

NORTH HERTFORDSHIRE DISTRICT COUNCIL



25 September 2020

Our Ref Baldock and District Committee –
5.10.2020
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To: Members of the Committee: Councillor Michael Weeks (Chair), Councillor Jim McNally (Vice-Chair), Councillor Steve Jarvis, Councillor Michael Muir, Councillor Valentine Shanley and Councillor Tom Tyson

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE BALDOCK AND DISTRICT COMMITTEE**

to be held as

A VIRTUAL MEETING

On

MONDAY, 5TH OCTOBER, 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 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. AFFINITY WATER & ENVIRONMENT AGENCY To receive an update from Affinity Water and the Environment Agency regarding Ivel Springs.	
6. ANNUAL UPDATE ON S106 OBLIGATIONS FOR THE BALDOCK AND DISTRICT COMMITTEE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER To provide Members of the Baldock and District Committee with the annual update on the details of progress made on all Section 106 Obligations within the Baldock and District Committee area during the financial year 2019/20.	(Pages 5 - 18)

7. **GRANTS AND COMMUNITY UPDATE** (Pages
REPORT OF THE POLICY AND COMMUNITY ENGAGEMENT MANAGER 19 - 28)

To update the Committee on the activities and actions of the Communities Officer, to advise on the current expenditure and balances of the delegated budgets and to consider applications for grant funding.

8. **WARD MATTERS AND OUTSIDE ORGANISATIONS - MEMBERS' REPORTS**

To receive any verbal reports from Members regarding Ward matters and Outside Organisations.

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**BALDOCK AND DISTRICT COMMITTEE
5 OCTOBER 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: ANNUAL UPDATE ON S106 OBLIGATIONS FOR THE BALDOCK AND DISTRICT COMMITTEE

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

EXECUTIVE MEMBER: PLANNING AND TRANSPORT

COUNCIL PRIORITY: ATTRACTIVE AND THRIVING

1. EXECUTIVE SUMMARY

- 1.1 This report provides Members of the Baldock and District Committee with the annual update on the details of progress made on all Section 106 Obligations within the Baldock and District Committee area during the financial year 2019/20.
- 1.2 The format of the information presented reflects the diminishing role of discretionary Section 106 funds, that unilateral undertakings are very rarely received and changing restrictions around the collection and distribution of funds. The information provided in the associated tables reflects this. Tables 1 and 1a set out the details of all new Section 106 Obligations entered into between developers and the Council during the financial year 2019/20 within the Baldock and District Committee area. Table 2 sets out details of all payments received from developers relating to developments and earlier agreements and identifies which projects the money has been received for, again a record of the financial year 2019/20. Table 3 sets out details of remaining funds that have yet to be allocated for the Baldock and District Committee area (see appendix 1).
- 1.3 The report also sets out the current position with respect to changing legislation, how future planning policy may reflect this and outlines progress of a revised strategy to seek wider community and ward Member involvement in identifying relevant projects at the earliest possible stage in the planning process.

2. RECOMMENDATIONS

- 2.1 That Members note the content of this report.
- 2.2 That Members agree that a report shall continue to be presented on an annual basis to the Area Committee, which sets out full records of all Section 106 activity for the preceding financial year and which reflects changes in legislation and practice.

- 2.3 That, other than where a contribution has been negotiated for a specific purpose or project, Ward Members of the area where the Section 106 Obligation or Unilateral Undertaking funding is generated and the Area Committee be consulted prior to funding being allocated away from that area. Members must note that the discretionary funds are rapidly diminishing and will not be replaced under current legislation and practice, for reasons that are set out in this report.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that there is a robust system for negotiating and managing Section 106 Obligations and Unilateral Undertakings, that records activity for each financial year and is placed in the public domain.
- 3.2 To ensure that the process is kept under constant review and Member scrutiny and that the risk associated with this activity is managed in an appropriate manner.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 It is not considered that an alternative viable option is available at this time for the Council to manage and maintain records of Section 106 agreements and Unilateral Undertakings.
- 4.2 Starting in December 2020 the Ministry for Housing Communities and Local Government will require each local authority in England to provide annual Infrastructure Funding Statements (IFS). Such statements will require a full annual audit of all S106 activity throughout the District and the information to be provided will be very similar to that which is presented to each Area Committee but will of course cover the whole District and cannot be differentiated into Area Committee records. Following the preparation and publication of the first IFS in December 2020 it will in my view be necessary to review how this information is reported to future Area Committees.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 This report is being presented to each Area Committee so that all Ward Members are fully aware of the progress and updated in relation this matter. No external organisations have been consulted.

