned (4.2.2). Clarification added on use of S278 with Grampion conditions (4.2.3). Reference to CPZ in non-financial obligations removed as required financial contributions (4.2.6). No other action required.
Section 5 - Housing			
5.2	8460; 8453; 8441	Increased off-site provision could incentivise the Council to agree. Location of donor sites may not be feasible or desirable in rural areas. BPC object to case-by-case approach for affordable	Clarity added on endeavours to spend commuted sums close to sites contributing (5.2.33)

		housing occupation restrictions. Details of commuted sum calculation required. Why commuted sum based on 2-bedroom houses. Costs related to C2 provision higher and could impact viability. Commuted sums should be spent in area collected. All affordable housing should be social rent. LGC Housing Needs Survey should be included. Reference to existing circumstances could cause later confusion. M4 (2 & 3) accommodation should be provided across tenures. Question validity of 5.2.65. LHF request more stringent prioritising of LGC residents. There is no justification for rounding up to the nearest whole figure. No precise policy justification for higher affordable housing provision required where provided off-site. No reference in Local Plan to it being necessary to introduce rental caps below 80%. 65:35 split for affordable housing is a starting point for negotiation in the policy.	Word requires changed to expects (5.2.42) to reflect main modifications on ELP. Explanatory paragraph added (5.2.55) showing how existing circumstances may change and enforcing the point the SHMA is a starting point, not definitive. M4(2) will be distributed across all tenures. M4(3) should only be housing where DC responsible for nominating tenant for reasons set out in LP. Partial deletion of 5.2.60 for clarity. 5.2.64 – sentence added for clarity of equal distribution of AH along phases. No other changes required.
5.3	8473; 8453	Mechanisms should also be in place to prevent these plots to be sold for speculative development. Further mechanisms should prioritise marketing to local people. Question the need to restrict palette choice as this may restrict innovation. Flexibility in allowing all self build plots to be made available by 50% completion on-site. Protect developers against partially built self-build.	No changes required. Wording already very flexible, no reference to 50% trigger point.
Section 6 - Design			
6.3	8454; 8461	Materials should be sourced from sustainable materials. Conditions and obligations should meet relevant tests.	Added to 6.3.1. No other change as cannot repeat tests ad-infinity
6.6	8468	The last sentence of paragraph 6.6.4 makes reference to Hertfordshire Waste Recycling Centres. These should be called Household Waste Recycling Centres (not Hertfordshire).	6.6.4 changed to reflect.
Section 7 – Healthy Communities			
7.1	8455	Include North Herts College as key stakeholder. no provision to require developers to contribute to training and apprenticeship programmes. The current text places a reliance on Youth Connections, should in the future this no longer exist, an alternative mechanism should be in place.	No changes required. No reference to Youth Connections found. Apprenticeships within the build out referenced earlier in the SPD.
7.2	8447; 8467; 8475	Suggested amendments – the provision and/or contributions towards the serviced land may also be required, to be determined on a case by case basis. “Education and early childcare facilities”. Instead this should read “Education and early childcare years facilities”. “...the demand for school and nursery places...”. This should read “...the demand for school and nursery early years places...”.	7.2.2 partially changed in light of this request. 7.2 title changed to reflect. Amendment made to 7.2.1. Amendment made to 7.2.2. 7.2.3 already covers this point, no amendments required.

		<p>“...be it expansion to an existing school or a new school, then serviced land will also be required.” This should have the following added and read; “...be it expansion to an existing school or a new school, then serviced land will also be required, which will be expected to adhere to Hertfordshire County Councils land specification.”</p> <p>Developers may be liable to contribute land as well as financial contributions. This approach is unreasonable, and should be reviewed. The developer is entirely within their right to recover relevant land value for alternative purposes associated with infrastructure that is not solely required in respect of their site.</p>	
7.3	8467	<p>The youth section needs a paragraph referring to HCC as has been included within other sections. ‘Discussions should be undertaken at an early stage with Hertfordshire county Council to ensure that there is sufficient capacity of youth facilities to mitigate the implications of the proposed development. This includes having regard to the Hertfordshire County Council Guide to Developer Infrastructure Contributions to determine the level of contributions expected to be provided from the proposed development.’ [footnote reference URL]</p>	Added at 7.3.2
7.4	8475; 8462; 8455	<p>Referring to the current edition will cause confusion at later date. Object to the use of developer contributions to fund record digitisation. Evidence of the expenditure of any health contributions should be provided to an applicant for the purposes of transparency and accountability. What is meant by 'largest developments'? Occupiers may be already be resident within the Health Authority area, so no additional burden. Emphasise the tests of obligations.</p>	<p>Definition of 'larger sites' added (7.4.1) Correct at time of writing changed to details subject to change over time (7.4.2) No other change required</p>
7.5	8361; 8362	<p>Section 7.5 does not provide any detailed guidance to provide clarity and transparency on the Council's approach to securing developer contributions for indoor sports facilities. It is therefore requested that the section is amended to provide more detailed advice covering the matters identified in the comments.</p>	No change implemented.
7.6	8455; 8467	<p>Include a reference to contributions to enhance and expand existing facilities, should this be appropriate. The reason for this is because new finds of significant archaeological material may not be sufficient on their own to warrant a new facility and may put enormous pressure on existing facilities. Request for reasonable to be added to 7.6.4.</p>	<p>To enhance and/or expand existing facilities added (7.6.3) Reasonable added to 7.6.4</p>

7.8	8455; 8442	the proposals for developer support of ongoing management arrangements, for example for community hubs is far too vague. As with the proposals in 8.2.4 the commitment to ongoing management should be for 10 years, or more. Not support the freehold transfer of community buildings on its development site.	In most instances added to secure that not transfer not a blanket requirement (7.8.4) Section added to 7.8.4 to make it incumbent on the developer to evidence management arrangements are proportionate and sustainable in the long term.
7.9	8455; 8446	It is not the role of the planning system to secure policing numbers. {NEW} Police services are provided through the Office of The Police and Crime Commissioner for Hertfordshire and contribute to the overall well – being of local communities. Police infrastructure comprises fixed property and technology assets; and human resources, which includes Local Community Policing, victim support, and crime reduction initiatives such as use of CCTV. These can arise either locally, or as a result of cross – boundary considerations where scale and efficiency of operation require policing facilities to be located out with the boundaries of the local authority. The Council will therefore require development, where required and appropriate, to contribute towards the delivery of policing infrastructure to serve new developments and mitigate against their impact upon existing police resources. {END} To assist with the proper design of new communities, and in addition to the wider range of policing infrastructure, HC are able to advise on design. This is in line with Local Plan Policy D1 Sustainable Design, and 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.	New paragraph added as provides clarity on reasons for contributions (7.9.7)
7.10	8447; 8455; 8467	This paragraph ought to go further referencing Full Fibre and Gigabit Capable coverage which would be in line with new Government targets. Should be all new major development. Contributions for boosting high-speed communication coverage is not supported by a policy and offers lack of clarity associated with what may be sought or the scale of the contribution.	'All' added instead of 'most large' (7.10.2)
Generic	8467	HFRS should be included in SPD as capacity is affected by additional development demands.	Paragraph 7.9.6 added.
Section 8 – Natural Environment			
8.2	8456; 8447	Clarity should be provided as to which requirements can be dealt with by way of condition and by legal obligation. This should specifically mention the requirement for developments to achieve biodiversity net-gain, with a	Clarification added 8.2.2. Reference to net gain added to 8.2.1.

		hierarchical approach, with on-site mitigation a priority, and off-site compensation/contribution a last resort.	
8.3	8469	The SPD document should include measures to conserve and enhance the historic as well as the natural environment of this site. Note that Therfied Heath is an archaeological site.	No change required.
8.4	8476; 8465; 8456; 8443; 8366; 8365; 8364; 8447	<p>Paragraphs 8.4.14-8.4.18 only provide limited guidance to provide clarity and transparency on the Council's approach to securing developer contributions for outdoor sports facilities. Objection is made to the proposal in paragraph 8.4.4 to all schemes having regard to a standard of 1.6 hectares per 1000 population for outdoor sport which would be used for quantifying provision in new development. However, the use of this standard is not consistent with the Council's Playing Pitch Strategy which also forms part of the Council's local plan evidence base, and which did not advocate the use of a generic outdoor sports standard for applying to new development. It is therefore requested that the standard is removed from the SPD and replaced with amended guidance.</p> <p>No standards are being set for the protection of green corridors which are to be considered on a case by case basis. A clearer commitment is needed with regards the standards review. The provision of strategic open space should attract contributions from projects across the area as it will be accessible to all. Examples of exemption cases should be provided. Clarification should be provided as to the role Section 106 agreements can play in securing aspirations. Table to be amended to show the units of measurement and annotate or remove the footnote. 'For larger or strategic sites, the ten-year timeframe will also apply', provides certainty by deleting may be extended.</p> <p>Suggest developers use Biodiversity Metric 2.0 to quantify biodiversity net-gain.</p>	<p>Units of measurement added in 8.4.2</p> <p>Clarity added to 8.4.18</p> <p>Clarity on S106 role added to 8.4.21 and 8.4.23</p>
8.6	8447	Would like a policy for large scale re-wilding schemes, chalk stream restoration, and natural flood management.	No change required, SPD not appropriate for specifying projects, case-by-case.
8.8	8423; 8447	<p>It is therefore proposed that para 8.8.4 is amended as follows: '8.8.4 Mechanisms for delivering any necessary new or improved water and/ or wastewater infrastructure, including foul water treatment and drainage disposal, may be required via planning conditions and/or legal agreement in accordance with Local Plan Policy NE10 Water Conservation and wastewater infrastructure.'</p> <p>Contributions could be sought for water companies to undertake habitat restoration and other measures to improve ecology.</p>	<p>8.8.4 altered to align with proposed new wording.</p> <p>Habitat restoration and ecology improvements are covered by earlier sections.</p>

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8.10	8456	Any LPA requirements must reasonably relate to a proposal to secure legal compliance.	No change required, no repetition of Obligation requirements.
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5. Recommendation

- 5.1. Following formal consultation, all recommendations have been fully considered. Some have been actioned to take account of discrepancies within the original document, others to provide clarity on the intention of a particular section. Where not pertinent to the specific aims of the SPD, or where requests for alterations were too specific for the broad nature and remit of the SPD, the proposed modifications have not been actioned.

- 5.2. Following a wide consultation and review of representations, it is recommended that the SPD, as modified under the powers of S23(1) of the Planning and Compulsory Purchase Act 2004 (as amended), is presented to Cabinet with a resolution to adopt upon adoption of the ELP, so long as the ELP is adopted within 12 months of the date of the Cabinet meeting.

**CABINET
21 JULY 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: STATEMENT OF COMMUNITY INVOLVEMENT – ADOPTION

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: PLANNING AND TRANSPORT

CURRENT COUNCIL PRIORITY: PROSPER AND PROTECT

NEW COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL /
SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

- 1.1. This report asks Cabinet to consider the comments made on the draft Statement of Community Involvement during public consultation and approve the subsequent changes made to the Statement of Community Involvement.

2. RECOMMENDATIONS

- 2.1. That the consultation response is noted.
- 2.2. That, subject to recommendation 2.1, the changes to the draft Statement of Community Involvement (SCI) are approved and that the Statement of Community Involvement, attached as Appendix A is adopted.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The Statement of Community Involvement sets out how the Council consults with the local community in preparing the Local Plan, other local planning documents, and in determining planning applications. It also sets out guidelines for those communities involved in neighbourhood planning.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. To determine, following consultation, that there is no requirement to revise and replace the Council's current SCI. This option is not recommended for the reasons set out below.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Members and Deputy Executive Members for Community Engagement and Planning and Transport were given the opportunity to comment on the draft SCI prior to consultation.
- 5.2. The draft SCI was approved for public consultation by Cabinet on 28 January 2020. Public consultation took place between 12 February and 25 March 2020.

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 5 May 2020.

7. BACKGROUND

- 7.1. The Statement of Community Involvement (SCI) sets out how the Council will consult the local community in preparing local planning documents, in undertaking relevant consultations for neighbourhood plans and in consultations for planning applications.
- 7.2. The SCI was last updated in 2015 and adopted by Full Council on 3 September 2015. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 introduced a requirement that a review of an SCI must be completed every five years, starting from the date of adoption.
- 7.3. Planning Practice Guidance states that this review should consider whether existing policies remain relevant and effectively address the needs of the local community. Following review, the relevant policies should then be updated as necessary.

8. RELEVANT CONSIDERATIONS

- 8.1. The SCI sets out how the Council will consult the community in preparing the Local Plan, other local planning documents and in determining planning applications. The draft SCI included a number of revisions:
 - how the District Council will undertake statutory consultations for neighbourhood plans;
 - an appendix which sets out some guidelines of the support that the District Council will offer neighbourhood planning groups;
 - encouraging developers to consider the need for seeking to resolve construction management issues at the earliest stage of the planning process; and
 - encouraging developers of strategic development proposals (i.e. over 500 dwellings) or contentious development proposals to undertake presentations to the relevant Area Committee.

8.2. Only one response was received during consultation from Historic England but no amendments to the SCI were suggested. A copy of the representation can be viewed [online](#). All statutory consultees, Parish Councils and local organisations were notified of the consultation and the document was available on the website during the consultation period. Individuals on the local plan database were not notified of the consultation as there was no explicit consent to do so.

8.3. In response to the COVID-19 pandemic, the government has encouraged local planning authorities to review their Statements of Community Involvement and update policies where necessary. There are a number of instances in the SCI where it is stated that consultation documents will be made available for inspection at the Council Offices or local libraries, venues which are currently closed. It should be noted that all consultation documents are made available to view on the Council's website. It is suggested that the following additional sentences are included in the introduction to the SCI which state:

“In light of the ongoing COVID-19 outbreak and in any comparable circumstances in the future, there may be circumstances when the District Council may be unable to fully comply with the policies outlined in this Statement of Community Involvement. This is particularly the case where consultation documents are usually placed in the Council Offices and local libraries for inspection. The Council is committed to effective consultation and communication with its residents, and in order to continue this, some consultation methods may have to change temporarily. This is to protect both our community and staff in line with Government advice and guidance. The Council will continue to monitor the situation and will actively work to find new and innovative ways to consult at this challenging time.

Where we are unable to meet all of the requirements set out in this document, but have made every reasonable effort to do so, we will consider that the conditions have been met”

8.4. Three further minor amendments are suggested:

- Amend the sentence in the section on consultation on supplementary planning documents to state that consultation documents will be placed in local libraries “where appropriate” (page 7 of the SCI). Some consultations are targeted at professional consultees and it is not necessary for these documents to be printed and distributed to local libraries;
- The word “normally” is added into Table 4; and
- An addition has been included in Appendix 1, Guidance for Neighbourhood Planning Groups to make it clear for neighbourhood planning groups which documents should be submitted to the local planning authority.

9. LEGAL IMPLICATIONS

- 9.1. Under the Terms of Reference for Cabinet, paragraph 5.6.18 of the Constitution states that the Cabinet should exercise the Council's functions as Local Planning Authority except where functions are reserved by law to the responsibility of the Council or delegated to the Service Director – Regulatory. The SCI is not a development plan document and therefore does not form part of the Council's Policy Framework as set out in Paragraph 4.2 of the Constitution.
- 9.2. The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, require that a review of a Statement of Community Involvement must be completed every five years.
- 9.3. Local planning authorities have discretion about how they inform communities and other interested parties about planning applications. [Article 15 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) sets out minimum statutory requirements for applications for planning permission.
- 9.4. Section [18 of the Planning and Compulsory Purchase Act 2004](#) (as amended) provided that local authorities may set out more detail on how they will consult the community on planning applications in their Statement of Community Involvement.
- 9.5. Temporary changes to the publicity requirements for certain planning applications have been introduced through the [Town and Country Planning \(Development Management Procedure, Listed Buildings and Environmental Impact Assessment\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020](#) to support timely decision-making, and avoid delays to development as a result of the effects of the coronavirus pandemic, while maintaining public participation in the decision-making process.
- 9.6. These temporary changes give local planning authorities (and in the case of certain applications for EIA development, applicants) greater flexibility in relation to the way they publicise the planning applications if they are not able to comply with a particular requirement because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.

10. FINANCIAL IMPLICATIONS

- 10.1. The consultations which will take place using the SCI in the future will be covered by existing budgets.

11. RISK IMPLICATIONS

- 11.1. There are no risk implications from this report but Sustainable Development of the District and the Local Plan are both Cabinet Top Risks.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. An Equalities Impact Assessment was undertaken for the draft SCI. The SCI has identified a number of groups within the community which tend not to engage with local planning issues. These groups include working age people, people with disabilities, black and ethnic minority groups, young people and gypsy and traveller communities. Work will continue with the Policy and Community Engagement Team to encourage these groups to participate in planning consultations. The addition as outlined at section 8.3 and 8.4 seeks to protect the vulnerable in our community.

13. SOCIAL VALUE IMPLICATIONS

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

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. The report will have indirect environmental implications, setting out how consultees can raise environmental concerns when responding to all types of planning consultations. The SCI also encourages developers to consider construction traffic management, an area of concern for local residents.
- 14.2. The Council’s environmental template has not been completed for this report. The SCI sets out how consultation will be conducted for local plans, local planning documents and planning applications which are all subject to their own statutory assessments.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Future consultations which are undertaken using the SCI will be undertaken within existing resources.

16. APPENDICES

- 16.1. Appendix A - Statement of Community Involvement – amended June 2020

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18. BACKGROUND PAPERS

- 18.1. [Statement of Community Involvement – Draft for Public Consultation – Cabinet report - 28 January 2020 \(Minute 82\)](#)
- 18.2. [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)
- 18.3. [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017](#)
- 18.4. [Cabinet Office – Guidance – Staying alert and safe \(social distancing\) until 4 July](#)
- 18.5. [Coronavirus \(COVID-19\): Planning update – 13 May 2020](#)
- 18.6. [National Planning Practice Guidance – Paragraphs 076 – 079 – 13 May 2020](#)

North Hertfordshire District Council
Statement of Community Involvement
for Planning
Cabinet July 2020

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1. Introduction

- 1.1. The Statement of Community Involvement (SCI) sets out how you can influence planning matters in North Hertfordshire. This includes explaining how you can be involved in:
 - ❖ The preparation and review of the Local Plan;
 - ❖ Neighbourhood planning; and
 - ❖ Individual planning applications for development.
- 1.2. In addition, the SCI sets out the Council's expectations upon developers with regard to involving the community in planning proposals.
- 1.3. The SCI reflects the latest planning policy guidance and changes to legislation. The Council, as the local planning authority, is required to prepare an SCI in accordance with Section 18 of the Planning and Compulsory Purchase Act 2004.
- 1.4. The first Statement of Community Involvement (SCI) was adopted by the Council in 2006 with further revisions in 2012 and 2015.
- 1.5. The SCI needs to be reviewed as the legislation has been amended to include a duty on local planning authorities to review their SCIs every five years. Additionally, the Neighbourhood Planning Act 2017 has introduced a requirement on local planning authorities to include within their SCIs their policies for giving advice and assistance on making and modifying neighbourhood development plans and on making neighbourhood development orders.
- 1.6. The District Council published a Consultation Strategy in September 2015. Whilst the SCI has been prepared with reference to the Consultation Strategy, it is specifically written for planning policy consultations and consultations associated with planning applications.
- 1.7. **In light of the ongoing COVID-19 outbreak and in any comparable circumstances in the future, there may be circumstances when the District Council may be unable to fully comply with the policies outlined in this Statement of Community Involvement. This is particularly the case where consultation documents are usually placed in the Council Offices and local libraries for inspection. The Council is committed to effective consultation and communication with its residents, and in order to continue this, some consultation methods may have to change temporarily. This is to protect both our community and staff in line with Government advice and guidance. The Council will continue to monitor the situation and will actively work to find new and innovative ways to consult at this challenging time.**
- 1.8. **Where we are unable to meet all of the requirements set out in this document, but have made every reasonable effort to do so, we will consider that the conditions have been met.**

2. The Local Plan

- 2.1. The timetable for preparing the Local Plan and the documents associated with it is set out in the Local Development Scheme (LDS). The LDS is kept under review and is available to view on the Council's website.
- 2.2. There are three types of local planning documents:
- ❖ the local plan which includes the key policies which will guide development in the district and will be used in determining planning applications;
 - ❖ supplementary planning documents which provide more detailed advice or guidance in respect of adopted local plan policies; and
 - ❖ neighbourhood plans which are typically focused on a single parish and are prepared by the local community.

The stages of preparation for these documents are set out in the following sections.

- 2.3. Local Plans. There are a number of stages in preparing a local plan, a summary is set out in Table 1. There are opportunities for you to be involved in the preparation of a local plan, particularly in the early stages of preparation before the local plan is submitted to the Secretary of State for "examination". The Council is currently preparing a Local Plan which will include strategic policies, development management policies and land allocations.

Table 1: Stages of Plan Preparation

Stage of Plan Preparation	Commentary
Research	<p>During the early stages of plan preparation, the Council will gather information and evidence about the area in order to understand the issues facing the District.</p> <p>Consultation during these early stages may include detailed stakeholder consultations or wider more extensive consultations.</p> <p>The Council will also assess the requirements of government guidance, other corporate strategies and technical information in order to put a draft document together.</p> <p>We also have a duty to cooperate with local planning authorities and other bodies to consider the strategic issues which might be relevant to future development in North Hertfordshire.</p>
Draft Plan (Regulation 18)	<p>A draft plan may be published to get some feedback from both the community and stakeholders. Any draft document would be made available for public consultation for a minimum period of six weeks, allowing written representations to be made. In some circumstances the consultation period may be extended if, for example, it coincides with a holiday period such as Christmas or Easter.</p>

	<p>Any comments and feedback received during these consultation periods will be used in the preparation and revision of the development plan document before moving onto the next stages. The comments will be made available on the website.</p> <p>At this stage the draft local plan will be subject to a Strategic Environmental Appraisal (SEA) and Sustainability Appraisal (SA) and further technical work maybe commissioned.</p>
<p>Publication (Regulation 19)</p>	<p>A draft local plan document will be published for a formal consultation period. We will ask you for your written comments on the content of the documents subject to consultation.</p> <p>At this stage the six week consultation period will be advertised and the documents circulated to all the statutory consultees. We will make the consultation documents available on our website and in local libraries.</p> <p>At this stage, making comments or representations on the draft document becomes more formal. Representations can only relate to whether the policies and proposals in the draft local plan have been prepared in accordance with the Duty to Cooperate, the relevant legal and procedural requirements and whether the local plan is “sound”.</p> <p>Your comments will be published on our website. The Council will prepare a summary of the representations which will be presented to the Inspector at the examination.</p>
<p>Submission (Regulation 22)</p>	<p>Once consultation has been completed, the document will be submitted to the Secretary of State (represented by the Planning Inspectorate) for independent examination. All the supporting background evidence, the SEA/SA and a statement of public involvement in the process will also be submitted for examination and made available on the council’s website.</p>
<p>Examination (Regulation 24)</p>	<p>An examination will be held by an Inspector, appointed by the Planning Inspectorate. The Inspector will examine the documents submitted and may ask the council for additional information before opening the formal examination. In some cases, an Inspector will hold a Pre-Hearing Meeting to explore the main issues.</p> <p>The Council will appoint a Programme Officer who will be the point of contact with the Planning Inspector. The Programme Officer’s details will be published on the Council’s website.</p> <p>The hearing sessions will be arranged with six weeks notice given in advance of the beginning of the hearings. Only those people who submitted representations at the publication stage (Regulation 19) are entitled to be heard at the examination, although third parties can be invited by the Inspector at their discretion.</p>

	<p>The Inspector will assess the “soundness” of the plan and will prepare a report for the Council. That report will set out the Inspector’s recommendations to the Council. The Council must then consider the report and the recommendations.</p>
<p>Adoption (Regulation 26)</p>	<p>The Council will adopt the local plan as soon as practicable following consideration of the Inspector’s report. The local plan will then become part of the statutory development plan for the District.</p> <p>The documents will be published on the Council’s website and all of those people who made representations will be informed.</p> <p>Hard copies will be available to view at the Council Offices and may be available to purchase.</p>

3. Supplementary Planning Documents and Planning Briefs

- 3.1. A Supplementary Planning Document (SPD) should provide more detailed advice or guidance in respect of adopted local plan policies. Supplementary Planning Documents (SPDs) can be used to provide further guidance for development on specific issues or sites allocated for development but they cannot introduce new planning policies. SPDs are capable of being a material consideration in respect of a planning decision but they do not form part of the development plan.
- 3.2. Supplementary Planning Documents (SPDs) or Planning Briefs prepared by the Council will be subject to public consultation but they are not subject to examination by a Planning Inspector before they are adopted.
- 3.3. There are a number of stages involved in the preparation of a SPD or Planning Brief, as outlined in the table below.

