

NORTH HERTFORDSHIRE DISTRICT COUNCIL



09 July 2021

Our Ref Cabinet/20.07.21
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To: Members of the Cabinet:

Councillor Elizabeth Dennis-Harburg, Leader of the Council (Chair)
Councillor Paul Clark, Deputy Leader of the Council, Executive Member for Planning (Vice-Chair)
Councillor Ian Albert, Executive Member for Finance and IT
Councillor Amy Allen, Executive Member for Recycling and Waste Management
Councillor Judi Billing MBE, Executive Member for Community Engagement
Councillor Sam Collins, Executive Member for Enterprise, the Arts and Transport
Councillor Gary Grindal, Executive Member for Housing and Environmental Health
Councillor Steve Jarvis, Executive Member for Environment and Leisure

Deputy Executive Members: Councillors: Ruth Brown, Ian Mantle, Nigel Mason, Sam North, Sean Prendergast, Adem Ruggiero-Cakir and Carol Stanier.

NOTICE IS HEREBY GIVEN OF A
MEETING OF THE CABINET

to be held in the

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

on

TUESDAY, 20TH JULY, 2021 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.	WELCOME	
2.	APOLOGIES FOR ABSENCE	
3.	MINUTES - 29 JUNE 2021 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 29 June 2021.	(Pages 5 - 16)
4.	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.	
5.	CHAIR'S ANNOUNCEMENTS <u>Climate Emergency</u> The Council has declared a climate emergency and is committed to achieving a target of zero carbon emissions by 2030 and helping local people and businesses to reduce their own carbon emissions. A Cabinet Panel on the Environment has been established to engage with local people on matters relating to the climate emergency and advise the council on how to achieve these climate change objectives. A Climate Change Implementation group of councillors and council officers meets regularly to produce plans and monitor progress. Actions taken or currently underway include switching to green energy, incentives for low emission taxis, expanding tree planting and working to cut food waste. In addition the council is a member of the Hertfordshire Climate Change and Sustainability Partnership, working with other councils across Hertfordshire to reduce the county's carbon emissions and climate impact. The Council's dedicated webpage on Climate Change includes details of the council's climate change strategy, the work of the Cabinet Panel on the Environment and a monthly briefing on progress.	

Declarations of Interest

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.

6. PUBLIC PARTICIPATION

To receive petitions, comments and questions from the public.

7. ITEMS REFERRED FROM OTHER COMMITTEES

Any Items referred from other committees will be circulated as soon as they are available.

8. WAIVER OF ELEMENTS OF THE COUNCIL'S CONTRACT AND PROCUREMENT RULES IN RELATION TO SELECTING TREASURY FUND INVESTMENTS

(Pages
17 - 22)

REPORT OF THE SERVICE DIRECTOR - RESOURCES

To seek approval of a waiver of the Council's Contract Procurement Rules relating to the standard process for seeking and selecting tenders in relation to long-term Treasury Investments (Multi-Asset Funds and Property Funds).

9. COMMUNITY GRANTS POLICY REVIEW, NHDC FUNDING CRITERIA HEALTH PROTECTION BOARD COMMUNITY USE; & REVIEW OF CABINET PANELS' TERMS OF REFERENCE

(Pages
23 - 46)

REPORT OF THE SERVICE DIRECTOR – LEGAL AND COMMUNITY, AND THE POLICY AND COMMUNITY ENGAGEMENT MANAGER

To receive an overview of the Grants awarded in the previous civic year following the revision of the Community Grants policy and criteria and suggested amendments; to seek approval of the suggested Protocol for application and award of the recent Health Protection Board Funding; and to seek approval of the amendments to the Terms of Reference of the Cabinet Panels.

10. DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

(Pages
47 - 54)

REPORT OF THE SERVICE DIRECTOR - REGULATORY

To seek approval to extend the July 2020 resolutions of Cabinet in relation to the proposed Developer Contributions Supplementary Planning Document (SPD) pending the outcomes of the Local Plan Examination.