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1 The Council introduced a Planning Obligations supplementary planning document (SPD) in 2006 giving a formula for developers to calculate what their Section 106 costs might be. Its introduction has led to the majority of sites within the District since 2006 contributing towards the cost of infrastructure.

Unilateral undertakings are a particular type of obligation under Section 106 that are only signed by the developer, instead of bilaterally by both the Council, and the developer.

- 7.2 The main objective of the SPD was to ensure that the additional demands upon infrastructure, services and facilities from new development are provided for and are put in place at the right time to contribute to the Council's priorities and capital programme.
- 7.3 The Community Infrastructure levy (CIL) regulations came into force in April 2010. It is unlikely that the Council will adopt a Community Infrastructure Charging Schedule for the foreseeable future and certainly not for strategic sites and sites which have specific local infrastructure demands. A decision whether to adopt a CIL charging schedule will also depend on regulations at that time, bearing in mind that the government has revised CIL regulations every year since their inception in 2010 giving no consistency to how a local planning authority can plan its implementation.
- 7.4 The implementation of the changes to the Community Infrastructure Levy Regulations introduced in April 2015 with regard to the pooling limits has meant that the 'tariff' system used to calculate contributions as set out in the SPD is now principally used only as a negotiating tool associated with a specific infrastructure project, otherwise it has little or no relevance. The pooling restriction was however lifted on 1 September 2019.
- 7.5 It has been agreed previously that annual reports on the status of the agreements be presented to the Area Committees so that Members are fully aware of the infrastructure projects the contributions are used towards in their particular area.

8. RELEVANT CONSIDERATIONS

8.1 Current legislation

- 8.1.1 The Community Infrastructure Levy (CIL) regulations set out three statutory tests which must be satisfied in order for planning obligations to be required. These tests are also set out within The National Planning Policy Framework (NPPF) which came into force on 28 March 2012 and repeated in the latest version of the NPPF (February 2019). The three statutory which all S106 Obligations must comply with are as follows:

- **Necessary to make the proposed development acceptable in planning terms;**
- **Directly related to the proposed development; and**
- **Fair and reasonably related in scale and kind to the proposed development**

8.1.2 The pooling limit introduced in April 2015 applied to any obligation which was completed after 6 April 2010. From 6 April 2015, in the determination of a planning application after this date the local planning authority was not allowed to request S106 funding for an 'infrastructure project' or 'types of infrastructure' if more than 5 obligations since 6 April 2010 have already been committed to that project.

A 'type of infrastructure' relates to the categories set out in the Council's SPD and is as follows:-

- community centre/halls;
- leisure facilities;
- play space;
- pitch sport;
- informal open space;
- sustainable transport; and
- waste collection facilities and recycling.

There is also provision for contributions towards public realm from non-residential development.

8.1.3 The Housing White Paper (February 2017) indicated that CIL was to be reviewed in Autumn 2017 in preparation for the Budget which was to include reform of S106 Obligations. This review was completed in September 2018 and one of its key recommendations was to abolish the 'pooling' restriction as it has the effect of preventing local planning authorities from considering the cumulative effect of developments on key services and infrastructure. The government had indicated that it would introduce legislation to remove the pooling restrictions which would represent a positive reform by providing more scope for Section 106 Obligations but also less incentive to adopt a CIL tariff as a result. The limitation was finally lifted by revisions to relevant regulations on 1 September 2019. The implication for this loosening of restrictions are being considered by officers and will be reflected in the forthcoming new Supplementary Planning Document relating to Planning Obligations. The draft document was presented to Cabinet in January 2020 and following a consultation exercise the final version was presented to Cabinet in July 2020. Cabinet endorsed the new Planning Obligations SPD but due to the postponement of the 2011-2031 Local Plan, the new SPD cannot be adopted until the new Local Plan is adopted, so any resolution to adopt the SPD will need to await the completion of the new Local Plan.

8.1.4 The recent publication of the White Paper 'Planning for the Future' may have implications for the future of S106 Obligations and locally applied CILs. The White Paper suggests that the government intends to abolish S106 Obligations insofar as they relate to financial contributions towards services and remove locally based CIL tariffs to be replaced by centrally set CIL rates that would apply across England, removing any local weighting or discretion over CIL levies.

8.2. Implications for the collecting of infrastructure contributions

8.2.1 The pooling restrictions related to the determination of planning applications after 6 April 2015 but it did not prevent:-

- i) the pooling of the contributions from more than 5 obligations which have been completed since 6 April 2010. This means that already collected S106 money from obligations after 6 April 2010 can still be pooled more than 5 times and spent after 6 April 2015. I would also confirm that this does not affect any funds that remain from prior to 2010 which to date have either not been allocated to a specific project or the implementation and spend is beyond 2015.
- ii) payments being collected after 6th April 2015 provided the obligations were before this date and they can be allocated as at present.