Table 2 : Supplementary Planning Documents – Stages of preparation

Stage of SPD Preparation	Commentary
Research	<p>Collation of background information which might include government policy and advice, best practice examples, survey work or statistical analysis.</p> <p>This information will be used to prepare a draft supplementary document which will be presented to Cabinet before it is published for public consultation.</p>
Consultation	<p>A draft SPD will be subject to public consultation for a minimum of four weeks. The council will seek involvement from a variety of relevant stakeholders which might include: statutory consultees, landowners, agents, developers, residents, local businesses and community organisations.</p> <p>(Individuals will only be consulted where they have explicitly stated that they would like to be consulted on an SPD).</p> <p>We will publish the consultation documents on the council’s website and place them in the local libraries where appropriate.</p> <p>All comments will be considered and amendments will be made to the final document where it is considered to be appropriate.</p>
Adoption	<p>When a Supplementary Planning Document is adopted by the Council it will be published on the website together with a statement of the representations received, the response to those representations and an adoption statement. All those who made comments will be informed.</p> <p>The adopted SPD will be available to view on the council’s website.</p>

4. Neighbourhood Plans or Neighbourhood Development Orders

- 4.1. Neighbourhood plans are community led documents, prepared by Parish Councils or a Neighbourhood Planning Forum. The District Council is committed to supporting local communities preparing neighbourhood plans and they form an important part of how the local community can be engaged in the planning system.
- 4.2. The Neighbourhood Planning (General) Regulations 2012 (as amended) set out the statutory requirements for the preparation of neighbourhood plans. Consultation during the early stages of neighbourhood plan preparation is undertaken by the Parish Council or the neighbourhood forum and is not covered by the requirements of this Statement of Community Involvement. However, the SCI might still contain guidance which is useful to groups preparing neighbourhood plans.
- 4.3. When a neighbourhood plan is “made” it becomes part of the statutory development plan for the District, this means that there are a number of legal requirements that the neighbourhood plan must meet. These are known as the “Basic Conditions”. A neighbourhood plan must:
- ❖ have regard to national planning policy;
 - ❖ be in general conformity with the strategic policies in the saved Local Plan;
 - ❖ contribute to the achievement of sustainable development;
 - ❖ be compatible with environmental obligations; and
 - ❖ be compatible with human rights requirements.
- 4.4. The table below sets out the key steps for neighbourhood planning and also outlines the level of support that can be expected from the District Council. Further information can be found in Appendix 1 or on the Council’s website: <https://www.north-herts.gov.uk/home/planning/planning-policy/neighbourhood-planning>

Table 3 : Neighbourhood Plans – Stages of Preparation

Stage of Preparation	Commentary
Designation of a neighbourhood planning area	<p>A Town or Parish Council needs to apply for a neighbourhood planning area to be designated. Where an application is received to designate the whole parish area, the District Council must designate the whole area.</p> <p>At this stage, the Parish Council or the qualifying body neighbourhood will be expected to provide a formal request to designate the neighbourhood planning area and a map which shows the extent of the neighbourhood planning area.</p> <p>Where consultation on designating a neighbourhood planning area is required, the District Council will consult statutory consultees and those people and organisations who have expressed an interest in that neighbourhood planning area. The District Council</p>

	<p>will advertise the application through its website and social media and will ask the relevant qualifying body to assist in publicising the consultation through its own local mechanisms, for example through a parish newsletter or local website.</p>
<p>Preparation of the first draft neighbourhood plan</p>	<p>During this stage of plan preparation, the District Council has a duty to support the preparation of neighbourhood plans. This could include advice on:</p> <ul style="list-style-type: none"> possible themes and topics for your neighbourhood plan; useful evidence for your neighbourhood planning policies; the legal requirements that have to be met; ways to consult the local community; providing maps where appropriate; and providing advice on policy writing. <p>This list is not exhaustive; however assistance will be limited to resources available at any given time. If you have a detailed project plan in place, it will be easier to identify when you might need assistance from the District Council.</p> <p>At this stage in the neighbourhood planning process, the Strategic Planning Team will offer 30 hours of support for each neighbourhood planning group. Our GIS team can also provide some limited help with digital mapping. Beyond this allowance, further assistance can be provided but will be charged at a rate of £30 per hour to cover the Council's costs.</p> <p>Whilst the District Council has a duty to support neighbourhood planning, this does not extend to financial assistance. There are other sources of funding which might be available to neighbourhood planning groups. Further information is available through Locality: https://locality.org.uk/</p>
<p>Pre-submission consultation on the neighbourhood plan</p>	<p>Once a draft plan has been prepared it will need to be consulted on for six weeks. This consultation is carried out by the Parish Council or the Neighbourhood Forum. The consultation can be used to make any changes to the neighbourhood plan as a result of comments from the public in advance of the submitting the plan.</p> <p>Whilst consultation at this stage should be focussed in the local community, the District Council can help Parish Councils and qualifying bodies with the contact details for statutory consultees. Parish Councils and qualifying bodies are encouraged to consult with the wider community which might include landowners, businesses and developers.</p>

<p>Submission of the neighbourhood plan to NHDC</p>	<p>Once the neighbourhood plan has been prepared and consulted on for six weeks, the plan will be submitted to NHDC to publicise and consult on for six weeks.</p> <p>The District Council will ensure that all of the documents submitted are correct and will arrange for consultation to take place. In most cases, delegated authority will be sought to start the consultation but there are exceptions to this where the neighbourhood planning area includes two or more electoral wards. In these circumstances, the consultation will be referred to Cabinet as a key decision. It may be that the consultation will be undertaken with other local planning consultations to ensure the efficient use of resources.</p> <p>The District Council will publicise the consultation through its website, news releases and through social media. Emails and letters will be sent to statutory consultees, any organisation referred to in the consultation statement, organisations in the local area and anyone who has “opted-in” to be notified of consultations for that particular neighbourhood planning area.</p> <p>The District Council will work in collaboration with the qualifying body to encourage the use of local media sources (e.g newsletters, social media pages) to publicise the consultation.</p>
<p>Independent examination of a neighbourhood plan</p>	<p>The District Council will source an independent examiner at the end of the consultation period, once all of the representations have been confirmed to request the details of a suitable and available examiner to undertake the examination of the plan. A decision to appoint an examiner will be made in collaboration with the Parish Council.</p> <p>The District Council will ensure that the independent examiner receives all of the relevant documentation for the examination.</p> <p>It is normal for neighbourhood plan examinations to be conducted by written representations, however, if the examiner decides that an exploratory meeting or a hearing session is necessary, the District Council will make the appropriate arrangements in consultation with the Qualifying Body and the examiner.</p>
<p>Receipt of Examiner’s report</p>	<p>The examiner will prepare a report which will recommend that the neighbourhood plan proceeds to a referendum with or without further modifications and that the referendum area is to be extended beyond the designated neighbourhood planning area.</p>

Referendum	The District Council will make the necessary arrangements for a neighbourhood plan referendum where the neighbourhood plan meets the basic conditions.
Making the neighbourhood plan	Once there has been a successful referendum, the neighbourhood plan will become part of the statutory development plan for the District and will be used in determining planning applications.

5. Community Involvement in Local Planning

5.1. The council is committed to involving as many local people, groups and organisations as possible in developing its planning policies for the District. An extensive consultation database is already in place which includes the following types of organisations:

- ❖ Statutory consultees; (see Appendix 2)
- ❖ Central government departments;
- ❖ Town, Parish and Community Councils;
- ❖ Neighbourhood Planning Steering Groups;
- ❖ Parish Meetings;
- ❖ Hertfordshire County Council;
- ❖ Hertfordshire District and Borough Councils;
- ❖ Neighbouring local authorities;
- ❖ Neighbouring Parish Councils;
- ❖ The North Hertfordshire Partnership (LSP);
- ❖ Letchworth Garden City Heritage Foundation;
- ❖ Local community groups and organisations;
- ❖ Black and minority ethnic groups;
- ❖ Religious / faith groups;
- ❖ Disabled persons organisations;
- ❖ Developers, landowners and agents;
- ❖ Businesses and business interest groups; and
- ❖ Individual members of the public.

This list is illustrative, not definitive.

5.2. The Town and Country Planning (Local Planning) (England) Regulations 2012 defines “specific consultation bodies” and “general consultation bodies” and these are listed in Appendix 2.

5.3. During consultations, we will ensure that we meet the requirements of the Equality Act 2010, which aims to promote equality, eliminate discrimination and encourage good relations between different groups associated with age, disability, gender, race, religion and other protected characteristics. It is recognised that some parts of the community are not always adequately represented in planning consultations and in the planning process.

5.4. In North Hertfordshire these groups are considered to be:

- ❖ People with disabilities;
- ❖ Black and ethnic minority groups;
- ❖ Working age people;
- ❖ Young people; and
- ❖ Gypsy and traveller communities

5.5. The council’s Policy and Community Engagement Team has established links with these “hard to reach groups”. In preparing planning documents the Strategic Planning and Strategic Infrastructure and Projects Team will work with the Policy and Community Engagement Team to further develop those links and try to encourage more involvement in the future.

- 5.6. The consultation list for the local plan and neighbourhood plans is always open to new consultees. If you would like to add your name to that list, the best way is by registering your contact details through the website: <https://north-herts.oc2.uk/register>. Registering your interest this way, allows you to decide which areas of local planning work you are interested in and amend your details when necessary.
- 5.7. You can also register your interest by contacting the Strategic Planning Team using the details below:
Strategic Planning Team
North Hertfordshire District Council
PO Box 10613
Nottingham
NG6 6DW
Email : localplans@north-herts.gov.uk
Telephone : 01462 474000
- 5.8. To ensure that you receive all the information that you are interested in, we will need your name, organisation (where appropriate), either an email address or a postal address and an indication of the types of local planning issues you might be interested in. We will only contact you if you “opt-in” to receive details about particular types of local planning documents.
- 5.9. The privacy notice for the Regulatory Directorate sets out how your personal data will be used and by whom. This privacy notice is available on the Council’s website¹
- 5.10. We will review our local plan consultation list on a regular basis. We may contact you from time-to-time to ensure that your details are kept up to date and that you do not receive any information which you have not requested. Please do not ignore these emails and letters. If you do not respond we may have to delete you from our database. This is because of changes in the laws which say how we must protect your data and personal information.

¹ Privacy Notice - <https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/personal-information-and-privacy-notice-gdpr>

6. Local Planning – Methods of Consultation

- 6.1 Some of the methods we can use for community involvement are listed in the table below. The list is not definitive but it includes those methods which we consider to be the most effective, practical and cost effective for preparing the local plan and supplementary planning documents. We will use a variety of these methods to engage and consult with the community as and where appropriate.

Table 4 : Methods of consultation for local planning consultations

Methods for notifying and consulting	Comments
Council Offices and Libraries	Copies of consultation documents will normally be placed at the Council Offices and in the local libraries across the District. These will be available for inspection during normal opening times. As well as paper copies our reception provides access to a computer linked to the NHDC website for those who cannot access or easily use the internet.
Letters and email	It is a statutory requirement that all statutory consultees are notified in writing (which maybe by email) when a document is published for consultation. In some circumstances a number of general consultees may also be notified in writing, where a document may be of particular interest. The council will encourage greater use of email in the future as this helps to reduce costs.
Website	It is a statutory requirement that documents are available to view on the council's website; www.north-herts.gov.uk The website will also include information and updates on the local plan and background documents supporting the local plan. There will also be the opportunity to comment directly on consultation documents through the website during open consultation periods.
Advertisements	The council usually publicises all major consultations for the local plan in the local newspapers which are circulated in the District. This presently includes The Comet, The Royston Crow and the Luton Herald and Post. However, advertisements in local newspapers are not used for neighbourhood planning consultations as the newspapers are not necessarily available in these communities. The following types of planning applications are advertised in local newspapers; major planning applications; departures from the development plan; listed building consents and conservation area consents.

Local Media	Press releases are prepared at the start of the consultation period for local plan documents. These can be supplemented during the consultation period where particular issues are raised or to further raise awareness.
Town, Parish and Community Councils	<p>The council will consult the Town, Parish and Community Councils within the local authority area and in adjoining local authority areas where appropriate.</p> <p>The council will also encourage the Town and Parish Councils to use their own newsletters, magazines and notice boards to further publicise consultations for the local plan, supplementary planning documents (where relevant) and neighbourhood plans.</p>
Exhibitions	<p>In some circumstances the council may decide to hold exhibitions to help explain the content of a consultation document.</p> <p>However, exhibitions can be expensive to stage in terms of exhibition material, publicity, venue charges and staff time and we need to carefully balance the benefits of these events against the impact on relevant services.</p>
Focus Groups / Discussion Workshops	Focus groups or discussion groups may be used by the council to explore selected issues with particular groups within the community. These groups can be expensive to run and require significant amounts of staff time, however participants can be recruited from the council's Citizens Panel database. They may provide an opportunity to explore issues in some depth and gain detailed and focussed comments.
Posters and Leaflets	<p>Posters and leaflets can be a useful and immediate way to draw attention to a local plan consultation.</p> <p>Posters can be particularly effective where there are community notice boards and large numbers of people passing them.</p> <p>There are however issues to be considered in producing leaflets as they can be relatively expensive if delivered to every household and business in the District.</p>
NHDC Outlook Magazine	We have consistently used Outlook to inform residents and local businesses about preparation of the local plan. However, the publication dates for the council's newsletter do not always coincide with consultation periods. We will continue to provide updates on the local plan through Outlook when appropriate.
Social Media	The council uses Facebook, Instagram and Twitter to inform residents, local groups and organisations about consultations for the local plan, supplementary planning documents and neighbourhood plans. The use of social media may increase in

	importance as a method of raising awareness of the issues and documents being prepared for consultation as well as the publicising the methods of responding to a consultation. For example, the Council has a YouTube channel but there is only very limited content on it at present. At the moment, the Council is not using these social media outlets as a mechanism for collecting consultation responses.
Questionnaires and Surveys	Questionnaires and surveys can be an effective way of gaining focussed views on a consultation document, particularly in the early stages of the local planning process.
Response forms	The council provides a response form for all local plan consultations. These are accepted in addition to responses by email or correspondence.
Use of existing partnerships, forums and panels	These organisations, such as the North Hertfordshire Partnership (LSP), the Local Enterprise Partnership, local educational establishments and the North Herts Health and Wellbeing Partnership can provide representative views from a range of organisations and agencies as well as specific community groups.

6.2 Comments in response to a consultation document can be made by:

- ❖ using the council’s online consultation software;
- ❖ email; or
- ❖ in writing.

Full details of how to make comments are included in all consultation documents and in the advertisements that the council places in local newspapers.

6.3 In some instances, the council receives hard copy petitions in response to local plan consultation documents. For the purposes of recording representations made in this way, the subject of the petition will be noted as a representation and the person responsible for submitting the petition will be recorded and will be kept informed of the progress on the Local Plan. The signatories to the petition will not be recorded or added to the local plan database but the number of signatories will be recorded. The Council will treat on-line petitions in the same way.

6.4 Increasingly, comments and objections are posted onto social media web pages and on-line petitions. There are a wide variety of social media pages and groups of which the council is not necessarily aware, e.g private Facebook groups and does not have the resources to monitor the activity on these sites. Comments and objections made in this way therefore will not be taken into account when formally considering all the representations made in response to a consultation document, unless they have been formally submitted to the council, in which case they will be recorded and considered in accordance with paragraph 6.3. Comments made on the council’s own Twitter feed and Facebook page will be monitored but will not be taken as formal representations to a local planning consultation.

- 6.5 Comments are sometimes submitted to councillors and other elected representatives by email, letter or by other methods. These comments will not be considered as formal representations, unless they are copied to the Strategic Planning team within the consultation period.
- 6.6 Comments by telephone are not accepted as formal representations to consultation documents.

7. What will we do with your comments?

- 7.1. The council will ensure that when consultation is undertaken, all appropriate comments will be used to inform the content of the planning documents. Inevitably there will be some conflict between the comments and the representations and it will not be possible for the council to amend the planning documents to suit everyone but the council will consider all the comments carefully in preparing the local planning documents. The Council will not respond to all comments and representations individually.
- 7.2. At the end of a consultation period, the council will analyse all of the comments received and will prepare a summary of the comments. This summary will be presented to Cabinet or Full Council as a background paper to any recommendation for changes to the planning document. When the council submits a planning document to the Secretary of State it must be accompanied by a statement of consultation which sets out a summary of the representations received and the main issues raised. All of the comments and reports will be made available to view on the council's website and at the council's offices on request.
- 7.3. Any individual or organisation making comments on any local planning document, a supplementary planning document or a neighbourhood plan will be added as a consultee for that particular consultation document on our database.
- 7.4. Please note that the council, in its absolute discretion, reserves the right not to consider or include comments which are inappropriate including:
 - ❖ comments of a discriminatory nature (age, gender, disability, ethnicity, religious belief and sexual orientation) including racist and homophobic comments;
 - ❖ inflammatory or offensive comments (of a foul or abusive nature); or
 - ❖ any other comments of a similar nature that it deems inappropriate.

If a written response to a consultation is received which contains inappropriate content as listed above, this will be discarded from the consultation and, where there is a postal address, will be returned. In these circumstances the respondent will be given an opportunity to make their comments using more appropriate language so that they can be considered as part of the consultation process.

8. Community Involvement in the Development Management Process

- 8.1. Development management is the process by which the council determines whether a proposal for development should be granted planning permission. Planning applications must be determined in accordance with the Development Plan (the current Local Plan and any adopted neighbourhood plan where appropriate) unless material considerations (such as the National Planning Policy Framework (NPPF) or a draft replacement Local Plan) suggest otherwise.
- 8.2. Planning applications can be determined in one of two ways:
- ❖ determination by Councillors on the Planning Control Committee; or
 - ❖ determination by development management officers under the delegated decision making procedure.
- Further information is given on the website: <https://www.north-herts.gov.uk/home/planning/planning-advice-and-guidance/planning-applications-decision-making-process>.
- 8.3. The greatest influence the community can have is when those policies that will be used to decide planning applications are being prepared. However, many people only interact with the planning system when they wish to make a planning application of their own or make comments on an application which affects them.
- 8.4. It is important to ensure that the community is involved in the determination of planning applications, particularly major applications. The council is required to undertake consultation on all planning applications that it receives.

Pre-Application Consultation

- 8.5. Anyone considering making an application for planning permission can approach the council for informal views prior to submitting a formal application. Any advice given at this stage is not binding, but it can help to save the applicant's time and money in pursuing schemes which may need radical alteration to be acceptable. There are no statutory requirements for pre-application discussions. The council does make a charge for pre-application advice for certain types of development proposal including;
- ❖ Significant or major proposals - Large scale, complex development
 - ❖ Category "A" Proposals - Large scale, complex development – including schemes of between 100 – 499 dwellings;
 - ❖ Category "B" – including schemes of between 25 and 99 residential units, 2000sq m or more of commercial floorspace, mixed use development on a site of more than 1 hectare (ha) or development requiring an Environmental Impact Assessment (EIA);
 - ❖ Category "C" Proposals - Other major development – including schemes of between 10 and 24 residential units, provision of 1000sq m – 1999sq m of commercial floorspace, mixed use development on a site between 0.5 and 1ha or change of use proposals for buildings on land exceeding 500sq m; and

- ❖ Category “D” Proposals – including proposals of up to 9 dwellings, advertisements, provision of up to 999sq m of non residential floorspace or change of use of buildings on land exceeding 499sq m; and
- ❖ Category E – Householder and listed buildings.

Full details of the current charges can be found on the council’s website: <https://www.north-herts.gov.uk/home/planning/apply-planning-permission/do-i-need-planning-permission>.

At the moment we consult the relevant statutory consultees, e.g. the Environment Agency.

- 8.6. As part of the council’s Member protocol, a summary of officer’s pre-application advice to applicants on Category A schemes will be sent to relevant local ward Members for their information.
- 8.7. The council cannot insist on pre-application discussions with applicants but they are recommended. Where major schemes are proposed, the council will encourage developers to engage with the local interest groups and residents. However, it is important that councillors observe the council’s Planning Code of Good Practice.
- 8.8. Not all planning proposals are discussed with the council before an application is made. Therefore the tables below set out how the applicant will consult at the pre-application stage, where this is appropriate, whether they are significant or more minor applications.

Table 5 : Public Consultation at the Pre-Application Stage for Planning Applications
(Includes all applications made under the Town and Country Planning Act and associated legislation).

Pre – Application Stage – Major Applications (see Appendix 3)		
Consultation Methods	Suggested Course of Action	By Whom
Letters to inform local residents / interest groups of the planning application site	Send letters / emails to local residents / interest groups / relevant statutory consultees	Planning applicant / agent
Public exhibition or public meeting	Publicise & prepare proposals for public consultation.	Planning applicant / agent
Pre – Application Stage – Other Applications		
Consultation Methods	Suggested Course of Action	By Whom
Inform neighbours in the immediate vicinity	Verbal consultation	Planning applicant / agent

- 8.9. Local residents often express concern regarding construction management and in particular construction vehicle access routes to development sites. Developers are strongly advised to consider construction management issues at the earliest possible stage of the planning process. It is best practice to consider sensitive and well thought out construction management plans at the pre-application stage (as part of engagement with Hertfordshire County Council Highways and the District Council) and to seek the views of the local community before planning applications are submitted. The feedback from any public consultation on construction management (including construction vehicle access routes) should then be incorporated into the formal submission of a planning application.
- 8.10. For strategic site development proposals or schemes of significant scale and local interest, developers may also consider carrying presentations to the relevant Area Committee of the District Council. The Council's Constitution (January 2020) presently states that Area Committees can receive presentations from developers for schemes for 100 dwellings or more. This threshold may change over the lifetime of this SCI. Whilst Member input into these discussions must be limited in order to avoid pre-determination by Members of the Planning Control Committee and substitutes, Area Committees would welcome early engagement for large scale development proposals through this forum.