- 11. DESIGNATION OF A NEIGHBOURHOOD PLANNING FORUM AND NEIGHBOURHOOD PLANNING AREA FOR CHARLTON** (Pages 55 - 76)
REPORT OF THE SERVICE DIRECTOR – REGULATORY

To inform Cabinet of the applications to designate a neighbourhood planning forum for Charlton and to delegate authority to designate a neighbourhood planning area for the area of Charlton following consultation on the application.

- 12. LAND SOUTH OF CLARE CRESCENT, BALDOCK - PART I** (Pages 77 - 86)
REPORT OF THE INTERIM PROPERTY CONSULTANT

To seek a declaration that land south of Clare Crescent, Baldock, is surplus to NHDC's requirements.

- 13. 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).

- 14. LAND SOUTH OF CLARE CRESCENT, BALDOCK - PART II** 87 - 132
REPORT OF THE INTERIM PROPERTY CONSULTANT

To seek authority to dispose of NHDC's freehold interest in the land south of Clare Crescent, Baldock, based on transaction terms presented in this report.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH GARDEN CITY
ON TUESDAY, 29TH JUNE, 2021 AT 7.30 PM

MINUTES

Present: *Councillors: Elizabeth Dennis-Harburg (Chair), Paul Clark (Vice-Chair), Ian Albert, Amy Allen, Judi Billing, Sam Collins, Gary Grindal and Steve Jarvis*

Councillor Ian Mantle was present as Deputy Executive Member for Planning.

In Attendance: *Ian Couper (Service Director - Resources), Steve Crowley (Service Director - Commercial), Ian Fullstone (Service Director - Regulatory), Jeanette Thompson (Service Director - Legal and Community), Vaughan Watson (Service Director - Place), Chloe Gray (Commercial Officer), Andrew Mills (Service Manager - Greenspace), Nigel Smith (Strategic Planning Manager) and Matthew Hepburn (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 1 member of the public. Councillor David Levett was present as Chair of the Overview and Scrutiny Committee for item 7.*

1 WELCOME

Audio Recording – 30 Seconds

The Chair welcomed everyone to the Cabinet meeting that was being held in the Council Chamber and advised that the meeting was being streamed live on the Council's YouTube channel and some Officers were joining online.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work.

The Committee, Member and Scrutiny Officer undertook a roll call of those officers joining the meeting online to ensure that they could hear and be heard and gave advice regarding the following:

- Voting; and
- Covid Risk Assessment Measures.

The Chair, Councillor Elizabeth Dennis-Harburg, started the meeting proper.

2 APOLOGIES FOR ABSENCE

Audio Recording – 3 Minutes 5 Seconds

Apologies for absence were received from Deputy Executive Members: Ruth Brown, Adem-Ruggiero-Cakir, Sean Prendergast and Carol Stanier.

Councillor Keith Hoskins, Chair of the Finance, Audit and Risk Committee also sent his apologies for absence.

3 MINUTES - 16 MARCH 2021

Audio Recording – 4 Minutes 5 Seconds

It was proposed by Councillor Elizabeth Dennis-Harburg, seconded by Councillor Paul Clark and upon being put to the vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 16 March 2021 be approved as a true record of the proceedings and be signed by the Chair.

4 NOTIFICATION OF OTHER BUSINESS

Audio Recording – 4 Minutes 55 Seconds

There was no other business notified.

5 CHAIR'S ANNOUNCEMENTS

Audio Recording – 5 Minutes 3 Seconds

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (4) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (5) The Chair advised that Item 8 regarding the Community Lottery Policies would be presented before Item 7 and Item 16 (the Part 2 Item) regarding the Grounds Maintenance Contract would be presented before Item 14 (the part 1 report on the same subject).

6 PUBLIC PARTICIPATION

Audio Recording – 6 Minutes 3 Seconds

There was no public participation.

7 ITEMS REFERRED FROM OTHER COMMITTEES

Audio Recording – 6 Minutes 40 Seconds

7a. Referral from Overview and Scrutiny Committee: 22 June 2021 – North Hertfordshire Community Lottery - New Policies

The Chair of the Overview and Scrutiny Committee, Councillor David Levett, presented the referral from the meeting of that Committee held on 22 June 2021.