8.2.2 I can confirm that since 6 April 2010 more than 5 obligations have already been agreed breaching the pooling limit on each of the categories in the SPD and from April 2015 no further obligations have been agreed using the 'tariff system' within the SPD.

8.2.3 As the agreement to contributions now relate to specific infrastructure projects it is necessary for the Local Planning Authority to be a party to any agreement so the present and future use of Unilateral Undertakings will be limited and only used in exceptional circumstances.

8.2.4 Negotiations to seek contributions in accordance with the legislation and in particular the tests continue but, as reported in previous years, there have been more challenges by developers citing amongst other matters the viability of a scheme and the specific need for the contributions.

8.2.5 Over the last few years, since the changes to the regulations Officers have progressed a limited number of agreements for major developments with the emphasis being the justification in order that the authority are not open to challenge. The agreed heads of terms for any application are set out in reports to the Planning Control Committee or delegated file notes associated with each planning application.

8.2.6 Some Members may recall that in 2017 I advised at the Area Committee meeting that the government had updated and modified the Planning Practice Guidance as of the 28th November 2014 and it stated that no contributions should be sought from developments of 10 or less units and in certain designated rural areas the Council may apply a lower threshold of 5 units or less where no affordable housing or tariffs should be sought. This restriction remains in place. This means that in the vast majority of circumstances as well as the statutory restrictions outlined above the Council can only seek financial contributions from developments of more than 10 dwellings.

8.3 Use of existing funds

- 8.3.1 The three tests set out in paragraph 8.1.1 equally apply when allocating the monies received for the defined purpose. The applicant who has entered into a Section 106 Obligation or a unilateral undertaking has a right to seek a refund if these monies are not used for the appropriate purposes identified in either the specific agreement or the adopted SPD. Moreover, most Section 106 Obligations contain a 10 year pay back clause which the Council must meet if it has been unable to spend / allocate the funds to the identified project.
- 8.3.2 The important issue in this respect is that the spending of the contributions must be to **mitigate the effect of the development** i.e. that is the only reason for seeking contributions in the first instance.
- 8.3.3 An example of this would be an increased use and pressure on any play space within the vicinity of the site which may require additional equipment. There is no restriction for drawing down contributions from both Section 106 and UUs for a specific project subject to the recent changes in legislation.
- 8.3.4 To summarise the overall strategy for the spending of this money is principally by way of the Council's adopted capital projects and strategies e.g. the Greenspace Management Strategy which provides the background and justification for projects.
- 8.3.5 For infrastructure projects in Hitchin, outside of the control of this Council, where a commitment is shown and there is a justifiable need to improve the infrastructure, a project plan is required together with an order or receipt, before the contributions would be payable. Finally, other projects have been identified and come forward through local Councillors or the Community Development Officers.

8.4 SECTION 106 ACTIVITY FOR ROYSTON AND DISTRICT 2019/20

- 8.4.1 **Table 1:** All new Section 106 Obligations entered into for the Baldock and District Committee are during the financial year 2019/20 and up to now:

Area	Planning ref	Site Address and development	Date of Agreement
Ashwell	16/01797/FP	Land Rear Of 4-14 Claybush Road Ashwell SG7 5RA 30 dwellings together with associated access, parking, amenity and open space. (Site layout amended by amended plans received 29/01/17 , 23/03/17 and 22/08/17). (Please note plans received on 23/03/17 are only a minor site layout alteration).	15.08.19

Baldock	19/00970/FP	74 Icknield Way Baldock Hertfordshire SG7 5AN	17.09.19
Erection of 52 Senior Living Apartment (Use Class C2) together with communal space, car park, bin stores and landscaping and the relocation of a substation following demolition of existing buildings as amended by plans received on 5 & 16 September 2019).			

8.4.2 **Table 1a:** Agreed Section 106 provisions within the Obligations referenced in table 1 (NHDC services only).