Public consultation for planning applications

- 8.11. When a planning application is submitted, the council will publicise it in accordance with the legislative requirements. Where required by the legislation, this will include the following:
- ❖ Notices published in local newspapers;
 - ❖ Application details published on the web site for inspection;
 - ❖ Site notices;
 - ❖ Letters sent to adjoining properties; and
 - ❖ Details of all planning, listed buildings and conservation area consent applications are sent weekly to all councillors, the relevant town and parish councils where these exist.
- 8.12. The council aims to determine all planning applications within a statutory time period, therefore all consultations that take place once a planning application has been submitted must also take place within these time limits. However, bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
- 8.13. The tables below set out how the council will consult at the application stage for planning proposals in the District, whether they are significant or more minor applications.

Table 6 : Public consultation for planning applications

Planning Application Stage		
Consultation Methods	Requirements	By Whom

Copies of planning applications for inspection available at Council Offices	Prepare information	NHDC Officers
Copies of planning applications available at the libraries via the NHDC website	Prepare information	NHDC Officers
Site notice	Prepare site notice and display on site	NHDC Officers
Neighbour notification letters	Prepare & send out letters	NHDC Officers
Invite representations from statutory & non statutory consultees	Prepare & send out letters	NHDC Officers
Public notice in local paper	Prepare advertisement	NHDC Officers
Further consultations by way of exhibitions / public meetings for major applications	This would depend on the types of consultation that have taken place beforehand	Planning Applicant / Agent NHDC Officers

- 8.14. In some cases there may be significant amendments to the submitted plans, in which case the council will advise those people who were notified when the application was received. Where representations and comments are received, they will be taken into account in the determination of applications insofar as they are material to the application. Some things are not material planning considerations, such as the impact of a scheme on property values, and therefore cannot be taken into account.
- 8.15. Local planning authorities are required to make a statement on each planning decision notice as to how they have acted pro-actively in their dealings with applicants. Even if a proposal is fundamentally unacceptable the council will handle the application in a pro-active way, which will involve regular communication with the applicant or their representatives throughout the determination process. This requirement in no way suggests that the application will not be assessed objectively weighing up any concerns expressed by consultees against the planning merits of the case.
- 8.16. Decisions on planning applications will either be made by the relevant Committee or under powers delegated to the Development and Conservation Manager and Principal Planning Officer (Development Management). Any councillor can request that an application is decided by Committee instead of being determined under delegated powers, where they have a contrary view to the officer as to the probable decision or consider it raises issues of wider public interest.
- 8.17. In the case of those applications which will be reported to the Committees for decision, there is the opportunity for individuals to address the Committee to express their support or

objection to the proposals. Anyone who has submitted representations will be informed if an application will be brought before committee for decision.

Post decision information

- 8.18. Once a decision has been made, the details of the decision are published online. Planning files will remain open for inspection once decisions have been made (the Part 2 register). A register of associated legal agreements (Section 106 and Section 278 agreements) will also be available for inspection.
- 8.19. The table below sets out how the council will inform the community of the decisions made on all planning applications.

Table 7 : Public Involvement - Post Decisions

Post Application Stage		
Consultation Methods	Requirements	By Whom
Update web site	Ensure that latest information is on the website	NHDC Officers
Press release for major applications	Prepare information	NHDC Officers

9. Social Media

- 9.1. The Council does use Facebook, Instagram and Twitter to inform residents, local groups and organisations about Council activities. The Council will continue to make use of social media platforms to promote future consultations for the local plan, supplementary planning documents and neighbourhood plans. The use of social media may increase in importance as a method of raising awareness of the issues and documents being prepared for consultation as well as the publicising the methods of responding to a consultation.
- 9.2. At the moment, the Council is not using these social media outlets as a mechanism for collecting formal consultation responses; however any comments made will be reviewed and may be used to review consultation methods in the future.
- 9.3. As the use of mobile technology changes and increases, the Council will need to respond to these changes and will consider how to make future planning consultation documents and accompanying documentation, including digital mapping, as easy as possible to use. Most of our planning documents and maps are presently made available as PDF files. However these can be large and lengthy and are not always easy to navigate, particularly if readers are interested in a single topic or a specific geographical area. They are a simple electronic copy of the physical document(s) we are consulting on. This approach doesn't necessarily fit well with modern preferences such as:
- ❖ receiving bite-size information;
 - ❖ 'swipe and tap' mobile technology such as tablets and smartphones; and
 - ❖ Interactive and shareable content
- 9.4. We need to strike an appropriate balance between responding to changing trends and technologies, producing the documents we are legally required to and the resources available to the Council.

10. NHDC Resource Availability

- 10.1. The SCI is based on a realistic assessment of the likely resources available to the council in the foreseeable future. The council does not have either the staff or the financial resources to undertake large scale community and stakeholder events without impacting upon our ability to deliver important day-to-day services. The SCI sets out how the council will undertake a programme of consultation which is achievable and realistic but which will not raise expectations. In order to make the best uses of resources, the council will endeavour to combine local plan consultations with other consultations for council initiatives where this is appropriate and timely.
- 10.2. The council will be responsible for making the appropriate resources available to implement the consultation methods set out in this SCI. It is envisaged that the proposed consultation measures can be met in house.
- 10.3. The Service Director – Regulatory will be responsible for managing the overall consultation process and its implementation will be the responsibility of the Strategic Planning or the Strategic Infrastructure and Projects Teams.
- 10.4. Public consultation in relation to planning applications will be the responsibility of the council's Planning Control and Conservation Manager.

11. Reviewing the SCI

- 11.1. As required by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, the SCI will be reviewed no later than five years after adoption.
- 11.2. However, there may be changes in national legislation, regulations or policies on the preparation of local plans, SPDs, SCIs and Neighbourhood Plans. These will be monitored and if there are any significant changes, the SCI might be subject to a more immediate review.
- 11.3. The SCI will also need to be compliant with any legal requirements for the processing of data or changes to anti-discrimination laws and changes in NHDC policy.
- 11.4. The database of people and organisations will be kept up to date to comply with the General Data Protection Regulations 2016.

12. Appendices

Appendix 1 : Guidance for Neighbourhood Planning Groups

How NHDC will provide advice and support for neighbourhood planning groups

Getting Started

Before starting work on a neighbourhood plan, the District Council can help a Parish Council or prospective neighbourhood planning forum with advice and general information about neighbourhood planning.

Planning officers will meet representatives from a Parish Council or prospective neighbourhood forum who may be interested in preparing a neighbourhood plan to discuss the practicalities and requirements of neighbourhood planning.

Designating a Neighbourhood Area

Where a Parish Council applies to designate a whole parish area as a neighbourhood planning area, the District Council will designate the neighbourhood planning area through a delegated decision, within four weeks of receipt of the application.

The Parish Council or neighbourhood forum will need to provide a signed letter and a map of the proposed neighbourhood planning area.

Where a proposed neighbourhood planning area includes two or more electoral wards, any decision to designate a neighbourhood planning area must be considered by Cabinet as a “key decision”.

Where there is no Town or Parish Council, a neighbourhood forum must be established to guide neighbourhood planning for that area. Consultation on both a neighbourhood planning area and the composition of a neighbourhood forum must be undertaken before a decision can be made to designate a neighbourhood planning area and a neighbourhood forum. In this case the decision will be made by the Cabinet of NHDC.

Where Parish Councils decide to prepare a joint neighbourhood plan, the application to designate a neighbourhood planning area must be consulted on and a decision may be made by Cabinet as a “key decision”.

The District Council can help in preparing the application by providing a map of the proposed neighbourhood planning area.

Where the District Council needs to undertake consultation for the designation of a neighbourhood planning area, this will be undertaken in accordance with the SCI.

Preparing the Plan and Evidence Base

During this stage of plan preparation, the District Council has a duty to support the preparation of neighbourhood plans. This could include advice on:

the saved Local Plan;

the emerging Local Plan, including policies and land allocations;

possible themes and topics for your neighbourhood plan.

This might include considering (but is not limited to) whether:

There is evidence to support certain types of housing being provided in your area – such as self-build, affordable housing or accommodation suitable for older people;

There are important facilities or areas for play and recreation that would benefit from policies to protect them;

There are particular local design characteristics which should influence any new development;

Important historic features (heritage assets) should be identified;

useful evidence for your neighbourhood planning policies;

the legal requirements that have to be met;

consulting the local community;

providing maps where appropriate;

consultation methods and contact details for statutory consultees; and

how to write the policies in your plan.

This list is not exhaustive, however assistance will be limited to resources available at any given time. If you have a detailed project plan in place, it will be easier to identify when you might need assistance from the District Council.

Whilst the District Council has a duty to support neighbourhood planning, this does not extend to financial assistance. There are other sources of funding available to neighbourhood planning groups which the District Council will be able to advise on.

Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Habitat Regulation Assessment (HRA)

There is a requirement that neighbourhood plans carry out a SEA and HRA screening to ensure that:

The emerging neighbourhood plan provides a high level of protection of the environment (SEA); and

The emerging neighbourhood plan protects and improves Europe's most protected species and habitats (HRA).

The District Council has published a template for both the SEA and the HRA to be used by neighbourhood planning groups as they prepare their draft neighbourhood plans. These templates are available on the website: [insert link](#)

Where a full SEA or Sustainability Appraisal might be required, the District Council can advise on further sources of assistance.

Pre-Submission consultation and preparing the plan for submission

The pre-submission consultation for a neighbourhood plan is the responsibility of the Parish Council or qualifying body. There is help and advice available to groups preparing neighbourhood plans through Locality and it is possible to pay for a health check to be undertaken on the pre-submission neighbourhood plan.

The District Council can offer advice about the consultation and can assist by providing contact details for statutory consultees.

The District Council will provide formal detailed comments on the neighbourhood plan as part of this consultation.

Preparing your neighbourhood plan for submission

In submitting a neighbourhood plan to the District Council, there are a number of documents which are required:

The neighbourhood plan;

A consultation statement;

A statement which sets out how the plan fulfils the "basic conditions";

SEA Screening Determination or Strategic Environmental Assessment; and

A map (or statement) which identifies the area to which the plan relates.

To assist the District Council to undertake public consultation on the neighbourhood plan, neighbourhood planning groups are encouraged to submit PDF versions of the documents and a

copy of the neighbourhood plan in Word where any photographs have been deleted, the policies are clearly marked and with as few tables as possible.

Submission of the neighbourhood plan for public examination

Once the Parish Council or the qualifying body has submitted the neighbourhood plan, the District Council will check that all the documentation required is submitted with the neighbourhood plan and prepare a delegated decision report before consultation can take place. Where a neighbourhood planning area includes two or more electoral wards, this decision must be made by Cabinet.

The District Council will normally set up the consultation within four weeks of receiving the submission documents. Comments received will be processed by the District Council and will be made available on the Council's website within 4 weeks of the end of the consultation period.

Independent examination of the neighbourhood plan

The District Council will approach suitable and available examiners at the end of the consultation period, once all the representations have been confirmed to request the details of suitable and available examiners. These will be considered by both the District Council and the Parish Council and an appointment made by the District Council. The Council presently procures and pays for the independent examiner.

The District Council currently uses the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) for neighbourhood planning examiners. NPIERS provides access to expert, impartial examiners at a fixed cost. The cost of using this service will be kept under review. The District Council will ensure that the independent examiner receives all the relevant documentation for the examination.

If the examiner decides that an exploratory meeting or a hearing session is necessary, the District Council will make the appropriate arrangements in consultation with the Qualifying Body and the examiner.

Following the examination, the examiner will send a report to the District Council and the qualifying body. The District Council will liaise with the qualifying body over any issues or proposed modifications raised by the examiner.

If the examiner has recommended that the neighbourhood plan can proceed to a referendum, the District Council will prepare a report for Cabinet to authorise the preparations for the referendum.

Public referendum and adoption

Where the outcome of a neighbourhood plan examination is successful, NHDC will prepare a report for Cabinet to approve any proposed modifications that have been put forward and to authorise the Counting Officer to prepare and undertake a referendum.

The organisation and publicity for the referendum will be undertaken by the Electoral Services Team.

Subject to a successful referendum, the Neighbourhood Plan will normally be “made” by delegated decision and will become part of the statutory development plan.

Appendix 2 : Specific and General Consultation Bodies

In the Town and Country Planning (Local Planning)(England) Regulations 2012 “general consultation bodies” means the following

- a) voluntary bodies some or all of whose activities benefit any part of the local planning authority’s area,
- b) bodies which represent the interests of different racial, ethnic or national groups in the local planning authority’s area,
- c) bodies which represent the interests of different religious groups in the local planning authority’s area,
- d) bodies which represent the interests of disabled persons in the local planning authority’s area,
- e) bodies which represent the interests of persons carrying on business in the local planning authority’s area;

“specific consultation bodies” means the following—

- (a) the Coal Authority,
- (b) the Environment Agency,
- (c) the Historic Buildings and Monuments Commission for England (known as English Heritage),
- (d) the Marine Management Organisation,
- (e) Natural England,
- (f) Network Rail Infrastructure Limited (company number 2904587),
- (g) the Highways Agency,
- (h) a relevant authority any part of whose area is in or adjoins the local planning authority’s area,
- (i) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the local planning authority’s area,
- (j) if it exercises functions in any part of the local planning authority’s area—
 - (i) a Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section;
 - (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989;
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986;
 - (iv) a sewerage undertaker; and

- (v) a water undertaker;
- (k) the Homes and Communities Agency; and
- (l) where the local planning authority are a London borough council, the Mayor of London;

Extract from the Town and Country Planning (Local Planning)(England) Regulations 2012

Appendix 3 : Definition of Major Development

The Town and Country Planning (General Development Procedure) Order 1995 (as amended)

“Major development” means development involving any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where -
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.

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**CABINET
21 JULY 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: COUNCIL PLAN 2021 - 2026 AND COUNCIL OBJECTIVES FOR 2021-2026

REPORT OF THE POLICY AND COMMUNITY ENGAGEMENT MANAGER

EXECUTIVE MEMBER: LEADER OF THE COUNCIL

COUNCIL PRIORITY: BE A WELCOMING, INCLUSIVE, AND EFFICIENT COUNCIL / BUILD THRIVING AND RESILIENT COMMUNITIES / 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 This report proposed a refreshed Council Plan and process for finalising the Plan.

2. Recommendations

2.1 That Cabinet confirms its intention to recommendation the retention of its five Objectives, other than a slight amendment to the first overarching Council Objective:

- Continue to be a welcoming, inclusive, and efficient **council**,
- Build thriving and resilient **communities**,
- Respond to challenges to the **environment**,
- Enable an enterprising and co-operative **economy**,
- Support the delivery of good quality and affordable **homes**.

2.2 Note the intention to finalise a draft of the complete Council Plan for Cabinet to consider in September, for referral on to Full Council for approval. This will follow consideration with the leadership team and further engagement with all Members.

3. REASONS FOR RECOMMENDATIONS

3.1 The Council plan is a key element of the corporate business planning process, as a high-level strategic document it sets out the Council's priorities for the next year. As an overarching policy framework document, it guides and influences the use of Council resources; providing a focus for activities, plans and services the Council provide. Confirming the intention to amend the first overarching Council Objective will allow a full draft to be developed that reflects this.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 That the objectives remain as they are, but this does not reflect the importance of the Council continuing to transform to become as efficient as possible.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 No external consultation has been undertaken in the preparation of this report. The administration has considered and proposed a revision to the overarching objective of ‘*Be a more welcoming and inclusive council*’ to ‘*Continue to be a welcoming, inclusive, and efficient council*’, which will be reviewed by this Cabinet. For the full draft, the Council Plan will also have to be amended to reflect the change from the Chief Executive and Deputy Chief Executive to Managing Director organisational change. Executive Members and Deputies will consider the proposed action against the priority areas with the senior Leadership team (Managing Director and Service Directors). It is proposed that further consultation involving all members will take place. The final draft Council Plan will be considered at a Cabinet Meeting in September and thereafter recommended to Full Council.

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 It is the intention to finalise the Council plan alongside the consideration of the of budget position (Medium Term Financial Strategy) of the authority.

8. RELEVANT CONSIDERATIONS

- 8.1 At the time of considering this Council Plan, the Council is working hard to respond to the COVID-19 pandemic, with much of our resource dedicated to maintaining Council services and supporting the most vulnerable in our communities. Once the restrictions imposed in response to the pandemic begin to relax, we will also need to work to support the recovery of impacted services, the operation of the Council and the community recovery. This work will take precedence over the activities and projects for the coming civic year, but where we are able to progress items we will endeavour to do so. As the length of the pandemic and the recovery are unknown the timescales for these activities and projects will inevitably be subject to change.

- 8.2 In normal circumstances, budgets must then be allocated to enable their achievement; this is known as ‘policy led’ budgeting and enables the authority to best reflect not only services it must deliver by statute, but those over which it has a degree of discretion.

The Council Plan highlights key issues and aims of the district. The plans set out the context in which the local authority operates, its ambitions, and the links to the Medium-Term Financial Strategy. The format of the plan has been reviewed to provide an easy summary of key information. The Council plan will inform the subsequent agreement of the service plans as prepared by directorate within the Council; setting out each service, team and individual’s objectives. Having considered the relevant factors, the Council Objectives for 2021-2026 are to be the following:

- Continue to be a welcoming, inclusive, and efficient **council**,
- Build thriving and resilient **communities**,
- Respond to challenges to the **environment**,
- Enable enterprising and co-operative **economy**,
- Support the delivery of good quality and **affordable homes**.

8.3 All projects to be included in the Council Plan should be subject to the provision of sound business cases with specific targets established as they are introduced. The Council's performance against these will be monitored and reported on a regular basis.

9. LEGAL IMPLICATIONS

9.1 Cabinet's terms of reference include at 5.6.35 the power, by recommendation "to advise the Council in the formulation of those policies within the Council's terms of reference".

9.2 Full Council's terms of reference provide "approving or adopting the policy framework which at 4.2.1 (f) include "Priorities/ Objectives for the District." The Council Plan 2021-2026 at Appendix A represents the objectives and priority areas of work

9.3 The Council Plan Objectives outlined for 2021-2026 onward will provide high level reference points that will assist the Council making clear and effective decisions.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications arising from the change proposed by this report. Indeed, the proposal to add "efficient" to the first objective reflects the forecast financial constraints that the Council will face and the need to respond to these. The full draft Council Plan will be considered alongside the Medium Term Financial Strategy.

11. RISK IMPLICATIONS

11.1 Adoption of the Council Plan and within it the Council's objectives for 2021 – 2026 commences the Council's Business Planning processes for the next financial year. A robust Corporate Business Planning process that links the Council Plan with the Medium-Term Financing Plan is key to managing the Council's identified Corporate Risk of "Managing the Council's Finances".

11.2 The risks and opportunities associated with the individual projects proposed will be assessed to ensure informed decisions are made on the overall programme of activity that the Council can deliver and to be in the best position to manage potential threats to success and maximise opportunities.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 In setting its Council Plan Objectives, the Council is seeking to address equality implications in the services it provides and through the remainder of the Corporate Business Planning Process will carry out Equalities Impact Assessments for those Efficiency or Investment options that are taken forward.

13. SOCIAL VALUE IMPLICATIONS

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

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. Environmental impacts assessments will be carried out against the relevant proposed actions as they reach fruition in the civic year.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no additional human resource requirements arising from this report other than the capacity issue raised at paragraph 8.2. The resources needed to deliver services are considered and addressed through the Corporate Business Planning process. Once these objectives are agreed for retention, then these will be cascaded to staff with several reminders via Insight, the SCF and the intranet.

16. APPENDICES

- 16.1 None

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 None.

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**CABINET
21 JULY 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: MODERN SLAVERY CHARTER UPDATE

REPORT OF THE SERVICE DIRECTOR - LEGAL AND COMMUNITY & MONITORING OFFICER

EXECUTIVE MEMBER: COMMUNITY ENGAGEMENT, CLLR JUDI BILLING

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

1.1 This report provides an update on the Modern Slavery Action Plan, following the adoption of the Charter Against Modern Slavery [the 'Charter'] in 2019.

2. RECOMMENDATIONS

That Cabinet:

2.1. Notes the actions to date [and proposed actions in the plan Appendix B], and that further updates will be provided as part of the Annual Safeguarding Report to Overview & Scrutiny.

3. REASONS FOR RECOMMENDATIONS

3.1 To update the Cabinet.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. None, as this report was requested by Cabinet in June 2019.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Executive Member for Community Engagement and deputy Executive Member have discussed the Action Plan and the Council's general approach to modern slavery. The Hertfordshire Modern Slavery Partnership through the Shiva Foundation have also been consulted on the Council's progress in this area. The Executive Member will also be presenting the annual safeguarding report to Overview and Scrutiny [which already encompasses modern slavery]. This, as with other safeguarding issues, are part of the safeguarding work that the Council undertakes.

6. FORWARD PLAN

6.1 This is not a Key executive decision, but has been identified on the forward plan.

7. BACKGROUND

7.1. On 10 April 2018, a Motion was submitted to Full Council to adopt the Charter [[Click here to view Council page 10.4.18](#)].

7.2. An agreed amended Motion was subsequently carried:

“That, in view of evidence that modern slavery is hidden even in affluent areas like North Hertfordshire, this Council notes the legal duties imposed upon it in the Modern Slavery Act 2015, notes the training delivered by Hertfordshire Constabulary to the Council’s safeguarding group and agrees that the Council must seek to raise awareness of the signs of modern slavery and human trafficking in all its work and within the District. To achieve this the Council agrees to support the principles of the Modern Slavery Charter.”

7.3. A Modern Slavery & Human Trafficking Action Plan (hereafter referred to as Modern Slavery Action Plan or Action Plan) was first considered and reported through to Overview and Scrutiny Committee in December 2018¹.

7.4. On 27 June 2019 Cabinet considered, amongst other things the Modern Slavery Action plan, and the Co-operative party Charter Against Modern Slavery. The relevant resolutions at that meeting pertaining to this report were:

“(2) That the actions to date, as per the Action Plan, as attached as Appendix B to the report be noted;

(3) That the Service Director – Legal and Community be requested to present a report in July 2020 reviewing the Action Plan and particularly any difficulties faced or transgressions of the Charter.”

7.5. The Co-operative Charter on Modern Slavery was adopted by Full Council on 11 July 2019² [with a minor amendment in relation to procurement training – *Charter requirements and NHDC actions reported below*].

7.6. Modern Slavery and the associated Action Plan was further reported through to Overview & Scrutiny as part of the Annual Safeguarding Report on 17 September 2019³.

7.7. This report covers resolution 3.

8. RELEVANT CONSIDERATIONS ACTION PLAN/ POTENTIAL DIFFICULTIES RE THE CHARTER Action Plan

8.1 The Council’s Modern Slavery Action Plan was presented to Cabinet on 26 June and is appended at A for the period 2018-21. Members will note at that stage that all was effectively ongoing with systems in place. Such a Plan represents a framework for demonstrating compliance with the statutory duties under the Act. This is kept under review as part of the overall Safeguarding actions.