The following recommendations had been made by the Committee:

- (1) That the age limit for playing the North Hertfordshire Community Lottery should be raised from 16 to 18, should legislation allow;
- (2) That consideration be given to putting a policy in place which would limit any one person to buying no more than £10 worth of tickets per week;
- (3) That the concerns and issues raised by the Overview and Scrutiny Committee, as detailed in the minutes of the Committee held on 22 June 2021, be taken into account when making its final decision on adopting these policies and the lottery

7b. Referral from Finance, Audit and Risk Committee: 23 June 2021 – Risk Management Update

The Chair advised that this referral would be considered with item 13.

7c. Referral from Finance, Audit And Risk Committee: 23 June 2021 – Revenue Budget Outturn

The Chair advised that this referral would be considered with item 11.

7d. Referral From Finance, Audit and Risk Committee: 23 June 2021 – Investment Strategy End of Year Review 2020/21.

The Chair advised that this referral would be considered with item 12.

8 NORTH HERTFORDSHIRE COMMUNITY LOTTERY - NEW POLICIES

Audio Recording – 9 Minutes

The Executive Member for Enterprise, the Arts and Transport, Councillor Sam Collins, presented the report entitled North Hertfordshire Community Lottery - New Policies.

Councillor Collins advised that the focus of the report was on the Community Lottery policies rather than the concept of the lottery itself as this was approved by Cabinet in December last year.

Councillor Collins further informed Cabinet that the reason behind the Council initiating a North Hertfordshire Community Lottery was due to central Government shortfalls in funding.

The Service Director – Commercial provided further information to Cabinet, including:

- There were policies in place to protect the people taking part in the lottery;
- The aim of the Community Lottery was to generate additional revenue in support of good causes such as local charities, community groups, sports clubs and schools within the District;
- The Community Lottery would support local groups and organisations to create and promote an additional funding stream;
- Members of the public/ community would be able to purchase tickets from the North Hertfordshire Community Lottery website and choose which group or organisation/s they wish to financially support via a lottery ticket sale;
- The Council would also benefit financially from each ticket sale, however at a lower monetary proportion than the groups.
- The lottery would not encourage gambling as players decide where the money should go;
- 50% of ticket sales would go directly to good causes;
- Every Council that had a Community Lottery spoke positively about it;
- Gatherwell (External Lottery Manager) had been in place for 8 years. In that time, there had been no reports of gambling problems or issues with vulnerable people; and
- Gatherwell was audited on an annual basis by the Gambling Commission.

The Service Director – Commercial drew Members' attention to the Addendum Report which contained his responses to the recommendations put forward by the Overview and Scrutiny Committee:

- The minimum age to purchase a ticket could not be increased from 16 to 18 years old;
- The maximum number of tickets that can be purchase in one transaction is 20; and;
- Tickets could only be purchased using a Debit Card.

The Service Director – Commercial informed Cabinet that in order to allow for Call-in, the decision to proceed with the Gambling Licence application would be moved to 7 July 2021 instead of 30 June 2021 as originally stated in the report.

The following Members asked questions and/or raised comments:

- Councillor Judi Billing; and
- Councillor Ian Albert.

Once discussions had concluded, Councillor Judi Billing proposed that in order to allow for more cross-party dialogue and to enable Cabinet more time to consider the policies, the implementation of the new policies associated with launching and delivering the North Hertfordshire Community Lottery be postponed.

Councillor Ian Albert seconded Councillor Billing's proposal.

To clarify matters, the Service Director – Legal and Community/Monitoring Officer asked if the item was to be adjourned until the next Cabinet meeting or adjourned to allow for Officer delegated decision in consultation with the Executive Member.

In response, Councillor Elizabeth Dennis-Harburg requested that the report be reconsidered and decided by Cabinet at the next meeting.

It was voted upon and:

RESOLVED: That consideration of the new policies associated with launching and delivering the North Hertfordshire Community Lottery be postponed until the next Cabinet meeting (20 July 2021).