Area	Planning Ref	Date of Agreement	Amount	Details
Ashwell	16/01797/FP	15.08.19	£8,000(index linked)	Integrated transport project to improve pedestrian links from the site to bus stop improvements
Ashwell	16/01797/FP	15.08.19	£75,000(index linked)	Replacement or refurbishment to Ashwell Pavillion
Baldock	19/00970/FP	17.09.19	£230,310(index linked)	Off site affordable housing contribution
Baldock	19/00970/FP	17.09.19	£16,000(index linked)	Off site bus stop improvement scheme
Baldock	19/00970/FP	17.09.19	£1,352(index linked)	On site waste collection and recycling

8.4.3 **Table 2:** Payments received during financial year 2019/20 in relation to NHDC services following earlier Section 106 Obligations. **There is no table here as no payments have been received from earlier S106 Obligations in the Baldock and District Committee area during the financial year 2019/20.**

8.4.4 **Table 3:** Current held funds for Baldock and District Committee area that remain to be allocated - **see appendix 1.**

Baldock:

Community Safety Project: £650,84

Play Space: £29,147.28

Leisure Centres: £34,106

Health Care (expansion to Baldock Surgery): £31.044

8.4.5 From the tables set out in appendix 1 and for ease of reference I set out below a list of the remaining discretionary funds which have not been allocated under each category for the Baldock and District Committee area:

8.4.6 As can be seen from these tables, as a result of CIL regulation restrictions, the number of new S106 Obligations entered into in the last financial year is very low. Also the discretionary pot and available funds where some discretion is allowed as to which projects can be funded is diminishing and will not be replaced without a significant loosening of the CIL regulations. As a result of these realities and without an adopted CIL tariff the Council must look at other strategies to maximise the return of S106 funding for the benefit of our communities.

8.4.7 NEXT STEPS

8.4.8 To maximise future returns from S106 Obligations focus must turn to identifying relevant projects before the grant of planning permission and it is this area where work is on-going to improve the level of Member and community involvement

8.4.9 Officers are working with relevant Executive Members to establish a more effective ward councillor consultation process for each qualifying planning application in their areas. A balance will need to be struck between enabling Councillors to remain neutral on the outcome of the planning application (importantly not fettering their discretion if they sit on the Planning Control Committee) whilst at the same time assisting officers in identifying local projects which may benefit from S106 funds.

8.4.10 For Parished areas and areas with Town Council representation this new process will also involve greater involvement with the Parish and Town Councils, again striking a balance between allowing Parish and Town Council's to express their opinion on the merits of an planning application proposal but also seeking their input both as identifiers of potential projects and the deliverers of those projects in many instances.

8.4.11 For the remaining but ever diminishing discretionary funds Community Development Officers will continue to work with the Development and Conservation Manager and S106 Monitoring and Compliance Officer to distribute these funds to relevant organisations who are able to deliver key infrastructure for the benefit of the wider community.

9. LEGAL IMPLICATIONS

9.1 The Council requires Section 106 Agreements and Unilateral Undertakings where appropriate under the Town and Country Planning Acts where development involves matters which cannot be controlled by planning conditions. There are strict rules which govern the negotiation and implementation of matters covered by Section 106 Agreements and in essence these need to relate to the development proposed both in scale and kind. The Section 106 SPD has been formulated with those principles in mind and the implementation of the SPD is being undertaken in a satisfactory manner.

10. FINANCIAL IMPLICATIONS

- 10.1 Interest accruing on S106 receipts is pooled corporately and included in the total income arising from investments. This is the case with all of the Council's 'reserves' and investment interest is then used to contribute towards General Fund revenue expenditure. Risk arising from interest rate fluctuations is considered in the Corporate Business Planning process and is a consideration when setting the level of balances. There may be occasions where the S106 agreement requires a refund with interest in the event that prescribed works are not acted upon.
- 10.2 The financial implications of a planning permission may be agreed but if the planning permission is not implemented the monies will not be received.
- 10.3 When negotiating monies for capital schemes there may be a delay in implementing those schemes which may result in a change of cost.

11. RISK IMPLICATIONS

- 11.1 The work associated with the implementation of the requirements of the Community Infrastructure Levy Regulations and the Section 106 SPD is currently contained within the existing work plans and resources. A review of the document has been incorporated within the work programme for the Local Plan following the resolution of Cabinet in July 2103 not to pursue a Community Infrastructure Levy for this Council for the time being.

12 EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its 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.
- 12.3 There are not considered to be any direct equality issues arising from this report.

13. SOCIAL VALUE IMPLICATIONS

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

14. **ENVIRONMENTAL IMPLICATIONS**

14.1 There are no known Environmental Implications associated with this report.

15. **HUMAN RESOURCE IMPLICATIONS**

15.1 There are no new human resource implications arising from the contents of this report as the monitoring of Section 106 and Unilateral Undertakings is currently undertaken using existing staff resources.