8.2 In undertaking the review in 2020, officers have tailored suggested actions with partner organisations. In particular with the Hertfordshire Modern Slavery Partnership [‘HMSP’] Strategic Priorities, and adapting these within the Action Plan to NHDC needs and requirements. The priorities are:

¹ [\[view report here\]](#)

² [Council meeting 11 July 2019 view reports here](#)

³ [\[Overview & Scrutiny 17 September 2019 view reports here \]](#)

- Priority one: To raise awareness of modern slavery and its effects
- Priority two: To increase reporting of suspected modern slavery
- Priority three: To ensure right knowledge, skills and process
- Priority four: To identify, protect, support and empower victims
- Priority five: To pursue and catch criminals
- Priority six: To have effective governance, monitoring and evaluation

- 8.3 The Action Plan is now for a year [April 2020-March 2021], updated to specifically refer to those priorities – and to tie into any likely review period by HMSP [their plan ending in 2021 also⁴]. This should provide a more uniform way to benchmark. New actions are in bold on Appendix B.
- 8.4 The Council has also sought a review of policy documents by the Shiva Foundation⁵ as part of their overall work across the County. Shiva made seven general recommendations [pages 1-2 of Appendix C] and officers believe the Council has already responded effectively to these, complying as part of the overall work undertaken [as per the response comments below the recommendations]. The concluding remarks on page 14 of Appendix C also confirm the excellent progress in the work undertaken so far. The Council will continue to review and progress improvements proportionately.

Charter – no identified issues

- 8.5 The Charter was adopted by Full Council on 11 July 2019 as indicated. Some issues were raised by the Contract Procurement Group [CPG] in terms of the ability to comply with all requirements. Cabinet therefore requested that a report was brought back to review any issues highlighted.
- 8.6 The Charter requirements are set out in the table below to the left, with NHDC actions/ outcomes to the right. *No particular issues have been identified as part of this review;* however, with a view to ensuring that mechanisms are as effective as possible, further steps [as per Action/ outcome 2 below in bold] should assist with monitoring. In reviewing these outcomes, the Procurement Officer has also liaised with the Shiva Foundation:

<i>Charter</i>	<i>Actions/ outcomes</i>
<i>“1. Train its corporate procurement team to understand modern slavery through appropriate training on Ethical Procurement and Supply.”</i>	<i>NHDC has a part time Procurement Officer and that person has undertaken the relevant training in 2020.</i>
<i>2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.</i>	<p><i>This requirement is part of our standard procurement practise through procurement documentation and contract terms and conditions setting out the compliance required. Standard contract terms and conditions are being reviewed once again [completion by end August].</i></p> <p><i>No non-compliance has been identified with current suppliers and nothing has been reported by contract managers.</i></p> <p><i>Officers/ CPG are therefore looking to refine the processes to improve the</i></p>

⁴ Hertfordshire Modern Slavery Partnership Strategy 2018-2021;
⁵ The Shiva Foundation are a lead partner in the Hertfordshire Modern Slavery Partnership

	<p>risk assessment and invite suppliers to complete a questionnaire. They will also be looking to use Transparency in the Supply Chain⁶ database to check bidder and supplier compliance against the MSA 2015, is free resource which will be utilised as a further check in this area.</p>
<p>3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.</p>	<p>This is part of our standard procurement practise. In last 12 months no bids have needed to be investigated for being abnormally low.</p>
<p>4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.</p>	<p>Reference to charter and adhering to the principles including this on the procurement pages of the website.</p>
<p>5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.</p>	<p>The Whistleblowing Policy and Advice for managers was reviewed in December 2019. As part of this the Policy went to the staff consultation forum. As slavery would be illegal activity/ a safeguarding concern, staff are encouraged to report this through the correct channels. The Policy and advice are on the intranet and Policy on internet⁷. Staff receive safeguarding training and modern slavery is part of this.</p>
<p>6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.</p>	<p>This requirement been built into all contracts using the NHDC standard terms for quotes or services tenders entered into since July 2019.</p>
<p>7. Review its contractual spending regularly to identify any potential issues with modern slavery.</p>	<p>Spend is identified although has been an issue to identify.</p> <p>Proposed change is a checklist, currently under approval by members of the Contract Procurement Group. It will be circulated to all NHDC contract managers, to raise awareness of which supply chains are at greater risk of modern slavery existing.</p>
<p>8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.</p>	<p>No risks have been identified with current suppliers. Referrals will be made to relevant agencies should future ones arise. See new action under outcome 2.</p>

⁶ <https://tiscreport.org/>

⁷ [Council contracts - Whistleblowing; Whistleblowing Policy page](#)

<p><i>9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.</i></p>	<p><i>No referrals made in the last 12 months. Going forward, the check list referred to under item 7 will raise awareness with contract managers on which supply chains are at greater risk of modern slavery.</i></p>
<p><i>10. Report publicly on the implementation of this policy annually."</i></p>	<p><i>This is incorporated in Safeguarding annual report.</i></p>

8.7 Given no specific issues have been identified it is proposed that future modern slavery action plan reviews are part of the overall Annual Safeguarding Report.

General:

8.8 For information purposes, Members should be aware that the Council also works with other bodies in this key area, including the Police SHIVA foundation and the wider HMSP (e.g. Hertfordshire County Council, Hertfordshire Fire & Rescue Service). The Community Safety Partnership [NHDC is a key leading partner] has a priority of Protecting Vulnerable People, and this incorporates modern slavery and human trafficking. As a priority this encourages all partners to lead and support where appropriate campaigns through social media, exhibition stands and events to highlight issues relating to this.

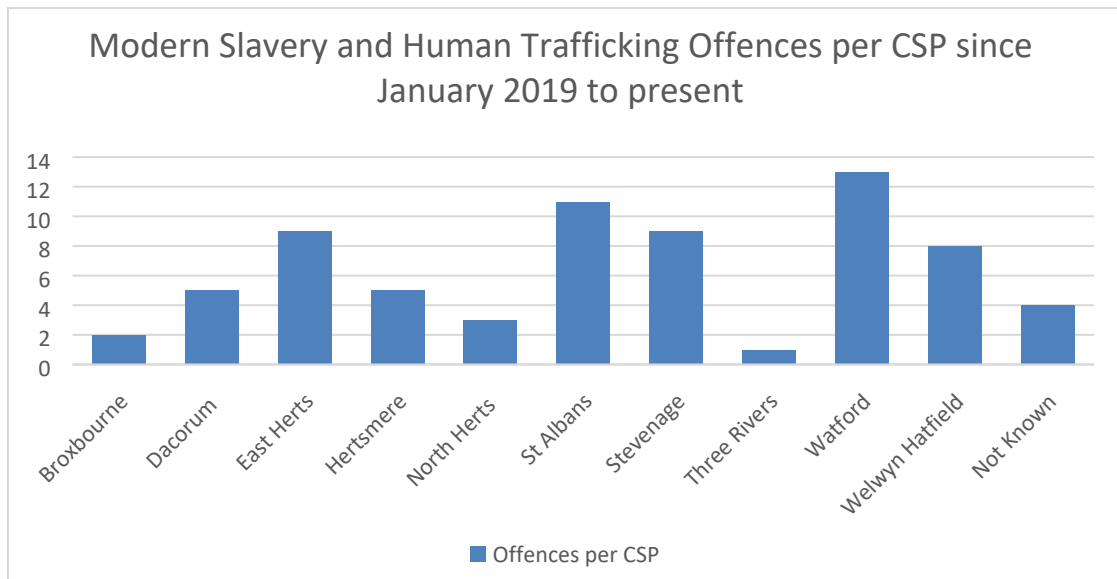
8.9 The Council's External Enforcement Agents have also undertaken the Council's Safeguarding and Modern Slavery Courses. It is also a compulsory element for Taxi drivers and the Council is also looking to extend this to operators.

Context:

8.10 It would also be useful to view NHDC in context with partner authorities. Currently, North Hertfordshire has the third lowest recorded modern slavery and human trafficking offences⁸ in Hertfordshire; since the beginning of 2019 until now there have only been three police reports recorded for the North Herts CSP⁹. However, modern slavery recorded offences are extremely low in general across Hertfordshire.

⁸ It should be noted that this is not offences proved, only reported

⁹ CSP – Police refer to Community Safety Partnership (CSP) in this context as a geographical area coterminous with local authority boundaries



8.11 Analysis of all Police intelligence between June 2019 to May 2020 also indicates that North Hertfordshire has the third lowest number of intel reports submitted for offences of this nature over the past 12 months;

Local Authority Area	No. of Intel Reports	Ranking (1=Low, 10=High)
East Hertfordshire	17	1 - Lowest overall
North Hertfordshire	26	3 rd lowest
Welwyn Hatfield	120	10 th Highest overall

8.12 There have been no reactive investigations or operations into Modern Slavery within North Hertfordshire over the last 18 months. In addition, police data for the last six months indicates that there have only been six referrals to the National Referral Mechanism [NRM] the referral framework to identify, refer and record potential victims of modern slavery. This accounts for less than 10% of the total number of referrals in the county.

8.13 This indicates that the issue of modern slavery and human trafficking is minimal in comparison to the rest of Hertfordshire and that modern slavery and human trafficking are a lower risk and threat to other crimes and safeguarding offences such as domestic abuse for example.

8.14 However, whilst the risk and threat appear low, like domestic abuse, it is very much a hidden crime and therefore that is why it is important to continue to raise organisational and public awareness of this crime and train staff and councillors so that victims do get the help and support that they need as part of the overall safeguarding work.

9. LEGAL IMPLICATIONS

- 9.1. The Modern Slavery Act 2015 places certain legal duties upon public and private organisations. With specific reference to this report, section 54 includes a requirement: *“A commercial organisation within subsection (2) must prepare a slavery and human trafficking statement for each financial year of the organisation.*
(2) A commercial organisation is within this subsection if it—
(a) supplies goods or services, and
(b) has a total turnover of not less than an amount prescribed by regulations made by the Secretary of State.
(3) For the purposes of subsection (2)(b), an organisation's total turnover is to be determined in accordance with regulations made by the Secretary of State.”

10. FINANCIAL IMPLICATIONS

- 10.1 No specific ones identified. Training is incorporated within existing budgets.

11. RISK IMPLICATIONS

- 11.1 The actions in this report should help to reduce the Council’s risks in relation to Modern Slavery.

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 Modern Slavery Action plan continues to raise awareness amongst any employee, Councillor or worker delivering services on behalf of the Council.

13. SOCIAL VALUE IMPLICATIONS

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

14. ENVIRONMENTAL IMPLICATIONS

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

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Safeguarding and operational support [identifying and referring victims, disrupting activities and supporting police and partner operations specifically tackling modern slavery] for modern slavery matters is ordinarily covered by the Community Protection team [within the Legal and Community Directorate since June 2018] and the Corporate Safeguarding Group. Procurement work and related actions are covered by the Legal Services team, also within that Directorate. Modern Slavery is reported to Overview and Scrutiny annually, as part of the Annual Safeguarding Report.
- 15.2 As Cabinet will note from the Action Plan, training has been provided in various forms. Further training and costs associated with the Charter may apply.

- 15.3 Whilst this is not strictly a Human Resource issue, Members are encouraged to undertake the safeguarding training [as at the point of preparing this report 40% of Members have done so], which is seen as a more effective method for awareness and monitoring. Previously Human Resources did undertake Cabinet Member DBS checks, following a Cabinet Decision from 2015. These are no longer being undertaken, however, as there is no basis to carry out Enhanced or Standard DBS checks [basic only, which would be of limited use].

16. APPENDICES

- 16.1 Appendix A – Previous Action Plan 2018-21 presented to Cabinet in June 2019
- 16.2 Appendix B – Modern Slavery & Human Trafficking Action Plan 2020-21
- 16.3 Appendix C – SHIVA review June 2020

17. CONTACT OFFICERS

- 17.1 Jeanette Thompson; Service Director: Legal & Community; Monitoring Officer
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- 17.3 Helen Rae; Community Health and Well-being Team Leader
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- 17.4 Reuben Ayavoo; Policy and Community Engagement Manager
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- 17.5 Ian Couper; Service Director: Resources and s151 Officer
ian.couper@north-herts.gov.uk; ext 4243
- 17.6 Rebecca Webb HR Operations Manager
Rebecca.webb@north-herts.gov.uk; ext 4481

18. BACKGROUND PAPERS

- General – Modern Slavery:
- 18.1 Modern Slavery Act, 2015 Legislation:
<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- 18.2 Government website <https://www.gov.uk/government/collections/modern-slavery>
- 18.3 Local Government Association website (link to LGA Modern Slavery publication)
<https://www.local.gov.uk/topics/community-safety/modern-slavery>
- 18.4 Hertfordshire Constabulary website <https://www.herts.police.uk/Information-and-services/Advice/Modern-slavery/Modern-slavery>
- 18.5 Police and Crime Commissioner for Hertfordshire website
<http://www.hertscommissioner.org/modern-slavery>
- 18.6 Shiva Foundation website
<http://www.shivafoundation.org.uk/>

- 18.7 The Co-Operative Party website <https://party.coop/local/councillors/modern-slavery-charter/>
- 18.8 Hertfordshire Modern Slavery Partnership website:
<https://www.stopexploitationherts.org.uk/home.aspx>

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North Herts District Council Modern Slavery & Human Trafficking Action Plan (2018-2021) App B

ACTION & EXPECTED OUTCOME	TIME FRAME/ STATUS	LEAD
MONITORING AND REPORTING <i>To have an effective corporate monitoring and reporting process</i>		
<p>Corporate Safeguarding Group (CSG) to oversee and monitor compliance with modern day slavery and human trafficking duties (MDS) requirements and report / make recommendations to Community Protection Manager/ Service Director: Legal & Community on proposed changes.</p> <p>To include within Annual Safeguarding report to Overview & Scrutiny Committee.</p>	This work will always be ongoing.	Corporate Safeguarding Group/ Community Protection Manager/ Community Health and Wellbeing Team Leader /Service Director: Legal & Community
POLICY AND PROCESS <i>To ensure that legal duties are met and where relevant reflected/ embedded in other corporate policies/ procedures and guidance. Support of victims.</i>		
Incorporate modern slavery requirements in Safeguarding Policy.	Safeguarding Policy includes modern slavery as a category of abuse. Modern Slavery referral process is published on intranet.	Community Protection Manager/ Community Health and Wellbeing Team Leader / Policy & Community Engagement Manager
<ul style="list-style-type: none"> • Development of MDS guidance notes. • Development of MDS procedure notes for reporting and referral process. • Centralised log of all NRM or MS1 referrals established. • Monitoring of NRM / MS1 forms. • Inclusion in annual Safeguarding report/ and any audits. • Amend Safeguarding intranet page to include MDS. 	Modern Slavery page on intranet contains all requirements.	Community Health and Wellbeing Team Leader / Safeguarding Support Officer
Update procurement and contract procedure rules to ensure, where possible, MDS applicable and compliant (to obtain assurance for MDA compliance for relevant contracts).	Suppliers are required to declare their compliance with modern slavery requirements during tender process.	Contract Procurement Group/ Legal Commercial Team Manager/ Procurement Officer
<p>The Housing Options and Housing Advice Teams provide potential victims of MDS with advice on their housing options (including homelessness services) and signpost to other specialist support agencies as appropriate.</p> <p>The Housing Options and Housing Advice Teams support the police and partners in Operation Tropic activities through the provision of an on-site housing options</p>	This work will always be ongoing for the team.	Strategic Housing Manager

North Herts District Council Modern Slavery & Human Trafficking Action Plan (Apr 20-Mar 21)

ACTION & EXPECTED OUTCOME	TIME FRAME	LEAD
1. MONITORING AND REPORTING <i>To have an effective corporate monitoring and reporting process</i>		
1.1 Ensure that our work contributes to and supports the strategic priorities of the Hertfordshire Modern Slavery Partnership: Priority one: To raise awareness of modern slavery and it's effects Priority two: To increase reporting of suspected modern slavery Priority three: To ensure right knowledge, skills and process Priority four: To identify, protect, support and empower victims Priority five: To pursue and catch criminals Priority six: To have effective governance, monitoring and evaluation	Throughout this action plan it is noted which of the six priorities our various avenues of work contribute towards. From 2021, our action plan will be written to align with these priorities,	Corporate Safeguarding Group/Community Protection Manager/Community Health and Wellbeing Team Leader /Service Director: Legal & Community
1.2 Corporate Safeguarding Group (CSG) to oversee and monitor compliance with modern day slavery and human trafficking duties (MDS&HT) requirements and report / make recommendations to Community Protection Manager/ Service Director: Legal & Community on proposed changes. (Priority six) 1.3 Actions completed and planned relating to MDS&HT are included within the Annual Safeguarding report to Overview & Scrutiny Committee (O&S). (Priority six)	1.1 This work will always be ongoing. CSG continue to meet twice a year. 1.2 Annual report due Dec 2020.	Corporate Safeguarding Group/Community Protection Manager/Community Health and Wellbeing Team Leader /Service Director: Legal & Community
1.4 Corporate Procurement Group to establish key performance indicators for implementation of the Modern Slavery Transparency Statement / Charter. Incorporated into Annual Safeguarding Report for 2019/20 review. (Priority six)	1.3 To be reported to Cabinet June 2020 and Overview & Scrutiny annually from April 2021 onwards.	Legal Commercial Team Manager / Procurement Officer / Community Health and Wellbeing Team Leader
2. POLICY AND PROCESS <i>To ensure that legal duties are met and where relevant reflected/ embedded in other corporate policies/ procedures and guidance. Support of victims.</i>		

North Herts District Council Modern Slavery & Human Trafficking Action Plan (Apr 20-Mar 21)

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<p>2.1 Incorporate modern slavery requirements in new separate policies for 'Safeguarding Children' and 'Safeguarding Adults at Risk'. (Priority three)</p> <p>2.2 National Referral Mechanism (NRM) and Duty to Notify (DTN) are now one online form for both children and adults. Links to and guidance on these are available on the Modern Day Slavery page on the intranet and in the guidance documents available on the page. (Priority three)</p>	<p>2.1 Policies adopted October 2019.</p> <p>2.2 Modern Slavery referral process is published on intranet.</p>	<p>Community Protection Manager/ Community Health and Wellbeing Team Leader / Policy & Community Engagement Manager</p>
<p>2.3 A centralised log of all MDS&HT referrals is maintained and monitored – as yet none have been made. One incident has been recorded but upon seeking advice from the Modern Slavery helpline the concern did not warrant a referral. (Priority three & four)</p>	<p>2.3 Modern Slavery page on intranet contains all requirements.</p>	<p>Community Health and Wellbeing Team Leader / Safeguarding Support Officer</p>
<p>2.4 Update procurement and contract procedure rules to ensure, where possible, MDS applicable and compliant (to obtain assurance for MDA compliance for relevant contracts). (Priority three & four)</p>	<p>2.4 Suppliers are required to declare their compliance with modern slavery requirements during tender process.</p>	<p>Contract Procurement Group/ Contract and Procurement Lawyer and Procurement Officer</p>
<p>2.5 The Housing Options and Housing Advice Teams provide potential victims of MDS with advice on their housing options (including homelessness services) and signpost to other specialist support agencies as appropriate. (Priority four)</p> <p>2.6 The Housing Options and Housing Advice Teams support the police and partners in Operation Tropic activities through the provision of an on-site housing options service (including homelessness advice), as required. (Priority four)</p>	<p>2.5 & 2.6 This work will always be ongoing for the team.</p>	<p>Strategic Housing Manager</p>
<p>3. COMMUNICATION AND TRAINING <i>To ensure that employees, Members and the local community have sufficient knowledge to report MDS & HT</i></p>		
<p>3.1 - Senior Management Group attended training session;</p>	<p>3.1 August to October 2018</p>	<p>Community Protection Manager/ Safeguarding Support Officer</p>

North Herts District Council Modern Slavery & Human Trafficking Action Plan (Apr 20-Mar 21)

<ul style="list-style-type: none"> - Councillors briefed through MIS and invited to senior managers training sessions; - Senior Management Team endorsement of Action Plan - All staff invited to attend one hour staff briefings; (Priority one, two, three & four) <p>3.2 Social Media and Insight awareness raising on Anti-Slavery awareness day every October to promote event to both staff and the local community (Priority one, two, three & four)</p> <p>3.3 Update NHDC website Modern Slavery pages in line with recommendations from Shiva Foundation. (Priority one, two, three & four)</p> <p>3.4 MDS&HT is discussed at each Corporate Safeguarding Group meeting. (Priority one, two, three & four)</p> <p>3.5 Ongoing training provided to new starters through:</p> <ul style="list-style-type: none"> - First day welcome safeguarding handout - Corporate induction safeguarding presentation - Safeguarding basic e-learning on Growzone (includes MDS&HT) - Safeguarding level one and two face to face training includes MDS &HT <p>(Priority one, two, three & four)</p>	<p>3.2 Anti slavery day 18th Oct annually</p> <p>3.3 New page launched June 2020</p> <p>3.4 CSG meets twice a year.</p> <p>3.5 Ongoing</p>	<p>Communications team</p> <p>Safeguarding Support Officer/ Learning & Employee Engagement Manager</p>
<p>3.5</p> <ul style="list-style-type: none"> - Safeguarding training handout being developed for all Members with information on signs and symptoms of abuse (including MDS & HT), how to refer and sources of advice and guidance. 	<p>In progress – due September 2020</p>	<p>Community Health & Wellbeing Team Leader / Safeguarding Support Officer</p>

North Herts District Council Modern Slavery & Human Trafficking Action Plan (Apr 20-Mar 21)

<ul style="list-style-type: none"> - Members encouraged to complete NHDC safeguarding e-learning which includes MDS & HT. As of 08.06.20 20/49 Members have completed this. - Face to face training session being developed for Members. - Ensure all new members receive safeguarding handout and training options. <p style="color: red; text-align: center;">(Priority one, two, three & four)</p>	<p>Ongoing – last reminder in MIS Apr 2020</p> <p>In progress – final design due September 2020 – then review options for delivery in light of Covid-19.</p> <p>May 2021</p>	
<p>3.6 Procurement Officer to undertake appropriate procurement and supply modern day slavery training.</p> <p style="color: red; text-align: center;">(Priority one, two, three & four)</p>	<p>Completed</p>	<p>Procurement Officer</p>
<p>3.7 Raise awareness through social media of the impact of MDS & HT during Covid-19.</p> <p style="color: red; text-align: center;">(Priority one, two, three & four)</p>	<p>Ongoing – comms team have promoted modern slavery campaigns on social media & will continue to do so.</p>	
<p>3.8 Raising safeguarding awareness amongst political party canvassers to encourage accurate reporting of concerns</p> <p style="color: red; text-align: center;">(Priority one, two, three & four)</p>	<p>In progress – due September 2020</p>	
<p>4. PARTNERS <i>To ensure links between partner organisations</i></p>		
<p>4.1 To work with Hertfordshire Modern Slavery Partnership</p> <p style="color: red; text-align: center;">(All priorities)</p>	<p>Ongoing</p>	<p>Community Protection Manager/ Service Director: Legal and</p>

North Herts District Council Modern Slavery & Human Trafficking Action Plan (Apr 20-Mar 21)

<p>4.2 To work with the North Herts Community Safety Partnership (Priority five)</p> <p>To work with the Shiva Foundation (All priorities)</p>		Community / Managing Director
<p>5. EXTERNAL ENDORSEMENT</p> <p><i>To ensure regular monitoring and evaluation of NHDC's compliance with the Modern Slavery Charter and the Council's Transparency Statement</i></p>		
<p>5.1 To provide an annual report to Cabinet to evidence compliance with the Modern Slavery Charter and the Council's Transparency Statement</p> <p>(Priority six)</p>	Report to Cabinet due June 2020	Service Director: Legal & Community

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North Hertfordshire District Council: Modern Slavery Progress Document

Introduction

Councils can play several different roles in relation to modern slavery, including identifying and referring potential victims, supporting victims, disrupting modern slavery and ensuring supply chains are free from modern slavery. As modern slavery intersects with many different departments and areas that councils are involved with, a number of different officers may come across it whilst going about their everyday duties. Such key departments include housing, finance (procurement), community safety, safeguarding, human resources, legal, environmental health (licensing, gambling, health and safety, waste. In fact, UK councils were the third highest category of referral organisation in 2018 for the National Referral Mechanism, referring 1,335 cases.