REASON FOR DECISION: To allow for appropriate consideration by Cabinet and Members Cross-Party.

9 STRATEGIC PLANNING MATTERS

Audio Recording – 24 Minutes 54 Seconds

The Executive Member for Planning, Councillor Paul Clark, presented the report entitled Strategic Planning Matters along with the following appendices:

- Appendix A – NHDC response to Central Bedfordshire Main Modifications Consultation;
- Appendix B – NHDC Response to Ashwell Neighbourhood Plan Consultation;
- Appendix C – NHDC Response to Knebworth Neighbourhood Plan Consultation.

Strategic Planning Manager informed Cabinet that in relation to the third recommendation, the purpose was to broaden the use of the existing planning reserve to deal with the delivery of the Local Plan.

Councillor Sam Collins, Executive Member for Enterprise, the Arts and Transport, advised that there were concerns over the proposed developments in Central Beds as they had an impact on traffic levels in North Herts as well as causing problems for parking in the town centres. Councillor Collins also highlighted that Hitchin already had poor air quality owing to traffic levels.

Councillor Ian Mantle, Deputy Executive Member for Planning, raised that it was important that Central Beds were aware people used various forms of transport to get into North Herts from Central Beds and vehicles were not the only form of transport.

Councillor Ian Mantle also raised that it was important Hertfordshire County Council worked in conjunction with Central Bedfordshire in terms of bus provision as there were bus routes that passed through both Counties.

Upon being put to the vote, it was:

RESOLVED:

- (1) That the report on Strategic Planning Matters be noted
- (2) That the correspondence in Appendices A to C be noted and endorsed by Cabinet.
- (3) That the use of the reserve from the additional planning income in 2017/18 be extended to include the delivery of the Local Plan as per paragraph 10.4

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

10 BALDOCK, BYGRAVE AND CLOTHALL NEIGHBOURHOOD PLAN

Audio Recording – 33 Minutes 10 Secs

The Executive Member for Planning, Councillor Paul Clark, presented the report entitled Baldock, Bygrave and Clothall Neighbourhood Plan.

Councillor Sam Collins raised that archaeology was something that people needed to be aware of in that area as it was likely to turn up in a development in Baldock.

Upon being put to the vote, it was:

RESOLVED:

- (1) That the result of the referendum for the Baldock, Bygrave and Clothall Neighbourhood Plan is noted.
- (2) That the Baldock, Bygrave and Clothall Neighbourhood Plan be made as part of the statutory Development Plan for North Hertfordshire.

REASONS FOR DECISIONS:

- (1) As previously reported to Cabinet, the Baldock, Bygrave and Clothall Neighbourhood Plan has successfully been examined by an independent examiner and the referendum held on May 6th 2021 voted in favour of “making” the neighbourhood plan becoming part of the statutory development plan for North Hertfordshire.
- (2) Neighbourhood plans have normally been “made” by delegated authority, as approved by Cabinet in July 2018 (Minute 21). However, the designated neighbourhood planning area for Baldock, Bygrave and Clothall covers more than two wards and “making” the neighbourhood plan is therefore a key decision which must be taken by Cabinet.

11 REVENUE BUDGET OUTTURN 2020/21

Audio Recording – 36 Minutes 14 Seconds

The Executive Member for Finance and IT presented the report entitled Revenue Budget Outturn 2020/21, including:

- The final quarter saw a significant reduction in forecast spend. The most significant element of this was the decrease in the support required by SLL, due to reducing utility costs (such as by reducing the pool temperatures) and use of furlough;
- All of the other significant variances were detailed in table 2 starting on page 99;
- It should be noted that £317k of the forecast movement were areas of spend that were now planned to be delivered in 2021/22;
- In relation to the parking income position at the bottom of page 104 there were a couple of typos. The total at the bottom in bold for the working budget should be 1,338 and the equivalent number for the outturn should be 1,278. The variance is correct, and all the other numbers in the table are correct;
- Table 6 on page 110 detailed the year end budget impact of Covid-19. The final sales, fees and charges contribution from Government had yet to be confirmed, but assuming that there were no issues with our claim, then the net impact was a £1.5m additional cost;

- Table 7 on page 111 showed the impact on the General Fund, which had a balance at the start of the year of just under £9.4m and a year end position (subject to audit) of almost £8.9m. This was just under a £500k reduction;
- The difference between this and the Covid-19 impact was made up (1) other variances that were not due to Covid-19, (2) total carry-forwards of £719k which would increase spend and therefore decrease the General Fund balance in 2021/22 and (3) the position in relation to sources of funding which was explained on pages 107-109; and
- The transfers to and from reserves on page 112/3 would be referred on to Full Council for approval.