16. **APPENDICES**

16.1 **Appendix 1** – Current Held Funds Baldock

17. **CONTACT OFFICERS**

Report Author

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Contributors

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17.3 Dean Fury, Community Support Accountant
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18. **BACKGROUND PAPERS**

18.1 Section 106 Supplementary Planning Document adopted November 2006 and monitoring report.

Town: Baldock

Obligation Type: Community Safety, Play Space, Leisure, Healthcare

TOWN/ AREA	NHDC/ HCC/ Parish recipient of funds	Details of Related Application - inc ref. No. proposal/address	Date of Agreement	Agreement Type	Benefits Secured	Repayment Date (if part or whole of sum not spent)	Amount Received	Amount allocated to project	Sum/Date Paid Out (Year End)	Balance remaining: to be allocated/Spe nt	Status
Obligation Type		Community Safety									
Baldock	NHDC	06/00335/1 - Erection of linked 2 and 3 storey block comprising 17 two bedroom and 1 one bedroom flats, 26 surface parking spaces, new 'T' junction access onto Weston Way, amenity area and ancillary works following demolition of existing dwellings as a variation of planning permission ref 05/00013/1 granted 21 July 2005. Site:191 & 193, Weston Way, Baldock, SG7 Applicant: Daniels Bros (Shefford) Ltd	31/05/2006	S106	Community Safety Measures Spent as part of a scheme for a project at Nightingale Park (agreed as appropriate at Baldock Area Committee on 22/02/11). Project included new markings for the basketball court at the park (previously well used by teenagers) to attract young people to the facility again and provide a safe managed environment. As well as the basketball marked out a street scene that can be used by community groups / primary schools for pedestrian safety training and also possibly for cycle training which is undertaken by Baldock Police Community Support Officers.	02/06/2019	£3,236.84	2,586.00	31/03/2012	650.84	Part spent balance to be allocated
Obligation Type		Play Space									
Baldock	NHDC	11/02227/1 Garages at Womback Yard r/o 25 and 23 Whitehorse Street, Baldock Renewal of extant planning reference 08/01050/1 granted permission on 18 September 2008 for Erection of three storey building to provide 3 x one bedroom houses with single integral garages and ancillary development following demolition of existing buildings.	16/11/2011	UU	Play Space - to be allocated and appropriate form required	N/A	£1,610.19			1,610.19	Part spent balance to be allocated

Baldock	NHDC	13/00275/1 54 High Street, Baldock, SG7 6BL Erection of 4 x 4 bedroom dwellings, 2 x 3 bedroom dwellings, and 2 x 2 bedroom dwellings, 16 associated parking spaces, landscaping and ancillary works following demolition of the former police station, police house and garage	15/08/2013	UU	Play Space	N/A	£8,137.11			8,137.11	Live to be allocated
Baldock	NHDC	13/01292/1 Quenbys Yard, Baldock Change of use of existing workshop/office to 1 x 2 bedroom dwelling and two car ports. Erection of 1 x 2 bedroom dwelling and 2 x 3 bedroom dwellings with attached garages; 4 associated car parking spaces; rebuilding of archway and ancillary works following partial demolition of existing workshop fronting onto Pond Lane	15/10/2013	UU	Play Space	N/A	£3,756.01			3,756.01	Live to be allocated
Baldock	NHDC	13/02318/1 Hill Cottage, Royston Road, Baldock Erection of one number 4 bedroom detached dwelling and 2-car carport and one parking space behind gates and ancillary works following demolition of barn adjacent to number 22 Royston Road	21/11/2014	UU	Play Space	N/A	£1,193.78			1,193.78	Live to be allocated
Baldock	NHDC	13/02319/1 Hill Cottage, Royston Road, Baldock Erection of one number 4 bedroom detached dwelling and 2-car carport and one parking space behind gates and ancillary works following demolition of barn adjacent to number 22 Royston Road	21/11/2014	UU	Play Space	N/A	£1,193.78			1,193.78	Live to be allocated
Baldock	NHDC	14/00067/1 Land adj 12 Royston Road and rear of 10-12 Royston Road, Baldock Erection of 1 x 4 bedroom dwelling and 2 x 3 bedroom dwellings and associated car parking and landscaping. Use of existing vehicular access onto Royston Road and formation of new vehicular access onto Kings Mount. Alterations to position of boundary fence with rear gardens of No 10 and 12 Royston Road and ancillary works	25/02/2014	UU	Play Space	N/A	3230.22			3,230.22	Live to be allocated