Since 2016, North Hertfordshire District Council has undertaken several actions to tackle modern slavery, including training staff, raising awareness of the issue. committing itself to working with the Hertfordshire Modern Slavery Partnership and tackling exploitation in its supply chains. Notable successes include producing a Modern Slavery & Human Trafficking Action Plan in 2018, engaging in relevant Partnership campaigns, organising the delivery of training sessions to all customer facing staff, producing a modern slavery page on the intranet and [Council website](#), including HTMS within compulsory safeguarding training for new starters, as well as signing up to the Modern Slavery Charter, resulting in the production of a Modern Slavery Transparency Statement.

However, there is still more work to be done, with a number of council policies not featuring any reference to modern slavery. Full details of North Hertfordshire District Council policies that potentially could be amended to include modern slavery are given below, along with relevant content in current policies.

General Recommendations

To support this process, it would be extremely beneficial for the Council to commit to the following to support the embedding of this issue within the Council's day-to-day activities:

1. Produce a Modern Slavery Strategy, which would set out the council's strategic approach to tackling modern slavery, acting as a reference point for officers and residents alike. e.g. [Enfield](#)
North Herts Progress: *NHDC adopted new safeguarding policies in October 2019. Modern slavery is referenced in the children and adult policy as one of the types of abuse affecting both children and adults.*
2. Produce an annual Modern Slavery Report, which would embed monitoring of this issue as a whole council and ensure that it remains at the top of the agenda. e.g. [Islington](#)
North Herts Progress: *The first annual modern slavery report will be submitted to the Executive (Cabinet) in July 2020. It was specifically triggered by the publication of the transparency statement and signing up to the charter, which requires reporting on progress. A modern-day slavery action plan was created in 2018, which has been updated and reported in the Council's Annual Safeguarding Report since 2018, which is submitted to the Overview and Scrutiny Committee annually.*
3. Appoint an internal Centralised Champion who can coordinate and bring together all the work being undertaken across the council + Department Champions, who can act as lead contacts, supporting their colleagues.
North Herts Progress: *Jeanette Thompson acts as the centralised safeguarding champion corporately and a series of Department Champions, referred to as 'Designated Safeguarding Officers' sit throughout the organisation taking on the role of supporting colleagues with safeguarding referrals, including MDS.*

4. Ensure modern slavery is embedded in safeguarding training to guarantee that all staff have a minimum knowledge on this subject area.
North Herts Progress: *Modern slavery is incorporated into existing council safeguarding training at all levels, including first day information for new starters, corporate induction for new starters, e-learning for all staff and face to face basic and advanced training for those staff in customer facing roles.*
5. Ensure all staff complete a modern slavery e-learning module to ensure that staff are effectively sighted on this issue. *e.g. Stevenage*
North Herts Progress: *Modern slavery is incorporated into existing council safeguarding training at all levels, including first day information for new starters, corporate induction for new starters, e-learning for all staff and face to face basic and advanced training for those staff in customer facing roles.*
6. Produce a whole council internal victim care pathway, which specifies the pathway for identification, report of and support to suspected and identified modern slavery victims. *e.g. Stevenage and City of Bradford.*
North Herts Progress: *Internal procedures were created for the whole council in 2019, which guide staff on the reporting pathway for adults and children. These procedures include clear instructions on who to report concerns to internally and externally, as well as how to report modern slavery cases through the National Referral Mechanism.*
7. Sign up to the Modern Slavery Charter and produce a Council Modern Slavery Transparency Statement *e.g. Nottinghamshire County Council and Cardiff City Council.*
North Herts Progress: *A [Modern Day Slavery Transparency Statement](#) was produced in June 2019 and the Council approved signing up to the [Co-Operative Charter Against Modern Slavery](#) at a full Council meeting in July 2019.*

Initial Steps taken by the Council

Since 2015, the annual safeguarding review by the Council Corporate Safeguarding Group included Child Sexual Exploitation, with actions undertaken from 2015-2017 on training for council staff and external stakeholders, serious case reviews, procedure audits and signposting of relevant resources and guidance. Following the creation of the Council modern slavery action plan in 2018, modern slavery has been included in the annual safeguarding review since then and progress on actions is reported to the Overview & Scrutiny Committee. Additional actions in 2018 included creating a MDS intranet page for all staff to access with all information on identifying and reporting modern slavery internally and to the National Referral Mechanism, introduction of an e-learning package for all staff to complete that have no customer contact and the delivery of several cross-departmental 1-hour briefings by the Operation Tropic between November 2018-January 2019. Completion of the safeguarding e-learning module, which includes HTMS, is now compulsory for all new starters. HTMS is also embedded within Level 1 and 2 Safeguarding Training.

The North Herts District Council Modern Slavery & Human Trafficking Action Plan features the following areas:*

1. Monitoring and Reporting
2. Policy and Process
3. Communications and Training
4. Partners
5. External Endorsement

*Instead of including the action plan within this document, sighted actions have been embedded within this document. In reviewing this document, a copy of the action plan should also be provided separately by relevant council officers.

1. Community Safety

Councils have a legal duty to reasonably prevent crime and disorder in their areas. Community safety officers may come across trafficking or modern slavery whilst working on issues around serious and organised crime, gangs, drug selling, and other crimes committed within their area – like cannabis cultivation, shoplifting and begging.

In the Protecting Vulnerable People section, the [NORTH HERTFORDSHIRE COMMUNITY SAFETY ACTION PLAN 2019/20](#) states that it will '*1. Support national and countywide campaigns that aim to raise awareness of issues including; child sexual exploitation, hate crime, domestic abuse, counter terrorism and modern slavery. All CSP partners*

to lead and support where appropriate campaigns through social media, exhibition stands and events April 2019-March 2020.'

Relevant to this strategic priority are the following provisions, although modern slavery victims do not feature as a separate action, which would be vital for ensuring a business as usual approach to tackling modern slavery:

- *4. To reduce the number of domestic abuse victims in North Herts [and] To respond effectively to reports of domestic abuse crime April 2019-March 2020.*
- *To reduce the number of scam victims in North Herts [and] To identify and support scam victims from becoming repeat victims April 2019-March 2020.*
- *To provide practical and technological support to victims and vulnerable people [and] To promote Herts Careline services to key vulnerable groups April 2019-March 2020.*

For North Herts District Council's community safety department to improve its approach to tackling modern slavery, it should:

- 1a) Linked to the centralised MDS & HT referrals log, include exploitation, modern slavery and National Referral Mechanism figures in its updated Community Strategy.
- 1b) Linked to the Council modern slavery action plan, include specific anti-modern slavery actions around identification and reporting of modern slavery victims within the Community Safety Plan. These actions should centre around the following, but this is by no means an exhaustive list:
 - How it plans to engage with the local community around modern slavery
 - How it plans to increase visibility of modern slavery.
 - How it plans to prevent modern slavery from taking place.
 - How it plans to increase identification and reporting of modern slavery in collaboration with other organisations
 - How it plans to increase identification and reporting of perpetrators of modern slavery.
 - How it plans to safeguard, and support suspected and identified modern slavery victims in collaboration with other organisations.
 - How it plans to ensure the CSP as a whole is fully trained on modern slavery issues.
- 1c) Include the modern slavery helpline within the contacts list of an updated community safety plan.
- 1d) Include the Hertfordshire Modern Slavery Partnership within its Community Safety Plan in terms of how it plans to work with the Partnership in practice.

2. Safeguarding and Housing

Councils may see people who are at risk of trafficking through the provision of homelessness services, or through inspections of houses in multiple occupation (HMOs) they might come across modern slavery victims living in substandard accommodation. Children's safeguarding services will deal with trafficked children or children who have been exploited, and adult safeguarding services may have a role in supporting adult victims with care and support needs. Depending on the age and needs of victims, councils have separate legal obligations to provide statutory support, outside of the National Referral Mechanism, to child and adult victims, in terms of social care support and housing. Understanding that councils play a significant role in this area, a housing workshop (directed at housing leads) was organised by the Hertfordshire Modern Slavery Partnership for all 10 districts in September 2019, which was attended by a North Herts representative from the housing department.

The following policies were reviewed to check for reference to modern slavery, exploitation or human trafficking:

- Safeguarding Adults Policy
- Safeguarding Children Policy
- [Housing Strategy 2019-2024](#)
- Modern Slavery & Human Trafficking Action Plan in 2018

North Hertfordshire District Council's Safeguarding Adults policy includes the following content on modern slavery, outlining definitions and possible indicators to support with identification of victims:

Modern slavery

Types of modern slavery

· *Human trafficking*

- *Forced labour*
- *Domestic servitude*
- *Sexual exploitation, such as escort work, prostitution and pornography*
- *Debt bondage – being forced to work to pay off debts that realistically they never will be able to*

Possible indicators of modern slavery

- *Signs of physical or emotional abuse*
- *Appearing to be malnourished, unkempt or withdrawn*
- *Isolation from the community, seeming under the control or influence of others*
- *Living in dirty, cramped or overcrowded accommodation and or living and working at the same address*
- *Lack of personal effects or identification documents*
- *Always wearing the same clothes*
- *Avoidance of eye contact, appearing frightened or hesitant to talk to strangers*
- *Fear of law enforcers*

North Hertfordshire District Council's Safeguarding Children's policy includes the following content on modern slavery:

3.1.5 Modern Slavery

There are a number of different types of exploitation that victims of modern slavery may be subjected to, and victims may experience more than one type of exploitation at the same time. The most common forms of exploitation are:

- *Sexual exploitation*
- *Labour exploitation*
- *Forced Criminality*
- *Organ Harvesting*
- *Domestic Servitude*

Other forms of exploitation include:

- *Forced Marriage*
- *Financial Exploitation*

Victims of modern slavery have often been promised a better life or legitimate job before they are exploited, and by the time they find out the job doesn't exist they are already enslaved. Some victims might not see they have been exploited or feel that the life they are living is better than the one they might have lived at home. Others might be too scared to seek help due to fear, involvement in criminal activity, immigration status, or due to loyalty to the perpetrators.

The victims may have been given a prepared story by the traffickers/modern slavery facilitators to use when talking to the authorities. They may also be aggressive or hostile to the authorities or have difficulties in recalling what they've experienced as a result of trauma. They may be threatened with or have experienced violence, may be controlled through debt, or have been groomed. Perpetrators of modern slavery can be serious and organised crime groups, but may also be an individual close to the victim, such as family members, friends, individual employers or partners.

Reporting Procedures

In 2019, the Council produced two reporting procedure documents (adults and children) to assist all council staff with reporting modern slavery cases following identification:

- 1) **Procedure for Modern Day Slavery for a Child**
- 2) **Procedure for Modern Day Slavery for an Adult**

These procedures include clear instructions on who to report concerns to internally and externally, as well as how to report modern slavery cases through the National Referral Mechanism. The documents also feature individual flow charts and relevant links to resources and organisations. These procedures have been added Appendix A and B of this document.

In order to improve its approach to safeguarding modern slavery victims, North Herts District Council should:

- 2a) Update the Safeguarding Children's Policy with possible indicators of modern slavery for children, including citing of the grooming cycle.

- 2b) Update the adult safeguarding policy to include reference to the Council's legal responsibilities to modern slavery victims (see [HTF Adult Modern Slavery Protocol for Local Authorities](#) for further details).
- 2c) Add to existing procedure documents, clarifying on support procedures, for victims entered and also not entered in the NRM. Support procedures should include reference to how the Council will support suspected and identified modern slavery victims to access the following (see [HTF Survivor Care Standards](#) for further details):
 - Case work and advocacy
 - Accommodation
 - Legal advice
 - Health services
 - Psychological support and counselling
 - Returning home
 - National Referral Mechanism

Housing

Under Section 2 of the North Herts District Council Modern Slavery & Human Trafficking Action Plan 2019-2022, the following actions have been included around responsibilities of Housing Options and Housing Advice teams to potential and identified modern slavery victims. These provisions are outlined below:

- *2.5 The Housing Options and Housing Advice Teams provide potential victims of MDS with advice on their housing options (including homelessness services) and signpost to other specialist support agencies as appropriate.*
- *2.6 The Housing Options and Housing Advice Teams support the police and partners in Operation Tropic activities through the provision of an on-site housing options service (including homelessness advice), as required.*

However, the Council's [Housing Strategy 2019-2024](#), which is made up of its Homelessness and Rough Sleeping Strategy and Tenancy Strategy, makes no reference to modern slavery, human trafficking or exploitation. Yet, victims of modern slavery have very similar housing needs to domestic abuse victims, who are mentioned several times throughout the Strategy. Extracts from this strategy which should at the very least include reference to modern slavery are provided below:

3.13 Specialist, or supported, housing may also be required by people of all ages who have physical, mental health or learning difficulties or who have alcohol or substance misuse issues or who are fleeing domestic violence. Supported housing is also available to young people leaving care and setting up new tenancies. (pg. 17)

5.8 Poverty and financial pressures were also felt to contribute to family and relationship breakdown and domestic abuse which are also important reasons behind homelessness, as table 6 illustrates. (pg. 25)

5.28 Many households are still waiting until they reach crisis point before they approach the Council for assistance, meaning that it is often too late for prevention measures to be effective. The Council already works closely with relevant agencies to identify households at risk of homelessness and to provide early intervention in the form of accommodation and support plans for care leavers and young people and most recently, support to help victims of domestic abuse to remain safely in their homes.

In order for North Herts District Council's housing department to improve its approach to supporting modern slavery victims, it should:

- 2a) Establish joint working arrangements with housing associations, NRM support providers and homelessness charities for effective safeguarding and support to victims. e.g. *Westminster*
- 2b) Agree a specific safeguarding pathway for adult victims of modern slavery that are homeless. e.g. *Stevenage*
- 2c) Agree a housing protocol with the other 9 districts to ensure that a modern slavery victim is housed in a place of safety. e.g. *Hull*

- 2d) Reflect and agree on the most suitable form of accommodation for modern slavery victims to prevent re-trafficking.
- 2e) Establish suitable security measures to ensure that traffickers are not able to access safe houses.
- 2f) Ensure housing staff are suitably trained to identify and report modern slavery concerns within the remit of their role, including recording cases and signposting to relevant organisations.

3. Environmental Health and Licensing

Through day-to-day work with local businesses, a range of council regulatory services may be able to identify cases of modern slavery. In line with regulatory services like Trading Standards and the Fire and Rescue Service, relevant council services may encounter victims or perpetrators whilst inspecting premises such as nail bars and restaurants, regulating other businesses, such as gambling premises, taxis and private hire vehicles and/or in the inspections of houses in multiple occupation (HMOs). The Council of Europe Convention on Action against Trafficking in Human Beings, GRETA underlined 'the significant role of workplace inspections, including on health and safety, compliance with labour standards and revenue laws, in deterring instances of human trafficking for forced labour and identifying possible victims of MS.'

In addition, these services have several enforcement tools and powers of entry that may be helpful in targeting perpetrators modern slavery, alongside other types of rogue business. Licensing and environmental health departments have a responsibility to engage with licensed premises that can be unwitting or willing hosts to modern slavery: 1) Victims and their traffickers visiting such establishments can be identified by staff, 2) local business staff can be recruited through unscrupulous means and/or through an exploitative recruitment agency, leaving them trapped and/or indebted to a trafficker.

Understanding that councils play a significant role in this area, a licensing workshop (directed at staff working with taxi drivers) was organised by the Hertfordshire Modern Slavery Partnership for all 10 districts in January 2019, which was attended by a North Herts representative from the licensing department.

The following policies were reviewed to check for reference to modern slavery, exploitation or human trafficking:

- [Statement of Licensing Policy 2016-2021](#)
- [Hackney Carriage and Private Hire Licensing Policy 2018](#)

Statement of Licensing Policy 2016-2021

Reviewing North Hertfordshire District Council's [Statement of Licensing Policy 2016-2021](#), the Policy makes no reference to modern slavery and/or human trafficking. However, it does include the following provisions around Child Sexual Exploitation on pp.29-30:

E4.6 Safeguarding against Child Sexual Exploitation (CSE)

E4.6.1 Whilst the Council encourages a diverse and vibrant night-time economy and will not seek to limit access by children without appropriate reasons, it is acutely aware that licensed premises have the potential to expose children to the risk of child sexual exploitation.

E4.6.2 The Council acknowledges that CSE awareness does not just apply to children on licensed premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.

E4.6.3 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

- *awareness training for staff;*
- *regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;*
- *close monitoring of patrons as they leave the premises;*
- *recording and reporting concerns to the police.*

E4.6.4 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- developing relationships between a child and an older person;*
- children in the company of a group of older persons;*
- children regularly attending premises and meeting with a number of different older persons, particularly where older persons are buying alcohol for children;*
- children outside of licensed premises developing relationships with older persons, particularly older persons buying alcohol for children;*
- children leaving the premises with older persons, particularly with a group of older persons;*
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons*

E4.6.5 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate and should be precluded from the night-time economy, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

E4.6.6 The Hertfordshire Safeguarding Children Board (HSCB) has a dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function in relation to the protection of children from harm objective. The HSCB also monitors compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Applicants are encouraged to visit the HSCB website for advice www.hertssafeguarding.org.uk

E4.6.7 Of particular relevance to applicants is the Information Handbook for Licensed Premises available from the HSCB website. The Council expects applicants to read this handbook and ensure that the operating schedule identifies all management controls, particularly preventing CSE, appropriate for the promotion of the prevention of children from harm objective.

E4.6.8 The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the operating schedule.

E4.7 Conditions requiring the admission of children to premises cannot be attached to licences or certificates. Where no restriction or limitation is imposed, the issue of access will remain a matter of discretion of the individual licensee or club or holder of a temporary event notice.

E4.11 The Council expects applicants to fully set out the steps they propose to take to protect children from harm when preparing an operating schedule. Dependant on the nature of the proposed business model, there may be times when the presence of children in the premises would be inappropriate. The Council encourages applicants to undertake a self-assessment of their proposed business model in relation to the welfare of children and propose any appropriate restrictions as part of their operating schedule.

In order for North Hertfordshire District Council to improve its approach to tackling modern slavery, it should:

- 3a) Add 'Exploitation and Modern Slavery' as a separate section to an updated Statement of Licensing Policy, including a definition on what it is, cite relevant offences/legislation, outline the relevance to licensed premises and taxi drivers/operators, include a summary of key things that can be done to mitigate risk, signpost to relevant materials, outline the process of reporting that these entities should follow in suspected cases and the consequences if taxi drivers, taxi operators and/or licensed premises are found to be complicit in modern slavery . See modern slavery content added to [Hertsmere Borough Council's Statement of Licensing Policy](#) in 2018.
- 3b) As with CSE, relevant departments should seek to promote knowledge and understanding of modern slavery amongst those in the licensed trade, including signposting to relevant resources e.g. Agency Worker Welfare Questionnaire
- 3c) Add 'Exploitation and Modern Slavery' as a separate section to an updated **Environmental Health Enforcement Policies** and **Private Sector Housing Enforcement Policies**, including clear information on

what exploitation/modern slavery can look like in these scenarios, risks of outsourcing labour needs to a recruitment agency, and reporting procedures if modern slavery is potentially identified.

E.g. Food Service Industry: As an industry, which relies heavily on a low skilled and paid workforce and is lacking in regulation, exploitation is a high risk. It is common practice for such affected workers to be paid below minimum wage, working more than 72 hours a week, living in sub-standard, overcrowded accommodation with other workers, usually at or close to the place of work, with deductions from low salaries to pay for employer provided accommodation and food. Organised crime groups have also been known to collect foreign workers from abroad and transport them to food service businesses in the UK.

Hackney Carriage and Private Hire Licensing Policy 2018

In North Hertfordshire District Council's [Hackney Carriage and Private Hire Licensing Policy 2018](#), no reference is made to modern slavery and/or human trafficking. However, the following provisions have been included on prevention of child sexual exploitation, as well as safeguarding vulnerable adults and children on pp.22-23 of the policy:

3.10 Safeguarding Training

3.10.1 The Council acknowledges the importance of safeguarding training to all licensed drivers and operators, particularly with regard to the prevention of child sexual exploitation, but additionally regarding vulnerable adults and children.

3.10.2 The Council are part of a Herts & Beds Licensing Collaboration Group that is looking at the possibility of standardising safeguarding training across Hertfordshire. When an appropriate safeguarding training course is available, the Council will make it a mandatory requirement for all new drivers and operators prior to the grant of a licence. All existing drivers and operators will be given a period of time in which to attend the training; failure to do so will preclude a licence being renewed until such time as the training requirement has been fulfilled.

In order for North Hertfordshire District Council to improve its approach to tackling modern slavery, it should:

- **3a) Training**
 - Ensure that licensed premise owners attend basic safeguarding training, which includes modern slavery (Labour, Sexual, Criminal Exploitation + Domestic Servitude)
 - Compulsory safeguarding training for taxi drivers and taxi operators to include modern slavery (Labour, Sexual, Criminal Exploitation + Domestic Servitude)
- **3b) Resources**
 - Provide licensed premises and taxi operators/drivers with relevant materials and resources to ensure that local awareness is raised and that licensed premises can begin the journey to combat exploitation within their supply chains.
- **3c) Reporting**
 - Taxi operators should be able to demonstrate robust safeguarding referral pathways, which feature modern slavery.
 - Expand the Hackney Carriage and Private Hire Licensing Policy to include modern slavery as a whole, requiring all drivers to report any suspicion or concerns that any child, young person or adult is being transported for the purposes of exploitation, rather than just child sexual exploitation, including providing information on how that might manifest (signs and indicators) and reporting pathway (call Crime stoppers (anonymously) on 0800 555 111 or the Modern Slavery Helpline on 08000 121 700)
- **3d) Consider the inclusion of modern slavery within the following policies linked to responsibilities of council staff to identify and report concerns, as well as acknowledgement of high-risk venues and/or sectors for exploitation:**
 - Gambling Policy
 - Food Law Enforcement Service Plan
 - Contaminated Land Strategy

- Health and Safety Service Plan
 - Recycling and waste policies
 - Drainage policies
 - Street cleaning and maintenance policies
- 3e) Add offences for modern slavery as a reason for refusal of a taxi driver application.
 - 3f) Consider establishing a North Herts equivalent of Hotel Watch e.g. *Oxfordshire*

4. Human Resources and Legal

Local businesses and councils, along with organised crime groups, are fortunate to be able to take advantage of a flexible labour market in the UK. Minimising the risk of modern slavery is about addressing the human rights risks to people – whether they are directly employed, agency workers, or are working in the supply chain of the council. At its core, human resources are about caring for people in their place of work and putting policies and systems in place to ensure that they are safe. These skills are needed more than ever in addressing the challenge of modern slavery. Human resources and legal departments play a key role in tackling modern slavery by raising awareness of the issue, providing training, and helping to ensure an aligned and consistent organisational response.

The following policies were reviewed, and none were found to include any reference to modern slavery, exploitation and human trafficking:

- [Anti-Fraud and Corruption Policy](#)
- Anti-Bribery Policy
- [Whistleblowing Policy 2019-2020](#)
- [Risk and Opportunities Management Strategy for 2017/20](#)
- Induction Policy & Procedure
- Recruitment and Selection Policy
- [Corporate Equality Policy 2017-2022](#)

However, Anti-Fraud and Corruption Policy and Whistleblowing Policy 2019-2020 do include the following content, which refer to areas that are also relevant to modern slavery. Specific sections have been extracted out of the Anti-Fraud and Corruption policy related to risk, recruitment and contractors, which are areas that modern slavery should be added to as required within cited council policies.

Whistleblowing Policy

The Policy states: *'The Council is committed to conducting its business with honesty and integrity, and we expect all those who work for the Council and Councillors to maintain high standards in accordance with their respective Codes of Conducts (or any service or goods contracts with them).'*

Anti-Fraud and Corruption Policy

The Policy states: *'North Hertfordshire District Council takes its duty to ensure proper stewardship of public money very seriously. The Council is, therefore, committed to the prevention, detection and investigation of all forms of fraud and corruption, whether these are attempted from within or outside the organisation.'*

Under Section 2, the Policy also states that: *The Council has formally assessed its exposure to potential fraud risks and has made appropriate entries in the Council's risk register. The Risk Management Group reviews the entries periodically to ensure that key fraud risks are being identified and effectively managed. Should existing controls be deemed inadequate, revised controls will be recommended for implementation.*

Under Section 3, the Policy states that: *The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential staff in terms of their propriety and integrity. Therefore written references are obtained prior to appointing staff, including those employed on a temporary or contract basis. This is also a requirement of the Council's Fidelity Guarantee insurance. Additionally, where appointment is dependent on the holding of specific qualifications, HR manages the process for ensuring that stated qualifications are verified and copies of certificates retained on the individual's personal file.*

Under Section 7, the Policy states that: *The terms of the Council's contracts require that contractors take all reasonable steps, in accordance with good industry practice, to prevent any fraudulent activity by the Staff, the Contractor (including its shareholders, members, directors) and/or any of the Contractor's suppliers, in connection with the receipt of monies from the Authority. The Contractor must notify the Council immediately if it has reason to suspect that any fraud has occurred, is occurring or is likely to occur.*

For North Herts District Council to improve its approach to tackling modern slavery in this area, it should:

- 4a) Review and update the following policies to include relevant modern slavery content:
 - [Anti-Fraud and Corruption Policy](#)
 - Anti-Bribery Policy
 - [Whistleblowing Policy 2019-2020](#)
 - [Risk and Opportunities Management Strategy for 2017/20](#)
 - Induction Policy & Procedure
 - Recruitment and Selection Policy
 - [Corporate Equality Policy 2017-2022](#)

Suggested amendments – some examples:

- **Recruitment and Selection Policy:** Include reference to modern slavery risks in recruitment of agency workers and how to mitigate those risks, including documents required and due diligence checks to be undertaken with staff and third-party labour providers.
- **Induction Policy and Procedure:** Completing a modern slavery training module should compulsory
- **Whistleblowing Policy:** Add a section outlining the procedure for reporting slavery and trafficking concerns clear and easy, as well as ensuring staff feel comfortable and safe to make a report. More specifically, it should include the following (see [here](#) for further details):
 - Introduction to the Modern Slavery Act and its importance to the Council
 - When to use the whistleblowing i.e. matter of public interest.
 - Procedure for responding to concerns raised i.e. to who, how the concern is dealt with and next steps once the concern is raised.
 - Importance of confidentiality e.g. if a concern is raised against a supplier.
 - Protecting the Whistle-blower i.e. any victimisation leading to disciplinary action.
- 4b) Review and update any other related policies to include relevant modern slavery content.
- 4c) Ensure that all relevant equalities impact assessments consider modern slavery victims, as they do with domestic violence victims.
- 4e) Add modern slavery to the Council risk register, which is reviewed annually by the Risk Management Group.

5. Finance (Procurement)

Business supply chains are often complex as services, along with products that are manufactured, packaged and distributed, usually form part of a process linking multiple suppliers in many countries, making it difficult to spot forced labour. Supply chains that are particularly at risk, include those that hire outsourced employees, recruit direct staff through a recruitment agency or third party, work with suppliers in high risk countries and/or use suppliers that outsource their employees. Understanding that councils play a significant role in this area, a procurement workshop was organised by the Hertfordshire Modern Slavery Partnership for all 10 districts in September 2018, which was attended by a North Herts representative from the procurement department.

Since then, North Hertfordshire District Council has approved a robust [Modern Day Slavery Transparency Statement](#) in June 2019, and agreed to adopt the [Co-Operative Charter Against Modern Slavery](#) at a full Council meeting in July 2019. The Corporate Procurement Group also established key performance indicators for implementation of the Modern Slavery Transparency Statement / Charter, which have been incorporated into the Annual Safeguarding Report 2019/20 for review. The contents of North Herts' Modern Slavery Transparency Statement 2019-2020, which is publicly available to download on the council website, are provided below:

Modern Slavery Transparency Statement 2019-2020

1. Introduction

The Council has a key role to play in tackling modern slavery, including identifying and supporting victims and working in partnership locally. The Council's role can be separated into four distinct areas:

1. identification and referral of victims;
2. supporting victims by safeguarding children and adults with care and support needs and providing housing/homelessness services;
3. community safety and disruption activities; and
4. ensuring the supply chains that the Council procures from are free from modern slavery.

Modern slavery intersects with many different areas that the Council is involved with and a number of different officers might come across it while going about their everyday activities. Key examples where officers might come across victims include housing and homelessness services, community protection work, licensing and customer services.

The procurement of services is an important part of the Council's expenditure. Understanding our supply chains and assessing the risk to those working in it requires commitment, support and collaboration. The Council is uniquely placed to be at the forefront of the fight against modern slavery hence the Council has voluntarily compiled this modern slavery Transparency Statement.

This statement sets out North Hertfordshire District Council's actions to understand the potential modern slavery risks related to its activities and to put steps in place to attempt to eliminate acts of modern slavery and human trafficking within its supply chain.

2. NHDC's organisational structure & supply chains

North Hertfordshire District Council is a local authority in the north-eastern part of Hertfordshire, in the East of England region. The activities the Council undertakes are wide ranging in order to fulfil its duties to its residents. Its highest spend contracts are for the Household Waste Services and Grounds Maintenance.

The supply chains for the Council's activities are considered as only operating within the United Kingdom and the risk of slavery and human trafficking is therefore considered low. While the risk of slavery and human trafficking is considered low, the Council remains vigilant and will take all steps available to manage the risks presented.

Going forward, over the next 12 months, the Council will undertake a supply chain mapping exercise that increases its knowledge and awareness of its supply base. It is important that the limited resource available for doing this is focussed on the areas that pose greatest risk and the mapping exercise will therefore consist of the following steps:

- 1) List suppliers by total spend
- 2) Categorise into spend areas by goods and/or services
- 3) Determine the modern slavery risk rating of Low; Medium or High from:
 - a. Location of production or service: does the country/area have a high prevalence of modern slavery or other labour rights violations?
 - b. Industry sector: does that industry or sector have a high prevalence of modern slavery or other labour rights violations?
 - c. Value and length of contract: the higher the value or longer the contract will give a higher risk.

3. Responsibility: who has responsibility for anti-slavery initiatives?

The Council believes that safeguarding is the responsibility of all employees, Members, volunteers and organisations delivering services on our behalf. Everybody has a duty to safeguard children and adults in our local communities.

Our Named Safeguarding Officer is our Service Director: Legal and Community. Designated Safeguarding Officers throughout the organisation support colleagues to respond and refer any concerns and a Corporate Safeguarding Group monitors current practice in relation to safeguarding and identifies key areas for development.

Responsibility for safeguarding sits with the Executive Member for Community Engagement. An annual report is also made to the Overview and Scrutiny Committee.

Each Service area is responsible for reviewing spend on their supplier contracts as part of their ongoing commissioning and budget setting process. As part of this process, whenever spend is reviewed, it is considered best practise to include consideration of modern slavery. Going forward the Council's Contract Procurement Group will produce a check list of the modern slavery identifiers within the supply chain and disseminate this within their service areas for increasing awareness of identifying and preventing modern slavery from within its supply chain.

4. Link to relevant policies

The Council's commitment to safeguarding children and adults at risk is outlined in our policies for safeguarding children and adults at risk that can be found on our website:

<https://www.north-herts.gov.uk/home/community/health-and-social-care/protecting-children-young-people-and-adults-risk>

5. What due diligence of suppliers is carried out?

For the appointment of new suppliers, the Council has adopted the Government Standard Supplier Selection Questionnaire, which is used in all appropriate procurements and requests confirmation that suppliers meet Modern Slavery Act 2015 requirements.

Any bidder who fails to evidence their compliance with the required legislation shall be excluded from participating further in the tender process. Incorporated within the Council's standard contract terms are clauses that specify the supplier's contractual obligation concerning Modern Slavery.

Currently there are no processes in place at the Council for reviewing existing supplier's compliance with the Modern Slavery Act 2015 requirements. The supply chain mapping exercise referred to in point 2 of this statement will however provide a useful knowledge base from which to identify the contracts at greatest risk from modern slavery and whose contract managers will be requested to carry out checks for the supplier's compliance to the Modern Slavery Act requirements. Any suppliers found not meeting the required standard will be asked to take action to improve; where this is not forthcoming the contract relationship will be terminated at the next opportunity, taking into account the contract terms and conditions. This exercise is planned to take place over the next 12 months.

6. Key performance indicators

The following KPIs will be monitored during 2019:

- The number of new contract awards and whether the Modern Slavery Act 2015 applied to the awarded organisation.
- Numbers of staff that have completed modern slavery training, identified as mandatory for all staff.

7. How we train NHDC staff on anti-slavery measures

In 2018/19, training on modern day slavery was identified as mandatory for all staff and briefings and e-learning was rolled out throughout the organisation. Going forward, all staff are required to undertake safeguarding training at a level relevant to their role. Basic, level one or level two training is refreshed every two or three years. This training now includes modern slavery and human trafficking. Compliance with these training requirements is monitored by the Senior Management Team and audited by the Hertfordshire Safeguarding Children Partnership and Hertfordshire Safeguarding Adults Board.

The Procurement Officer and Legal Commercial Team Manager have both attended the Hertfordshire Modern Slavery Procurement Workshop in September 2018.

Over the next 12 months the Procurement Officer will undertake the Chartered Institute of Procurement and Supply, Ethical Procurement and Supply e-learning (or equivalent) to achieve the recommended accreditation in this area.¹

¹ June 2019

In addition, the Lead Procurement Officer has put together the following guidance to support contract managers within North Herts District Council with identifying modern slavery risks in new and existing suppliers and how to address these risks. The guidance, which will be available on the council intranet is cited below:

NHDC Modern Slavery Identifiers

This guide has been issued for contract managers within North Herts District Council and is taken from the guidance issued by Central Government in its 'Tackling Modern Slavery in Government Supply Chains', full version available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830150/September_2019_Modern_Slavery_Guidance.pdf

Risk Identifiers

North Herts District Council is committed to preventing all forms of modern day slavery and human trafficking within its supply chains. In order to identify whether a risk of modern slavery exists in the supply chain for a good or service, the following modern slavery identifiers should be applied to the contract matter:

- 1) **Industry:** industries involved with raw materials and those which are labour intensive are considered high risk.

Industries characterised by this and considered high risk include:

- *Products from: Agriculture; Construction; Manufacturing and electronics; Garment/ textile production; Food processing; Mining; Logging; Fishing and fisheries.*
- *Services: Hospitality, Security services; Cleaning and catering; Logistics, including warehousing, transport; Healthcare; Social care; Mining; Logging; Fishing and fisheries.*

- 2) **Nature of the workforce:** high risk characteristics associated with the nature of the workforce include:

- *Reliance upon low-skilled or unskilled labour?*

Typically work that is low-paying and undervalued is often undertaken by vulnerable workers.

- *High numbers of temporary, seasonal, or agency workers?*

Worker vulnerability is heightened by employment uncertainty.

- *Dangerous or physically demanding work.*

May indicate vulnerable workers exposed to unethical conditions.

- *Isolation of workers?*

Due to working in rural locations, being home-based or in unmonitored and unregulated environments.

- 3) **Business / Supply chain model:** the typical structure of the business / supply chain model that can indicate a greater risk of modern slavery are:

- *Sub-contracting and complex supply chains posed a greater risk as the larger and more complex the supply chain, the harder it is for organisations to know about conditions for workers in their supply chains.*
- *Complex employment relationships with a reliance on agency, outsourced or subcontracted workers adds another layer of separation between employers and workers, leaving workers exposed to unethical practices.*
- *Purchasing that is predicated on a tight profit margin only can leave workers vulnerable to exploitative practices as the pressures to keep costs low are driven down the supply chain.*

Supplier location is a further characteristic that is often used as a risk identifier, with some countries outside the UK posing a greater risk of modern slavery, however due to the majority of the council's suppliers being based in the UK this has not been included in the above list. Should an overseas supplier bid for a contract then please consult with Procurement in this instance.

Addressing the risk

If a risk is found through one or more of the identifiers present in your contract, you should seek to address it in the contract specification by setting out your required standards and assess suppliers' compliance through a quality question under your evaluation criteria.

Example quality tender response questions:

- *Where subcontractors are used, bidders should be asked how the supply chain will be managed and monitored for modern slavery supply chain risks and their action plans for tackling cases as they arise.*
- *Bidders could be asked to provide information on their working/employment practices relating to the staff who will be assigned to perform the contract and to demonstrate their approach to tackling modern slavery abuses which might arise amongst their staff.*

- *For labour intensive contracts such as cleaning and construction contracts, bidders could be asked to provide evidence of the recruitment methods used for staff delivering the contract.*
- *For construction, a high-risk category in the UK, there are also recognised standards for recruiting labourers, such as the BRE's Ethical Labour Sourcing Standard (ELS) and your specification could require such standards to be in place for the workforce.*

(<https://www.bregroup.com/services/standards/ethical-labour-sourcing-standard/>)

You should carefully consider, and liaise with procurement on, the construction of the evaluation methodology. There must be sufficient incentive in the scoring methodology to encourage bidders to offer responsible supply chain management, and this can be achieved by allocating an appropriate weighting to this part of the evaluation criteria.

The following North Herts District Council policies were reviewed, and none were found to include any reference to modern slavery, exploitation and human trafficking:

- [Constitution \(Section 20\): Contract Procurement Rules](#)
- [Medium Term Financial Strategy 2019-2024](#)
- [Corporate Plan 2017/21](#)
- [Corporate Procurement Strategy 2013](#)

In order for North Hertfordshire District Council to improve its approach to tackling modern slavery in its supply chains, it should:

- 5a) Undertake an annual review of its Modern Slavery Transparency Statement, seeking to build on its progress in this area year-on-year.
- 5b) Undertake a deep dive analysis of council risk factors in consideration of supply of services as well as goods, relative to hot spot industries and source countries of concern e.g. do you have cleaners or outsourced care staff and how are you mitigating these risks practically?
- 5c) Facilitate or signpost suppliers to relevant training and resources.
- 5d) Review and update the following policies to include relevant modern slavery content in line with the Council's Modern Slavery Transparency Statement:
 - [Constitution \(Section 20\): Contract Procurement Rules](#)
 - [Medium Term Financial Strategy 2019-2024](#)
 - [Corporate Plan 2017/21](#)
 - [Corporate Procurement Strategy 2013](#)
- 5e) Review and update any other related policies to include relevant modern slavery content.

Concluding Remarks

North Herts District Council has made excellent progress towards increasing awareness of modern slavery amongst staff and the local residents/stakeholders through training sessions and engagement in relevant campaigns. Signing up to the national modern slavery charter, alongside producing a council modern slavery transparency statement and a modern slavery action plan, has also paved the way for the production of an annual report on modern slavery submitted to the Council Executive. As outlined in this document, the council's focus should centre on ensuring that modern slavery continues to be embedded within existing protocols and added to relevant policies, as well as consistent monitoring and evaluation of actions and data, to ensure a business as usual approach is adopted across the whole council in tackling this issue.

Appendix:

Appendix A – North Herts Council Reporting Procedure for Modern Day Slavery: Child Victims

Procedure for Modern Day Slavery for a child

If you are concerned that someone is a victim of Modern Day Slavery contact any NHDC Designated Safeguarding Officer (the list can be found on the intranet) or your line manager to discuss your concern. If none are available, make a referral using the contacts below. If there is an immediate threat to life or a crime is being committed, always call the Police on 999.



If a Designated Safeguarding Officer is available, agree the next steps and ensure a referral, if relevant, is made within 24 hours of noting your concern. If you decide not to make a referral, please complete a NHDC Safeguarding Child Incident form, stating Modern Day Slavery and send it to safeguarding@north-herts.gov.uk . This will ensure that if another officer reports concerns about a child, we have a full picture.



A CHILD UNDER 18

Complete the online National Referral Mechanism (NRM) form at <https://www.modernslavery.gov.uk/start>

If the child is in immediate danger call the Police on 999.



Complete the online Hertfordshire Child Protection referral form. Once completed create a PDF of the file. If the child is in immediate danger call the Police 999.

See **** (2)** below for information on how to complete the online form.



The DSO/Officer should be prepared for further involvement, potentially with other professionals.



Record of **All** referrals should be sent to the Safeguarding Inbox. safeguarding@north-herts.gov.uk

***(1) Online NRM Form**

To complete an online NRM form for children visit: <https://www.modernslavery.gov.uk/start>

The online form requires email validation. When you click on the above link, you will be asked to submit your work email address. You will then receive a link (to your email) which you will need to click on in order to complete the form.

Complete the form with as much detail as possible. Once you have completed and submitted the online form, you will be sent a further link to download a copy of your submission. Once the form has been received by the Home Office,

you will receive a case reference number by email that can be used should you need to contact the Home Office about the case. Please then send a copy of the form to the safeguarding inbox for our records.

Following submission of the on-line form, any additional information can be emailed to nationalreferralmechanism@homeoffice.gov.uk quoting the case reference number in the subject line. Please note that this email should only be used for additional information.

Please be aware that the online form automatically logs you out (without saving the details) after one hour for security reasons.

***(2) Online Child Protection Referral**

To complete an online child protection referral visit: <https://eservices.hertfordshire.gov.uk/my-account> and create an account if you don't already have one. Once set up, look top right corner and click 'Services' and under the letter C the child protection contact form can be found.

Complete the form with as much detail as possible as the form will not submit without all mandatory fields completed. The mandatory fields will highlight purple if not complete. Before you submit the form it will ask if you would like a PDF version created - this must be done and sent to the safeguarding inbox for our records.

Once the form has been submitted you will receive a unique reference number that can be used should you need to contact HCC about the case.

List of contacts: **Ext.**

List of current Designated Safeguarding Officers (DSO) – (available on intranet by searching Designated Safeguarding Officers)	
Hertfordshire County Council Referrals for child safeguarding	0300 123 4043
NHDC Monitoring Officer and Named Safeguarding Officer – Jeanette Thompson Jeanette.thompson@north-herts.gov.uk	4370
NHDC Corporate Human Resources Manager – Kerry Shorrocks Kerry.shorrocks@north-herts.gov.uk	4224
Queries regarding NHDC's safeguarding database, intranet pages, Designated Safeguarding Officer or safeguarding training. (Non-urgent queries) safeguarding@north-herts.gov.uk	4560/4367

Appendix B – North Herts Council Reporting Procedure for Modern Day Slavery: Adult Victims

Procedure for Modern Day Slavery for an Adult

If you are concerned that someone is a victim of Modern Day Slavery contact any NHDC Designated Safeguarding Officer (the list can be found on the intranet) or your line manager to discuss your concern. If none are available, make a referral using the contacts below.

If there is an immediate threat to life or a crime is being committed, always call the Police on 999.



If a Designated Safeguarding Officer is available, agree the next steps and ensure a referral, if relevant, is made within 24 hours of noting your concern.

If you decide not to make a referral, please complete a NHDC Safeguarding Adult Incident form, stating Modern Day Slavery and send it to safeguarding@north-herts.gov.uk. This will ensure that if another officer reports concerns about an adult, we have a full picture.

Please see below which avenue to follow depending on whether consent has been given:

Consent is given



AN ADULT

Complete the online National Referral Mechanism (NRM) form at <https://www.modernslavery.gov.uk/start>

See *(1) below for information on how to complete the online form

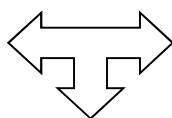
Consent Not Given



AN ADULT

If an adult does not provide consent, a Duty to Notify referral should be made using the same online form at <https://www.modernslavery.gov.uk/start>

See *(1) below for information on how to complete the online form



ADULTS AT RISK

Complete the online Adult referral form. Once completed, save the PDF. If the adult is in immediate danger call the Police 999.

See **(2) below for information on how to complete the online form.

ADULTS NEEDING MENTAL HEALTH SUPPORT

Complete the Single Point of Access (SPA) referral form and send to the email address at the bottom of the form.

If the adult is in immediate danger call the Police on 999.



The DSO/Officer should be prepared for further involvement, potentially with other professionals.



Record of All referrals should be sent to the Safeguarding Inbox. safeguarding@north-herts.gov.uk

*(1) Online NRM Form

To complete an online NRM form for adults visit: <https://www.modernslavery.gov.uk/start>

The online form requires email validation. When you click on the above link, you will be asked to submit your work email address. You will then receive a link (to your email) which you will need to click on in order to complete the form.

Complete the form with as much detail as possible. Once you have completed and submitted the online form, you will be sent a further link to download a copy of your submission. Once the form has been received by the Home Office, you will receive a case reference number by email that can be used should you need to contact the Home Office about the case. Please then send a copy of the form to the safeguarding inbox for our records.

Following submission of the on-line form, any additional information can be emailed to nationalreferralmechanism@homeoffice.gov.uk quoting the case reference number in the subject line. Please note that this email should only be used for additional information.

Please be aware that the online form automatically logs you out (without saving the details) after one hour for security reasons.

**** (2) Online adult referral form**

To complete an adult referral form visit: <https://hcsportal.hertfordshire.gov.uk> and create an account if you don't already have one.

Once you are registered and every time you log in, a verification code is emailed to you for security reasons.

To find the referral form, click on 'Safeguarding' which will direct you straight to the form.