S106 Obligations - Live

Baldock	NHDC	14/00471/1 80 Icknield Way, Baldock Approval of details relating to appearance, landscaping, layout and scale for the erection of 5 x 3 bedroom dwellings and 7 x 2 bedroom dwellings; new vehicular access onto Norton Road and 26 associated car parking spaces (pursuant to outline planning permission ref no. 12/00544/1 allowed on appeal on 3 April 2013)	28/02/2014	UU	Play Space	N/A	£10,026.38			10,026.38	Live to be allocated
Obligation Type		Leisure									
Baldock	NHDC	15/01357/1 and 16/03138/1 Land fronting Station Road and Royston Road, Station Road, Baldock Residential development of 50 units comprising 4 x 3 bedroom dwellings; 29 x 2 bedroom flats and 17 x 1 bedroom flats, with associated car parking, landscaping and ancillary works	28/07/2016	S106	Leisure To be used as a contribution towards the cost of providing a skate park and/or BMX track in Baldock. Payment to be index linked and due prior to first occupation of first dwelling of development. 10 year payback clause from date of receipt.	13/11/2027	34,106.00			34,106.00	Live to be allocated
Obligation Type		Healthcare									
Baldock	NHDC	15/01357/1 and 16/03138/1 Land fronting Station Road and Royston Road, Station Road, Baldock Residential development of 50 units comprising 4 x 3 bedroom dwellings; 29 x 2 bedroom flats and 17 x 1 bedroom flats, with associated car parking, landscaping and ancillary works	28/07/2016	S106	Healthcare Contribution General Medical Services To be used towards the costs incurred in extending the services of Baldock Surgery, Astonia House, High Street, Baldock, SG7 6BP	13/11/2027	31,044.00			31,044.00	Live to be allocated

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**BALDOCK AND DISTRICT COMMITTEE
5 OCTOBER 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: GRANTS & COMMUNITY UPDATE

REPORT OF THE POLICY & COMMUNITY ENGAGEMENT MANAGER

EXECUTIVE MEMBER: COMMUNITY ENGAGEMENT

COUNCIL OBJECTIVES: BUILD THRIVING AND RESILIENT COMMUNITIES

1 EXECUTIVE SUMMARY

1.1 To advise the Committee on the current expenditure and balances of the Committee Grant budgets

1.2 To advise the Committee of the activities and schemes with which the Community Engagement Officer has been involved in.

1.3 To bring to the Committee's attention some important community-based activities that will take place during the next few months.

2 RECOMMENDATIONS

2.1 That the Committee be recommended to endorse the actions taken by the Community Engagement Officer to promote greater community capacity and well-being for Baldock.

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure the Committee is kept informed of the work of the Community Engagement Officer.

3.2 This report is intended to inform Members of the financial resources available to the Committee. It draws attention to the current budgetary situation by assisting in the effective financial management of the Area Committee's budget. This ensures that all actions are performed in line with the Authority's Financial Regulations, the Council's Constitution, and the guidance of the existing Grants policy as agreed by Cabinet in January 2020.

3.3 The awarding of financial assistance to voluntary organisations and the use of discretionary spending allows the Committee to further the aims of the Council Plan.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. There are no alternative options being proposed other than those detailed within the text of this report. However, in the course of debate at committee, Members may wish to comment and offer additional views on any of the items included within this report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Consultation with Members has occurred in connection with the allocation of funds for Community Projects

5.2 Consultation with the respective officers and external bodies/groups has taken place regarding funding proposals for Committee Funds.

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 With reference to the Council's Constitution, Section 9.3 Area Committees will include budgets for the purpose of providing grants and discretionary budgets that may be used within the area of the Committee for economic, social and environmental well-being. Under the current grant criteria there is no upper limit outlined for the amount of grant funding to be allocated which can be decided at the Committee's discretion.

7.2 Members are asked to note the information detailed in Appendix 1. Baldock Area Committee Budget Spread sheet, which relates to the Area Committee budget balances for 2020/21. The spreadsheet also details pre-allocated sums carried forward from the previous financial year, including balances and past expenditure.

7.3 Funding available for the Committee to allocate during 2020/21 is summarised below:

	2019/20 Carry Forward	2020/21 Base Budget	Total Budget
Baldock Town	£128	£2,400	£2,528
Baldock East	£262	£1,000	£1,262
Arbury	£0	£880	£880
Weston & Sandon	£157	£700	£857
	£547	£4,980	£5,527

8. RELEVANT CONSIDERATIONS

8.2 Community Engagement Updates

8.2.1 Events Update

Covid-19 has had and is continuing to have a damaging effect on the excellent calendar of events held in Baldock. Since the start of the year, only the Baldock Beast Half Marathon has been possible due to the Coronavirus Pandemic.

It was hoped that events would reconvene during the Autumn months but sadly this has not been the case with Balstock Community Music festival (Sept), Baldock 5km Rat Run (Sept), Baldock Chartered Street Fair (Oct) and St Marys Community Fireworks (Nov) all being cancelled.