Complete the form with as much detail as possible as the form will not submit without all mandatory fields completed. The mandatory fields all have asterisks next to them. Save the PDF version of the form and email a copy to safeguarding@north-herts.gov.uk for it to be stored securely. If you forget to save it, you can also access from your 'submitted forms' button at the top.

Once submitted you will hear back from social services letting you know how/if they are processing with the case.

List of contacts:

Ext.

List of current Designated Safeguarding Officers (DSO) – (available on intranet by searching Designated Safeguarding Officers)	
Herts County Council referrals for adult safeguarding	0300 123 4042
Single Point of Access (SPA) referrals for adults needing mental health support	0300 777 0707
NHDC Monitoring Officer & Named Safeguarding Officer- Jeanette Thompson Jeanette.thompson@north-herts.gov.uk	4370
Corporate Human Resources Manager – Kerry Shorrocks Kerry.shorrocks@north-herts.gov.uk	4224
Queries regarding NHDC's safeguarding database, intranet pages, designated safeguarding officers or safeguarding training (non-urgent queries) safeguarding@north-herts.gov.uk	4560 4367

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**CABINET
21 JULY 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: HITCHIN MARKET – CONTRACT EXTENSION

REPORT OF THE COMMERCIAL MANAGER AND SERVICE DIRECTOR - COMMERCIAL

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR ENTERPRISE AND COOPERATIVE DEVELOPMENT

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES / RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek approval to enter into a contract extension with Hitchin Market Limited for a further period of eight months (1 August 2020 – 31 March 2021). The reason for this is to allow current negotiations with Hitchin Markets Limited (HML) to continue, and to allow the Council more time to evaluate other options such as a tendering/ procurement exercise if required.

2. RECOMMENDATIONS

- 2.1 That Cabinet approves the entering into a contract extension with Hitchin Market Limited for a further eight months up to 31 March 2021.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To seek approval of the proposed contract extension and to update Cabinet Members on the current position regarding Hitchin Markets Limited.
- 3.2. To ensure that Hitchin Market continues to operate.
- 3.3. To allow the Council more time to evaluate its options such as undertaking a tendering/ procurement exercise.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. To allow the current contract to come to a natural conclusion at the end of July 2020 and bring the operational management back in-house. However, there have been positive meetings with HML to provide a contract extension for a further period of eight months. If this is not possible, it also provides the Council with enough time to explore other procurement options.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member and Deputy Executive Member for Enterprise and Co-operative Development and the Executive Member for Finance and IT have been kept regularly updated on this matter and support the proposed contract extension with HML.

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. This report has been written because the current contract with HML expires on 31 July 2020. The current contract was extended for two years from 1 August 2018 by the Deputy Chief Executive by Delegated Decision Notice dated 10 September 2018.
- 7.2. This report outlines the need for a contract extension and explains why it is in the Council's best interest to allow more time to consider all options associated with the future management of Hitchin Market. Regarding the contract extension, HML is best placed to continue operating the Market at this point in time.

8. RELEVANT CONSIDERATIONS

- 8.1. The Council originally tendered the contract for Hitchin Market in 2008. HML was successful and has operated this contract since 1 August 2008. The contract has since been extended a number of times. It was agreed at the last contract extension of two years in 2018, that HML would pay the Council a management fee of £2,180 on a monthly basis. However, due to increasing financial difficulty, HML has only paid the Council six months of the management fee in the last financial year – which is equal to £13,082. They have not paid their management fee since October 2019.
- 8.2. It was agreed at the time that HML's situation would be reviewed with the Council in April 2020. The team at HML has explained to the Council in recent contract meetings that their financial situation is becoming increasingly poor due to a shift in shopping habits, a change in demand and a lack of new traders.
- 8.3. The Council has worked closely with the team at HML since October 2019 to overcome this difficult period. Hitchin Market is also now suffering financially due to the impact of Covid-19, which resulted in the Market closing on 24 March 2020 following Government guidance. The Market has since reopened with the implementation of Covid-19 secure measures and has been operational since 2 June 2020.
- 8.4. Contract negotiations have been taking place between the Council and HML regarding the future management of the Market. Although good meetings have taken place between both parties, the Council and HML have not yet been able to agree a long-term contract and governance structure that would be able to commence on 1 August 2020. To ensure we continue a good working partnership with HML, Officers advise that more time is required in order to try and reach an agreed decision between the two parties.

- 8.5. Although the Council would like to continue to negotiate an agreed position with HML, Officers will continue to consider what other options are available to the Council. This could include a tendering exercise for the future management of the Hitchin Market contract, as well as reviewing the option to operate the Market in-house (run by the Council directly).
- 8.6. Due to the impact of Covid-19, HML is predicting an 80% total income of last year's figures. As mentioned above, the proposed contract extension going forward has no contract value. The agreement between the Council and HML will be based on a cost neutral basis. As a result, the Council will no longer receive a management fee from HML. Financial support from the Council during the term of the contract extension could be required if the Market continues to decline.
- 8.7. This contract extension will be for a period of eight months (1 August 2020 – 31 March 2021). It will be based on the same terms as the previous contract extension in 2018, with changes to the contract length, financial implications and updates in law. HML will also continue to maintain an open book accounting approach with the Council.
- 8.8. Any decision regarding the future management of the Market after 31 March 2021 will be presented back to Cabinet at a later date.

9. LEGAL IMPLICATIONS

- 9.1. Concession Contracts with a value less than £4,733,252 do not need to be competitively tendered for under The Concession Contracts Regulations 2016 (CCRs).
- 9.2. Regulation 43(1)(5) of the CCRs allows the Council to modify the current contract where the value of the modification is below-
 - (a) the procurement threshold (£4,733.252); and
 - (b) 10% of the value of the initial concession contract, provided that the modification does not alter the overall nature of the concession contract.
- 9.3. The contract extension has no contract value so an extension of the current contract for a further eight months from 1 August 2020 to 31 March 2021 is allowed under the CCRs.
- 9.4. Rule 3.11 of the Council's Contract Procurement Rules (CPRs) [Part B, Section 20 dated 16 January 2020] states that these rules do not apply to Concession Contracts.
- 9.5. Legal will prepare the appropriate legal documentation to deal with the contract extension.

10. FINANCIAL IMPLICATIONS

- 10.1. In the previous contract, the arrangement was that HML pay the Council £26,123 (19/20 Fee). This contract extension means that no management fee payment would be made to the Council, as HML is forecasting only to breakeven with the strong possibility of a shortfall in income.

- 10.2. As a result, there will be a loss of future income of £26,163 to the Council. There could also be further costs to the Council if the forecasted income targets are not met and costs are higher than projected. Additional financial resources from the Council will be required short-term to boost the Market. Therefore, this combined with projected forecasts not being achieved will see further costs being incurred.
- 10.3. Officers have worked closely with HML in recent months to review and understand their financial challenges. Executive Members have also been kept up to date regarding HML's financial difficulty.
- 10.4. A financial check has been carried out on HML as part of the Council's procedure and has reported the company as low risk.

11. RISK IMPLICATIONS

- 11.1. The main risk associated with this report is regarding the financial impact of Covid-19 on HML. There is a risk that the Council will have to provide financial support to HML, however this is subject to HML income levels which are dependent on trader and shopper behaviour.
- 11.2. However, generally, this report is considered relatively low risk due to the fact the Council is currently receiving no income from the existing contract, is maintaining an established working relationship with HML and has the flexibility to change circumstances bearing in mind the duration of the contract extension.

12. EQUALITIES IMPLICATIONS

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

13. SOCIAL VALUE IMPLICATIONS

- 13.1. None identified.
- 13.2. As the recommendations in the report relate to a contract below £50,000 the "go local" policy has been applied. HML is a locally based company that operates from Hitchin and is made up of local board members.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known direct Environmental impacts or requirements that apply to this report. However, further consideration may be required in the future, such as around the disposal of waste if the Market is transformed into an experience destination.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. None identified.

16. APPENDICES

16.1 None

17. CONTACT OFFICERS

17.1 Chloe Gray, Commercial Manager,

chloe.gray@north-herts.gov.uk; ext 4223

17.2 Steve Crowley, Service Director – Commercial,

steve.crowley@north-herts.gov.uk; ext 4211

17.3 Tim Everitt, Performance and Risk Officer

tim.everitt@north-herts.gov.uk; ext 4646

17.4 Georgina Chapman, Policy and Community Engagement

georgina.chapman@north-herts.gov.uk; ext 4121

17.5 Shah Mohammed, Group Accountant

shah.mohammed@north-herts.gov.uk; ext 4240

17.6 Greta O'Shea, Locum Senior Solicitor – Contracts and Procurement,

greta.oshea@north.herts.gov.uk; ext 4315

18. BACKGROUND PAPERS

18.1 None identified.

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**CABINET
21 JULY 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: COVID-19 LEISURE CONTRACTS RECOVERY

REPORT OF THE SERVICE DIRECTOR - PLACE

EXECUTIVE MEMBER ENVIRONMENT & LEISURE: CLLR STEVE JARVIS

COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT

1. EXECUTIVE SUMMARY

- 1.1 The Government instigated lockdown on 20 March 2020 resulting in the closure of gyms and leisure centres. This report outlines Stevenage Leisure Limited (SLL) recovery plan of the leisure facilities, and asks to consider and agree an Open Book approach recommended in the Procurement Policy Note – Supplier relief due to COVID-19 02/20 (PPN 02/20), and further support included within the Local Government Association (LGA) Options for councils in supporting leisure providers through COVID-19.

2. RECOMMENDATIONS

That Cabinet consider and agree: -

- 2.1 The approach set out in SLL's recovery plan and support SLL using the Open Book approach as recommended in the PPN 02/20, and further support included within LGA Options for councils in supporting leisure providers through COVID-19 Guidance from service closure.
- 2.2 Officers will continue to work with SLL to agree ways in which income can be maximised and costs minimised whilst ensuring that operations continue to meet COVID-19 and other safety requirements.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To seek approval for the SLL recovery plan and a phased approach toward recovery allowing flexibility through delegation, to ensure business continuity for the leisure contracts and for them to survive beyond the COVID-19 pandemic.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. See Part 2 Report

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Consultation was undertaken with our Executive Member Environment and Leisure, Cllr Steve Jarvis and Cllr Kay Tart.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision, which has not been notified to the public in the Forward Plan. It is not possible to defer consideration of this decision because decisions regarding the effect of Covid-19 on Leisure Facilities and operators and consideration of the way forward cannot be delayed until the next Cabinet meeting in September 2020. The Chairman of the Overview and Scrutiny Committee has been informed and notice of the recommendations has been available at the Council Offices in Gernon Road, Letchworth for three clear working days prior to the date of this meeting.

7. BACKGROUND

- 7.1. On 30th January 2020 the World Health Organisation declared a Public Health Emergency of International Concern for the coronavirus known as COVID-19. During March social distancing measures were introduced along with initial guidance on self-isolation.
- 7.2. On 20 March 2020, the Government announced the temporary closure of all gyms and leisure centres (along with pubs, clubs, restaurants, cafes) as part of its COVID-19 response to stop the spread of infection.
- 7.3. This change in law has reduced SLL's income to almost zero, and without the goodwill and support of NHDC, the Governments Furlough scheme, and some loyal customers that continued to pay their Direct Debit payments, there was, and still is a real risk that SLL will not be able to continue trading.
- 7.4. SLL took an early decision to Furlough 96% of the SLL operational staff team, and for all remaining employees to take a 20-30% pay cut. This left just 8 employees to manage the North Hertfordshire Contracts. This involved ensuring the buildings were still being operated in accordance with statutory regulations, were being maintained in a state that they would be able to open quickly, communicate with customers and stakeholders, prepare for reopening, attend team meetings to discuss plans and also to deal with any reactive issues that arose. These decisions and positive actions have put SLL in the best possible position in regard to reopening the facilities as soon as Government allows.
- 7.5. At the Cabinet meeting on the 23 June 20 it was discussed and agreed as part of the Business Continuity report, to delegate to senior officers in consultation with Executive Member changes to the recovery plan to protect the Councils financial position. The following minute details the resolution (4);

BUSINESS CONTINUITY PLANNING UPDATE

RESOLVED:

- (1) That the further commissioning of legal services in relation to the holding company, to be agreed by the Service Director: Legal and Community, the Deputy Chief Executive [Managing Director] in consultation with the Leader and Deputy Leader be approved.
- (2) That the decision on establishment of the trading company, with business case to be presented to the Cabinet Sub-Committee as soon as possible for approval thereafter be delegated to the Deputy Chief Executive [Managing Director] in consultation with the Leader and Deputy Leader.
- (3) That Cabinet supports any additional initiatives such as the furloughed space grants suggested by the British Retail Corporation to support the economic recovery of the District, provided it is fully funded by the Government.
- (4) That Cabinet delegate authority to the Managing Director and Service Director Place to take decisions regarding services provided under the Leisure contracts, in consultation with the Executive Member for Environment and Leisure, the Service Director Resources and Executive Member for Finance and IT.

REASON FOR DECISIONS: To ensure that the Council is as prepared as it can be for contractor failure / withdrawal from major contracts.

8. RELEVANT CONSIDERATIONS

- 8.1. SLL has now provided their proposed recovery plan for North Hertfordshire Leisure facilities, there are individual plans for the three main facilities, North Herts Leisure Centre (NHLC), Hitchin Swimming Centre (HSC) and Royston Leisure Centre (RLC) that detail a phased recovery of services from mid July subject to Government confirmation and goes through to October 2020.
- 8.2. The plan does not include the opening of the outdoor pools, with limited casual swimming being introduced in phase 2, September 2020;

Phase 1 – Mid July – Restart the highest income generators first and these are the fitness facilities and swimming lessons, which generate 75% of the income. Customer attitude and behaviour will be fundamental to its success.

Phase 2 – September - Introduction of limited casual swimming, dry side courses, dry side block bookings, squash.

Phase 3 - October – Increase workout classes, casual swim / fun sessions, wild camp, soft play, increased café offering, exercise referral.

The above proposed phases will need to be flexible and adaptive and be responsive to Government advice and customer reaction.

8.3. The proposed phased approach is very challenging and will require regular review, and where necessary action taken to safeguard the financial position of operating our leisure facilities.

8.4. Communication and Marketing Plan

Key to the success of these recovery plans is the communication and messages SLL send to their customers, to ensure they have a strong number of returning customers, that are confident to use the facilities, and have exceptional service to come back to.

SLL are currently working with a national sports and leisure marketing company (TA6) to devise re-engagement plan for current customers, and then moving on to retention and ex members.

This is a 6-week plan, specific to SLL and their customers, in line with SLL's vision and values of bringing the community back together.

The plan starts 2-3 weeks prior to opening, leads into the facility opening and customer service plan, and then onto a new member acquisition plan after 6 weeks. SLL need to re-engage with their current customers before getting any new ones. All marketing collateral, online content, and physical content will be bespoke designed for SLL, and specific to the messages they want to get out.

This marketing plan will apply to all SLL and Aspire Leisure facilities.

8.5. Environmental Health and Health & Safety

Officers and SLL are working closely with the Environment Health and Health & Safety teams to ensure they are compliant prior to opening.

Environmental Health Officers will visit the sites to comment and make recommendations on SLL's risk assessments and propose operating procedures to deal with COVID-19.

8.6. LGA Options for councils in supporting leisure providers through COVID-19 Guidance.

This advice note aims to update Councils on the impact the COVID-19 pandemic is having on leisure providers operating services and facilities owned and delivered on behalf of Councils. It includes options as well as examples of how councils are providing practical support to providers and ensuring facilities are in a position to reopen when social distancing measures are relaxed.

For further information download

<https://www.local.gov.uk/options-councils-supporting-leisure-providers-through-covid-19>.

The following are some key relevant extracts from this Guidance:

"This advice note aims to update councils on the impact the COVID-19 pandemic is having on leisure providers operating services and facilities owned and delivered on behalf of councils. It includes options as well as examples of how councils are providing practical support to providers and ensuring facilities are in a position to reopen when social distancing measures are relaxed.

Leisure providers are currently falling between the cracks of most announced support packages. Leisure trusts are most at risk because they are charities, societies or community interest companies (with a public benefit asset lock) and as such do not

distribute profits. Currently leisure providers are exempt from most COVID-19 emergency support funding, because:

- the Procurement Policy Notes 02/20₁ (PPN 02/20) on supplier relief do not account for the income arrangements between councils and providers*
- leisure providers are unable to secure loan finance, either through the government backed scheme or commercially, due to judgement of viability being assessed and judged on historical profitable financial records rather than on future financial projections, tight contractual and operating margins and, for trusts, their reinvestment of surpluses into the community model*
- the majority have a rateable value above £51 000 so are not eligible to receive the retail, hospitality and leisure grants*
- they are not eligible for Sport England's emergency response funds which are targeted at grassroots community organisations and are unable to be used to address financial impact on council service provision*
- trusts are not eligible for the Government's £750 million for frontline charities, as they are not deemed 'small' nor 'delivering frontline services'*
- closure has been required and that some are interpreting this as a 'change of law' event from central government – specifically closing gym and leisure facilities.*

The following actions will support a partnership approach between councils and their providers:

- Adopting the recommendations and approach recommended in PPN 02/20.*
- Supporting the net subsidy position utilising the Open Book approach recommended in the current PPN 02/20 run from service closure on 20 March to the date at which 'full normal service and income levels have been achieved' to ensure fairness and transparency. Leisure providers will be under an obligation to mitigate costs as much as possible.*
- Holding regular review meetings with the operator to monitor and manage the joint response to the crisis.*
- Understanding that organisations have had to furlough most of their staff resource, so reconciliation under the Open Book specific to the contract should be quarterly to minimise resource impact.*
- Understanding that leisure operators including trusts, are not eligible for the vast majority of Government-backed support schemes, nor those of Sport England.*
- Taking steps to understand the potential costs to their council in present and future budgets should their leisure partner be unable to continue.*
- Noting that under 'Change In Law provisions' (where applicable) the council is fully responsible for all the costs of hibernation and supporting the ramp back up to normal working.*
- Agreeing hibernation costs with the operator (where relevant), including security, plant checks etc.*

Councils may also consider:

- funding the operator to pay staff their normal contracted remuneration, while also ensuring that the operator is maximising the value of the Government's job retention scheme³*
- agreeing payments to the operator to ensure that the operator's cash flow position is protected.*

It should be noted that leisure operators are supporting a large number of community resilience plans across the country and this collaborative approach is providing immediate benefits to many councils and their communities, the continuation of this support is encouraged.”

8.7. Communication with Stevenage Borough Council (SBC) and Central Bedfordshire Council (CBC) Leisure Client Teams

SLL’s three largest clients are SBC, CBC and us. Since lockdown there has been regular communication where we have shared our concerns and position statements. In recent months, we introduced fortnightly meetings between the three Councils and the Chief Executive and Operational Director of SLL. The discussions have been open and honest, looking to see a consistent approach in particular around recovery.

Further detail contained within Part 2 report.

8.8. SLL’s Current Contract

The current three leisure contracts terminate on the 31 March 2025. It is unlikely that SLL will be able to continue with the existing financial terms unless their income returns back to previous levels. Once the period of Open Book accounting ceases we need to agree future terms and discussions will need to take place with SLL, SBC and CBC to determine the joint approach we take.

8.9. Depending on the outcome of the review consideration needs to be given to extending the contracts for a further year as requested by SLL, this would help SLL spread out any loans and other costs over a longer period and it may provide the Council with an opportunity to recover some of its costs.

8.10. Any terms agreed with SLL must be on the basis the company accounts have removed all costs associated with profit or management fees.

8.11. We have developed over many years a good partnership approach with SLL and this will need to be embraced if SLL are to survive and NHDC risks are minimised.

9. LEGAL IMPLICATIONS

Modification of Contracts:

9.1. Regulation 43 of The Concession Contracts Regulations 2016 (CCRs) allows the Council to modify contracts during their terms.

1 year extension:

9.2. Regulation 43(5) of the CCRs allows for these Leisure Contracts to be modified where the value of the modification is below-

- (a) the procurement threshold (£4,733.252); and
- (b) 10% of the value of the initial concession contract, provided that the modification does not alter the overall nature of the concession contract.

- 9.3. The Leisure Contracts are for periods of 10 years (Letchworth) and 14 years (Hitchin and Royston), so an extension of 1 year from 1 April 2025 to 31 March 2026 would equate to 10% of the value of the initial concession contracts so this modification is allowed under the CCRs.
- 9.4. Rule 3.11 of the Council's Contract Procurement Rules (CPRs) (Part B, Section 20 dated 16 January 2020) states:-

"These Rules do not apply to Concession Contracts (see Glossary of Terms in section 34). For Concession Contracts equal to or greater than the sum specified in Article 8(1) of the Concessions Directive, please follow the processes set out in the Concession Contracts Regulations 2016. Seek advice from Legal."

10. FINANCIAL IMPLICATIONS

- 10.1. As detailed in a separate report the Council is facing significant financial pressures arising from Covid-19 and needs to consider the affordability of any financial support that it provides to SLL. This needs to be on the basis of the cost of alternative outcomes and overall available resources in the short and medium-term.
- 10.2. Due to the commercially sensitivity financial details are included within Part 2 report.

11. RISK IMPLICATIONS

- 11.1. The facilities will provide a new experience for customers when they re-open. There is a risk that customers may not have confidence to return or have a negative reaction to the changes put in place i.e. social distancing rules, cleaning of equipment, reduced classes). If this is reflected in customer behaviour income targets set out in the recovery plan may not be achieved.
- 11.2. UK Active and Swim England have been key to recovery plans which include Risk Assessments and Work Instructions to ensure facilities are compliant with Environmental Health prior to opening.

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. To continue to support the SLL facilities via the Open Book approach provides support to those potentially vulnerable staff (on low income and zero contracts). Dependent on the new way in which the facilities open, they may provide support to those vulnerable members of the community who have been shielded or isolated during this pandemic period.

13. SOCIAL VALUE IMPLICATIONS

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

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this recommendation of continued support. The Facilities are currently shut and remain so for the moment. The impact on the environment has been reduced in comparison to when it was fully opened. When the facilities re-open or are closed then the environmental implications may require assessment.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. The Council has already set up a trading company for such an eventuality. HR must be consulted at the earliest opportunity if there is any likelihood of a service being contracted in. The Councils TUPE and or Reorganisation polices would apply.

16. APPENDICES

- 16.1. None

17. CONTACT OFFICERS

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- 17.7. Jeanette Thompson Service Director – Legal and Community Monitoring Officer
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18. BACKGROUND PAPERS

- 18.1. LGA Options for councils in supporting leisure providers through COVID-19
<https://www.local.gov.uk/options-councils-supporting-leisure-providers-through-covid-19>
- 18.2. Procurement Policy Notes 02/201
<https://www.gov.uk/government/publications/procurement-policy-note-0220-supplier-relief-due-to-covid-19>

- 18.3. Procurement Policy Notes 04/20
<https://www.gov.uk/government/publications/procurement-policy-note-0420-recovery-and-transition-from-covid-19>
- 18.4. SLL Recovery Plan
- 18.5. SLL Communication Plan
- 18.6. COVID-19 Position statements from neighbouring authorities

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**CABINET
21 JULY 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: FINANCIAL IMPACTS OF COVID-19

REPORT OF THE SERVICE DIRECTOR: RESOURCES

EXECUTIVE MEMBER: FINANCE AND IT

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL / BUILD THRIVING AND RESILIENT COMMUNITIES / 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 This report summarises the forecast financial impact of Covid-19 on the Council and the implications that arise from this.