As well as being important community events for the town these activities also helped to drive footfall for the town and income for local charities and good causes.

At the time of writing this report the Baldock Cycle Challenge (rescheduled from July to 1st November) and the Baldock Christmas Fayre (5th December) are still hoping to run but are subject to Covid-19 and any further restrictions as a result of the Pandemic.

Baldock Chartered Street Fair

For the 1st time since the 2nd World War it has been necessary to cancel the Baldock Chartered Fair. The Baldock Community Engagement Officer (CEO) has been liaising with the organisers, colleagues at Highways and at North Herts Safety Advisory Group but unfortunately due to issues around social distancing and requirements around the Covid-19 Risk assessment the event has been cancelled.

The TTRO for the event was also refused due to the current Pandemic which rendered the event impossible to operate safely.

In order to ensure the Charter, Abbots Amusements will be bringing one fairground item to Baldock for the opening day of the Fair on 2nd October. The ride will be operating during the time but users will not be charged but instead asked to make a donation to the NHS.

Baldock Cycle Challenge

The Baldock Cycle Challenge was originally due to be held on 14th July but was subsequently postponed until September and then November. The Event Director has liaised with British Cycling and is confident that the event can be held safely and meet guidelines in terms of social distancing. The new date for the event is Sunday 1st November 2020.

The Baldock CEO will be assisting the Event Director and the Baldock Events Forum throughout the process with support in the pre planning of the event and the necessary paperwork for North Herts Safety Advisory Group. The Baldock CEO will also be in attendance on the day of the event providing signage and marshalling support to ensure the day runs smoothly.

Community Facilities Capital Projects

Two of Baldock's venues benefitted from funding from the Community Facilities Capital Projects Scheme back in March 2020. Both Baldock Methodist Church and Baldock Community Centre received funding to assist with essential refurbishment works. At the Methodist Church enhancement works were carried out to replace the kitchen and fit new toilets which were DDA (Disability Discrimination Act) Compliant while at the Community Centre works carried out included refurbishing the male and female toilets and replacing flooring throughout the building. The Baldock CEO liaised with both staff and contractors at the venues to ensure works were carried out effectively. Both projects are now complete and will help to drive footfall and attract new users to both venues.

Baldock Arts & Heritage Centre

The Baldock CEO continues to liaise and support staff at Baldock Arts & Heritage Centre with the Phase 2 works at the building. At the various stages of the works the Baldock CEO will arrange the release of funds as part of the buildings full repairing lease arrangement.

Tree Planting on White Horse Street

The Baldock CEO was requested by Baldock Town Councillors to look at the possibility of planting 2 more trees on the grassed area of White Horse Street next to the Baldock Methodist Church. The issue was discussed with colleagues in Grounds Maintenance but due to spacing issues and also underground cabling and wiring it was deemed that this area would not be suitable for further planting. As part of the enhancement works in the Town Centre, trees were planted throughout the High Street and White Horse Street. The planting of further trees could be contravening Planning rules.

8.3 Highways Matters

- 8.3.1 This section is included within the community update report for each committee cycle to facilitate debate and enable appropriate feedback on any of the proposed or listed Highways related schemes.
- 8.3.2 Any new proposals or revised schemes will be forwarded to the respective Herts County Councillor for consideration who will in turn report back and advise the Committee accordingly.

9. LEGAL IMPLICATIONS

- 9.1 The Area Committees have delegated power under section 9.8.1 (a) & (b) to allocate discretionary budgets and devolved budgets within the terms determined by the Council and outlined in the current Grant Policy agreed by Cabinet in December 2019. Section 9.8.2 (h) of the Constitution in respect of Area Committees' Terms of Reference provides that they may: "establish and maintain relationships with outside bodies/voluntary organisations operating specifically with the area including, where appropriate, the provision of discretionary grant aid/financial support etc. but excluding grants for district-wide activities".
- 9.2 Chapter 1, s1-8 of the Localism Act 2011 provides a General Power of Competence which gives local authorities the powers to do anything provided that it is not specifically prohibited in legislation.
- 9.3 Section 137 of the Local Government Act 1972 provides specific authority for the Council to incur expenditure on anything which is in the interests of and will bring direct benefit to its area. This includes a charity or other body operating for public service.

10. FINANCIAL IMPLICATIONS

- 10.1 As outlined in Appendix 1 Committee budget 2020/21.
- 10.2 The agreed base budget for this financial year is £5,000. This has been maintained at the same level as 19/20, following full council's agreement to reverse the planned efficiencies. Carry over amounts from the 2019/2020 budgets is £547, giving a total budget remaining for the Committee across the 3-remaining meetings of the 2020/21 financial year of £5,527.

11. RISK IMPLICATIONS

- 11.1 There are no relevant risk entries that have been recorded on Pentana Risk, the Council's performance and risk system. Individual events should have their own risk assessments in place to mitigate any health and safety issues. Whenever a request for grant funding for equipment is received, the recipient of the funding will be advised to obtain insurance for the item to avoid a repeat request for funding in the event of the equipment being stolen or damaged. There are no pertinent risk implications for the Authority associated with any items within this report.

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. Area committee funding is awarded to community groups that clearly demonstrate positive impact on the community and wider environment. The projects outlined in this report seek to advance equality of opportunity and foster good relations.

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 pertinent Human Resource implications associated with any items within this report.

16. APPENDICES

16.1 Appendix 1 - 2020/21 financial year budget sheet.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 Review of Policies and Procedures for Financial Assistance to Voluntary and Community Organisations, November 2002.

18.2 Review of Grant Policy Cabinet February 2020.

BALDOCK AREA COMMITTEE BUDGET 2019/20

FUNDS BROUGHT FORWARD FROM 2019/20

SUMMARY/ TOTALS	Funding	Allocated	Spent	Outstanding	Unallocated Budget					
BALDOCK TOWN	£648	£520	£520		£0	£128				
BALDOCK EAST	£422	£160	£160		£0	£262				
ARBURY	£160	£160	£160		£0	£0				
WESTON & SANDON	£297	£140	£140		£0	£157				
Total	£1,527	£980	£980		£0	£547				

2020/21 BUDGETS

SUMMARY/ TOTALS	Funding	Allocated	Spent	Outstanding	Unallocated Budget					
BALDOCK TOWN	£2,400	£0	£0		£0	£2,400				
BALDOCK EAST	£1,000	£0	£0		£0	£1,000				
ARBURY	£900	£20	£20		£0	£880				
WESTON & SANDON	£700	£0	£0		£0	£700				
Total	£5,000	£20	£20		£0	£4,980				

BALDOCK TOWN	Funding	Code	Project	Allocated	Date	Spent	Outstanding	Unallocated Budget	Comments
Funds Brought Forward from 19/20	£648								
		11951026826	Independent Baldock Beer Festival	£520	03/07/20	£520			
Total	£648	11951026980		£520		£520	£0	£128	

BALDOCK TOWN	Funding	Code	Project	Allocated	Date	Spent	Outstanding	Unallocated Budget	Comments
20/21 Base Budget	£2,400								
Total	£2,400	11951026980		£0		£0	£0	£2,400	

BALDOCK EAST	Funding	Code	Project	Allocated	Date	Spent	Outstanding	Unallocated Budget	Comments
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Funds Brought Forward from 19/20	£422								£0	
			11951046826	Independent Baldock Beer Festival	£160	3/7/20	£160		£0	
									£0	
									£0	
									£0	
Total	£422		11951046980		£160		£160		£0	£262

<u>BALDOCK EAST</u>	<u>Funding</u>	<u>Code</u>	<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
20/21 Base Budget							£0		
	£1,000						£0		
							£0		
							£0		
							£0		
Total	£1,000		11951046980	£0		£0	£0	£1,000	

<u>ARBURY</u>	<u>Funding</u>	<u>Code</u>	<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
Funds Brought Forward from 19/20	£160						£0		
			11951126826	Independent Baldock Beer Festival	£160	03/07/20	£160	£0	£20 also allocated from 2020/21 base budget
							£0		
Total	£160		11951126980	£160		£160	£0	£0	

<u>ARBURY</u>	<u>Funding</u>	<u>Code</u>	<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
20/21 Base Budget	£900								
			11951126826	Independent Baldock Beer Festival	£20	3/7/20	£20	£0	
							£0		
							£0		
Total	£900		11951126980	£20		£20	£0	£880	

<u>WESTON & SANDON</u>	<u>Funding</u>	<u>Code</u>	<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>	<u>Comments</u>
Funds Brought Forward from 19/20	£297						£0		
			11951136826	Independent Baldock Beer Festival	£140	3/7/20	£140	£0	
							£0		

								£0	
Total	£297	11951136980		£140	£140	£0	£157		

WESTON & SANDON	Funding	Code	Project	Allocated	Date	Spent	Outstanding	Unallocated Budget	Comments
20/21 Base Budget	£700						£0		
							£0		
							£0		
							£0		
							£0		
Total	£700	11951136980		£0		£0	£0	£700	

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