2. RECOMMENDATIONS

- 2.1. That Cabinet notes the forecast financial impact of Covid-19, but that this could be subject to significant change. The budgets will be formally adjusted as part of the Quarter 1 revenue budget monitor.
- 2.2. That Cabinet approves the delay of the capital spend of £2,809k to 2021/22 onwards, as detailed in table 6.

That Cabinet recommend to Full Council:

- 2.3. That Council notes the forecast impact of Covid-19 in comparison to available reserves, and confirms that these reserves will be used to fund the impact. This means that an emergency budget is not required.
- 2.4. That Council approves that £350k is added to the Capital Programme for the resurfacing of the top deck of the Lairage Car Park, Hitchin
- 2.5. That Council approves an addition to the Investment Strategy that would allow the Council to provide a loan to Hertfordshire Building Control of £65k, if it is required.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure that the financial impacts of Covid-19 are recognised and make the necessary changes to allow the Council to manage its budgets.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The main alternative option is that the Council could look at implementing an emergency budget. This would require the identification of options that are quick to implement and would save the Council money. It is considered that, based on current projections, it is better for the Council to use some reserves to allow time to develop plans for medium-term solutions.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Finance and IT and the Leader of the Council have been provided with regular updates on the forecast financial impacts.
- 5.2. The Council has provided returns to the Ministry for Housing, Communities and Local Government (MHCLG) to highlight the impact. It is hoped that this will contribute to the receipt of additional funding to help reduce the impact. Details supporting these returns have also been provided to the Local Government Association (LGA) to support the lobbying that they are carrying out.

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 8 June 2020.

7. BACKGROUND

- 7.1 On 30th January 2020 the World Health Organisation declared a Public Health Emergency of International Concern for the coronavirus known as Covid 19. During March social distancing measures were introduced along with initial guidance on self-isolation.
- 7.2 On 24th March 2020 the Government issued a countrywide lockdown, closing the majority of businesses; and enforcing strict social distancing measure in an attempt to reduce the rate of infection from Covid 19.

8. RELEVANT CONSIDERATIONS

- 8.1. The financial impact on the Council of Covid-19 can be broken down in to four main areas:
- Additional costs of delivering services
 - Additional costs to support our residents and communities
 - Reductions in income from sales, fees and charges
 - Reductions in funding

- 8.2. The length of impacts of the above could vary significantly. Some will be very short-term impacts that will probably already have ended, unless there is a second spike in infections. Others will depend on how lock-down measures are eased and how people respond to that easing. Some will have much longer impacts as they are affected by ongoing changes in behaviour or are linked to economic recovery. The following paragraphs provide a description of each significant area, the financial forecasts and reasons for uncertainty. Some of the information is considered to be commercially confidential and is therefore covered in a part 2 report.
- 8.3 The Council has received additional funding from Government. It has received two tranches of general non-ringfenced grant that totals £1.372m. Some specific funding to support rough-sleepers has also been provided (£5,200). Whilst the Council has also received other funding (e.g. for Business Grants, Council Tax Hardship and Business Improvement District funding), this has all been money that is to be passed on to others. In the case of the Business Grants and Council Tax Hardship this resulted in a lot of extra work for the Revenues team and the Council should expect to receive New Burdens funding at some stage.
- 8.4 In early July there was an announcement of further Government support in the form of a further £500m for Local Authorities and an income guarantee. At the time of writing this report there was very little information on the details of this support. In relation to the £500m it is expected that this is to meet spending pressures and therefore the vast majority of this will go to upper tier Authorities as they are generally facing much greater spending pressures than lower tier Authorities. The income guarantee is that each Local Authority will need to meet the fund income pressures up to 5% of their income budget for the year. After that Government will fund 75% of the remaining shortfall. It is unclear as to whether there will be any exclusions, although it is expected that commercial income will be excluded. This would not be a significant issue for the Council as of the areas that have seen a significant impact, only trade waste would be considered to be commercial income. There is also uncertainty in relation to how leisure facilities will be treated. If the guarantee only relates to income then that leads to a very different position for in-house services compared to those that are contracted out. The final assumption is that the income guarantee is on top of grants already received (i.e. the grants already received are to cover expenditure pressures). It is likely that the Government will see this as the final support package for Local Government.

Waste Services

- 8.5 Due to the impact of waste collection staff displaying symptoms and needing to self-isolate it was necessary to suspend some services in late March (i.e. garden waste, food waste and bulky waste collections). These services were reinstated in mid-May. The trade waste service continued to operate, but customers were given the opportunity to suspend or reduce their service. Due to the impacts of lock-down and residents spending more time at home, the Council has seen a significant increase in household waste, although volumes are now starting to reduce back down.
- 8.6 As Cabinet approved in June, the decision to extend the garden waste subscription period is expected to cost the Council **£186k**. This is expected to be a one-off impact in 2020/21, but the new renewal date in October might have an ongoing impact on the number of sign-ups to the service.

- 8.7 As Cabinet approved in June, the decision to confirm that trade waste customers could suspend or reduce their level of service immediately in response to Covid-19 (rather than in accordance with contract terms) is expected to cost the Council **£43k**.
- 8.8 The Council provided some additional funding to the waste contractor to support the reintroduction of services in May, and also to support the increased volumes. To date **£27k** has been allocated. There may be a need for some additional funding until waste volumes drop.
- 8.9 The Council's recycled materials processing contractor is incurring additional costs that will need to be funded. The first of these relates to slowing down the materials processing to enable their employees to be socially distanced. This has required the contractor to start operating on Sundays and therefore incur the associated additional costs. The Contractor is putting measures in place (e.g. plastic screens) to enable the processing to revert back to running at normal speed. The contractor would also usually open up any bagged waste to separate out any recyclable materials, but are currently having to treat this as residual waste. This might have to continue. Residual waste comes with a significant disposal cost compared with a small net income for recyclable materials. The total impact of the above is forecast to be around **£25k**, but could increase.
- 8.10 The total income that the Council receives for recyclable materials is based on general market indicator prices and the price that can be obtained by the contractor, as well as material volumes. General market values were already declining, but this seems to have been exacerbated by the Covid-19 economic impacts. The Council is also seeing increases in co-mingled volumes and decreases in paper volumes. On the assumption that income/ costs and volumes return more towards normal the estimated impact this year is around **£300k**. If income/ costs and volumes stay more in line with current levels then the impact could be more like £550k. It is possible that some of this impact could continue on an ongoing basis.

Parking

- 8.11 During April, May and June the Council has seen the following levels of parking income compared to budget:

Table 1

% reduction in income	April	May	June	Overall (April-June)
Pay as you use ticket income	95	92	74	87
Season Ticket renewals	100	88	17	69
Resident permit renewals	41	32	10	28
Penalty Charge Notices (PCNs)	75	93	64	77

- 8.12 During this period parking charges still applied, although permits were (and still are) provided free of charge for key workers. Restrictions being lifted on non-essential retailers in June should result in additional use of car parks. To protect staff and support those in lock-down, during April and May, PCNs were only being issued in relation to unsafe parking and blue badge bay infringements. During early June reminders were put on vehicles that they should be paying for parking, and PCNs were issued as normal from 22nd June.

- 8.13 The following percentage reductions have been used to forecast income for the rest of the financial year. This is based on a gradual increase in usage, getting back to normal levels by the end of the year. It is possible however that habits will change and that parking income will never get back to pre-lockdown levels, or that it will take a much longer period to recover. At the time of writing this report, there was very limited information to base forecasts on and therefore this will be kept under regular review. An update on the final June position will be provided at the meeting.

Table 2

Estimated reduction month	% by	April , May and June (actual)	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Pay as you use ticket income		87	50	45	40	35	30	25	20	15	10
Season Ticket renewals		69	20	20	20	20	10	10	10	10	10
Resident permit renewals		28	5	5	5	0	0	0	0	0	0
Penalty Charge Notices (PCNs)		77	50	45	40	35	30	25	20	15	10
Financial Impact (£000)		607	147	128	115	98	85	72	59	43	19

- 8.14 The total impact above is therefore currently estimated at **£1.37m**. This does not include any provision for free parking initiatives, either general or focused. These would have to be assessed on a case-by-case basis to balance the impact on Council finances with the wider economic impact. Due to the percentage of Business Rates income that the Council retains and the reliefs that are currently in place it is very difficult to make a case that free parking initiatives could be funded from Business Rate gains (or avoided losses).
- 8.15 See part 2 report.

Planning

- 8.16 Planning fee income in April was £11k less than budget. Income in May was looking like it would be significantly under budget (by up to £50k) but some large applications meant that it was only £5k under. June income is forecasted to be in line with budget, but again this is due to some large applications. It is not expected that the receipt of large applications will continue and the underlying picture is one of reduced income. The budgeted income was also based on progressing the Local Plan which has now been further delayed by Covid-19. It is forecast that July will be £48k under budget and then gradually improving until the end of the year. This would give an August loss of around £42k, September £36k, October £30k, November £24k, December £18k, January £12k, February £6k and March onwards as normal. That would equate to a total impact of **£232k**.

Other lost income

8.17 The table below summarises other areas where there has been a reduction in income in April and May, and forecasts of lost income in the rest of the year:

Table 3

Income source	Reduced income (April and May) £000	Total forecast reduction for 20/21 £000	Description
Court Summons income	40	120	Courts due to reopen in June. Assumption is that the Council will continue to give residents some extra time to pay. So will return to budgeted levels from around October 2020.
Land Charges	15	60	Linked to property market. Assumed gradual recovery during year, with income back to budget by March 2021.
Hitchin Town Hall	34	154	Annual budget is £200k, with most income coming from large events that can not operate with social distancing.
District Museum	8	36	Net income from museum shop sales, education services and events.
Treasury investments	N/a	100	A total is not included for April and May due to fluctuations in interest rates and cash balances. The forecast for the year is that the income received will be £100k less than budget due to the reduced forecast cash balances and the very low interest rates currently available.

Homelessness

8.18 Total costs incurred up to the end of June were £69k. This was to provide hotel accommodation to those who were sleeping rough or in hostels. This cost is net of estimated levels of housing benefit subsidy. It is estimated that there will be a need to continue to provide hotel accommodation until December. The estimated total cost (net of housing benefit) is around **£200k**.

Community Grants

8.19 The Council has developed a protocol for providing funding to community groups that are helping to mitigate the impact of Covid-19 on residents. The funding for this is coming from the Special Reserve. The overall focus is on provision of food and essentials, mental health support and domestic abuse support. There are two main tranches to the funding.

- The first is grant funding for known providers through a Memorandum of Grant Funding. The bodies will be identified and approached by NHDC and asked to express an interest. It is the aim to predominately support and prioritise those groups that have broad coverage and effective infrastructure to provide this support (i.e. helping a range of people across the District) for the next 3-6 months.

- The second is smaller grants via a District Panel recommendation. These will generally be groups that are focused on a particular group (or groups) of people or covering a specific geographical area. They could also be District wide groups.

8..20 The first District Panel to consider the second tranche was held on 17th June. The panel received applications totalling £59k, although one application totalling £18k (part of the £59k) will now be considered as part of the tranche one process. Four further applications were received for consideration at a Panel meeting on 9th July.

8.21 The Community Engagement team are contacting and working with providers in relation to the tranche one funding stream.

8.22 Overall it is estimated that the total funding to be awarded will be up to **£150k**.

Public Toilets

8.23 The increased cleaning regime required to reopen public toilets could cost up to £1,500 per week. It may be difficult to determine an appropriate time for that cleaning to be reduced back to normal levels so it could be in place for the rest of the financial year. That could therefore equate to a cost of up to **£60k**.

Other areas of additional spend

8.24 The table below summarises other areas where there has been additional spend in April and May, and forecasts of additional spend in the rest of the year:

Table 4

Income source	Additional Spend (April and May) £000	Total forecast additional for 20/21 £000	Description
Public Health Burials	2	4	A small number have been required and assumed that will not be any more after the end of July.
IT costs	19	28	Staff and other costs to enable home-working and virtual meetings
Advertising	2	2	Newspaper adverts to let residents know what was happening to Council services
Personal Protective Equipment and property related costs	2	6	Includes costs to encourage social distancing in our car parks
Careline overtime	2	5	Overtime to cover Careline Operator shifts, as cannot train a new starter whilst social distancing is in place.

Funding Implications

- 8.25 The Council receives most of its funding from Council Tax (budget £11.8m) and Business Rates (budget £2.7m). In the short-term the main impact on Council Tax income will be eligibility for the Council Tax Reduction Scheme (CTRS), which reduces the amount that households are liable to pay. For 2020/21 the Council was expecting that there would be around 4,350 eligible for working age CTRS. Based on what has happened to date, it is now expected that this could be around 5,100, although this could escalate even further if more businesses fail as a result of the pandemic. An increased CTRS eligibility reduces the Council Tax Base, which is expressed as a number of Band D equivalents. The reduction in the Tax Base will be less than the increase in the CTRS numbers as there will still be a requirement to pay a proportion of the Council Tax. The Tax Base also assumes some growth in properties during the year due to new properties being built or uninhabitable properties being brought back in to use. The budget was set based on a Tax Base of 49,980 Band D properties. The current Tax Base is estimated at 49,222, although this will change during the year with changes to CTRS eligibility (may reduce it further) and changes to overall property numbers (will probably increase it with some new properties). The estimated financial impact of the current difference in Tax Base would be just under **£200k**. On top of this there will also be households that are unable to pay their Council Tax bill. This could just be a cashflow impact if the amounts are received at a later date, but there could also be amounts that are never received. However, for the year so far (to the end of June) the amounts of due Council Tax (i.e. adjusted for CTRS) that have been received are broadly in line with expectations (28.7% versus 29.3% in June 2019). As Council Tax is administered through a Collection Fund, the Council will receive funding this year in line with budget, but any deficit will need to be funded as part of next years budget. Unless there is a quick economic recovery, CTRS is also likely to have an impact next year and in the longer-term through a reduction in the Tax Base. This means that the level of Council Tax for 2021/2022 will have to increase just to raise the same amount of revenue.
- 8.26 The Council assumes net growth of 1% per year in the Council Tax base. This based on housing growth and a stable CTRS eligibility. The actual assumption is that growth will be a bit higher than 1% but that some of this is needed to fund the additional costs associated with a new house (e.g. waste collection). Experience over the last two years was that growth was just about 1%, but the expectation was that this could pick up with an adopted Local Plan. Further delays to the Local Plan hearings and a general economic downturn mean that housing growth is likely to be suppressed. Therefore in the Medium Term Financial Strategy, there will be a need to revise these forecasts.
- 8.27 The Council is prudent in forecasting Business Rate income, in that it only assumes income that is in line with the Baseline set by Government. This baseline is set based on the assessed amount that the Council 'needs' to run its services, alongside an assumed level of Council Tax income. In previous years the Council has generally retained more income than the baseline level, particularly when it has been part of a Business Rate Pool or Pilot. Due to the various Business Rate reliefs provided by Government, a large number of businesses are not required to pay rates this year and instead the Council receives the amount that they would have paid as a grant from Government. In general this reduces the risk of non-payment. However if the businesses do close down then they cease to be eligible for rate relief and this creates a funding risk. The largest hereditaments in North Hertfordshire are generally supermarkets, so are not high risk in relation to the economic impacts of the pandemic. The Council is currently part of a Business Rate pool which means any impact is affected by the forecasts of all members

of the pool. However the pool (like if the Council was acting individually) does have a safety net, where reductions in funding that are more than 7.5% below baseline are covered by Government. Using the Council acting individually as a proxy, this would mean that the maximum budgeted impact would be around £200k. Current expectations are that the actual impact would be a lot less than this. Whilst unbudgeted, the Council had expected to gain up to £400k from being part of the Business Rates Pool. This is unlikely to now happen.

Overall Summary and comparison with reserves

- 8.28 The table below provides a summary of the information above including where there is variability in the current estimates. However note that there could be significant variability in all the totals, due to the high level of uncertainty and are just best estimates. This also details whether the amount is thought to be covered by the income guarantee referenced in paragraph 8.4.

Table- see part 2 report

- 8.29 The current estimate is that the Council will face expenditure and income pressures of £4.7m - £5.2m. Against this the Council has received grant funding of just under £1.4m. It is also estimated that around £3.3m - £3.5m will be eligible to be covered by the income guarantee. As detailed below this still leaves a significant impact that the Council will need to fund. The Council therefore has three options for dealing with the current situation; setting an emergency budget to reduce expenditure, using reserves, or a combination of the two. The extent to which reserves can be used depends on how the forecast impact compares with the level of reserves available, including making provision for the medium term.
- 8.30 The Council had planned to use its General Fund reserves to smooth the impact of expected future reductions in Government funding, and so therefore had purposely built them up. Whilst the Special Reserve has some commitments against it, it has no other specific purpose so could also be used. There is a need to maintain a minimum General Fund balance, and this should be at a level set by the Chief Finance Officer. This was last reviewed for the 2020/21 budget set in February. In the absence of detailed analysis it is proposed that this is increased by £1m to reflect the additional uncertainty at the current time.
- 8.31 Without detailed guidance, it is only possible to estimate the extent to which the income guarantee will cover losses. The Council has to fund the first tranche of losses up to 5% of the income budget. It is assumed that this will be based on the total budget for income, excluding grants and contributions. 5% of this would be around £570k. Government would then fund 75% of the remainder which would be around £2m of additional funding (i.e. £3.3m total losses less the Council needing to cover the first £570k leaves a balance of around £2.7m, of which Government provide funding of 75%).

8.32 The table below summarises the forecast position:

Table 6

	Amount £000
General Fund Reserve (at 31 st March 2020)	9,378
Special Reserve (at 31 st March 2020)	1,175
Less: Commitments against the Special Reserve	-350
Add: Grant funding received	1,372
Gross Funding Available	11,575
Less: Minimum General Fund balance (as set at 2020/21 budget)	-2,450
Less: additional minimum General Fund balance	-1,000
Net Funding available	8,125
Less: Estimates of spend and income pressures detailed in paragraphs 8.4 to 8.21	-4,708
Add: Estimated income guarantee	2,000
Remaining Reserve balance (above minimum level)	5,417

8.33 The table above shows that there would still be reserve balances available for any increases in the estimates above and to provide a reasonable level of medium-term resilience. Therefore at this stage it is recommended that the Council should plan to use available reserves, and does not need to set an emergency budget.

Capital Programme

8.34 The capital programme was set in February. There has been some new capital spend related to Covid-19. There has also been some new spend identified that is not directly related to Covid-19. The majority of these new schemes have been approved by the Executive Member for Finance and IT in accordance with the financial regulations as each scheme has been under £100k.

8.35 The table below summarises the capital programme as it currently stands and makes recommendations about existing and new capital spend:

Table 7

	£000	
Capital Programme set in February	9,357	Approved by Full Council
Add: Schemes slipped from 2019/20 at Quarter 3	3,831	Already approved by Cabinet
Add: Schemes slipped from 2019/20 at end of the year	247	Already approved by Cabinet
Add: New Spend already approved		
<ul style="list-style-type: none"> • Access Road Burymead Road, Hitchin • Laptops to enable improved remote meetings 	84 65	Approved by Executive Member: Finance and IT
Proposal to add: Resurfacing of the top deck of the Lairage Car Park, Hitchin	350	Requires approval by Full Council
Proposed changes to timing (delayed to 2021/22 onwards):		
<ul style="list-style-type: none"> • John Barker Place- delayed until 2022/23 in line with scheme timetable 	(1,096)	Delays to be approved by Cabinet as part of in-year monitoring

<ul style="list-style-type: none"> • Spend linked to the adoption of the Local Plan delayed until 2021/22 (Cycle Strategy Implementation and Transport Plans implementation) (528) • Capital spend in relation to car park charging (off-street and on-street) delayed until 2021/22. Revenue spend investigating options will still be incurred. (285) • Museum Storage- revised plan is to get the building deigned and works tendered, so assume a maximum spend of £100k. So £900k deferred to 2021/22. (900) 	
Revised Capital Spend for 2020/21	11,125

8.36 The reason that the top deck of the Lairage Car Park needs resurfacing relates to water ingress. Currently there is water ingress which is permeating through the surfacing and affecting two parking bays. To prevent cars being damaged the affected bays have been sectioned off. It is expected that this ingress could get worse over time, and could affect more parking spaces.

8.37 The available capital reserves at the start of the year were £7.454m. Included within the remaining capital spend is £4m in relation to investments in line with the Property Acquisition and Development Strategy. The intention was that the Council would need to borrow to fund this spend, and that the borrowing costs of this would be covered by the returns generated. So, even if the Council does not generate any further capital receipts this year, there are still sufficient funds to cover the remainder of the programme.

Investment Strategy

8.38 On the 9th April, the Chief Executive made an urgent decision in relation to the Investment Strategy. This meant that the limit on amounts held in the Council's current account was temporarily removed. The limit has now been reinstated and the Council will keep balances in the current account below £5m.

8.39 The Investment Strategy details how the Council will invest its cash, which includes loans for service purposes. Within the agreement for setting up the Building Control company, there was a provision for each of the partner Authorities to provide up to two loans to the company. The first of these loans was for £107k and was provided when the company was set up. The second loan is for up to £65k. When the Investment Strategy was written in February it was not expected that the Building Control company would need a further loan. Due to the impact of Covid-19 it is possible that the loan will be needed, so Council are asked to approve a change to the Investment Strategy to include this provision. The loan will only be provided if the company can demonstrate that it is sustainable in the medium-term.

9. LEGAL IMPLICATIONS

9.1. *Council approves and adopts the budget (constitution 4.4.1 b) following a recommendation from Cabinet (constitution 5.6.39). This includes the revenue and capital budgets. Cabinet monitor revenue and capital budgets and approve changes within the overall budgetary framework (constitution 5.6.7 and 5.6.8). Given the scale of the impacts contained within this report it is considered that the changes are outside the budgetary control framework. So whilst an emergency budget is not proposed (which would always require Council approval), it is still considered necessary to refer the*

decision on using reserves to Council. The addition of the scheme to the capital programme also requires Council approval.

10. FINANCIAL IMPLICATIONS

- 10.1. These are generally covered in the body of the report. It is expected that there will be some further financial support from Government, although the details of this are currently unknown. This would provide further support in the short-term and may also provide some longer-term support.

11. RISK IMPLICATIONS

- 11.1. Table 5 includes an assessment of risk, in that it determines how much headroom there is the Council's reserves compared with forecast impacts. The majority of the amounts referenced are forecasts only and will depend on how quickly things recover back towards normal, especially in relation to leisure and parking.
- 11.2. If it transpires that the impact is significantly underestimated then it may be necessary to revisit the decision to not put an emergency budget in place. The key budget areas are being kept under regular review.

12. EQUALITIES IMPLICATIONS

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

13. SOCIAL VALUE IMPLICATIONS

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

14. ENVIRONMENTAL IMPLICATIONS

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

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. The Council will continue to manage its staffing costs. Although there are no plans for any organisation wide restructure changes, some savings maybe possible from ongoing restructure efficiencies.

16. APPENDICES

- 16.1 *None*

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18. BACKGROUND PAPERS

- 18.1 Investment Strategy 2020/21

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