The Service Director – Resources presented the referral from the Finance, Audit and Risk Committee held on 23 June 2021. The Service Director advised Cabinet that the FAR Committee had had a good discussion over matters in the report, particularly the parking income figures and the Income Guarantee.

Upon being put to the vote, it was:

RESOLVED:

- (1) That the report entitled Revenue Budget Outturn 2020/21 be noted;
- (2) That a decrease of £866k in the 2020/21 net General Fund expenditure, as identified in table 3 and paragraph 8.1, to a total of £19.379million, be approved;
- (3) That the changes to the 2021/22 General Fund budget, as identified in table 3, paragraph 8.2 and paragraph 8.3, a total £377k increase in net expenditure be approved.

RECOMMENDED TO COUNCIL: That the net transfer to earmarked reserves, as identified in table 8, of £11.464million, be approved.

REASONS FOR DECISIONS:

- (1) Members are able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.
- (2) Changes to the Council's balances are monitored and approved.

12 INVESTMENT STRATEGY (CAPITAL AND TREASURY) END OF YEAR REVIEW 2020/21

Audio Recording – 44 Minutes

The Service Director – Resources presented the referral from the Finance, Audit and Risk Committee held on 23 June 2021. The Service Director advised Cabinet that the FAR Committee had had a good discussion and were happy to forward the report to Cabinet.

The Executive Member for Finance and IT, Councillor Ian Albert, then presented the report entitled Investment Strategy (Capital And Treasury) End of Year Review 2020/21, including:

- The position on capital was summarised by the table on page 120. The intention at this time last year was that the Council would spend £13.4m this year.
- The outturn position was that the Council had spent under £2m;
- The lower than forecast spend meant that the Council had funded all their capital spend from contributions and capital reserves;

- Over £700k had been added to capital reserves during the year from finalising sales on surplus land and buildings;
- The position on treasury was summarised in paragraphs 8.11 through to 8.20, with more detail in Appendix B. The rates of return had been drastically impacted by Covid-19 with the average rate on new deals just 0.17%. There was little prospect that these rates would increase back up very quickly.
- As detailed in paragraph 8.20, the Council were progressing with new long-term investments in a property fund and multi-asset fund. These would help diversify our portfolio of investments, and it was hoped to provide a yield in line with the longer term investment risk being taken. This was being supported by the Council's treasury advisers.

Upon being put to the vote, it was:

RESOLVED:

- (1) That the expenditure of £1.883million in 2020/21 on the capital programme, paragraph 8.3 refers, and in particular the changes detailed in table 3 which resulted in a net increase on the working estimate of £0.001million, be noted;
- (2) That the adjustments to the capital programme for 2020/21 as a result of the revised timetable of schemes detailed in table 2, increasing the estimated spend in 2021/22 by £0.522million (£0.527million re-profiled from 2020/21 and £0.005million from 2021/22 re-profiled into 2020/21), be approved.
- (3) That the position of the availability of capital resources, as detailed in table 4 paragraph 8.8 and the requirement to keep the capital programme under review for affordability, be noted.
- (4) That the application of £1.224million of capital receipts towards the 2020/21 capital programme and the drawdown of £0.417million from set aside receipts, paragraph 8.8 refers, be approved;
- (5) That the position of Treasury Management activity as at the end of March 2021, be noted.
- (6) That the report entitled Investment Strategy (Capital and Treasury) End of Year Review 2020/21 be recommended to Council.

RECOMMENDED TO COUNCIL:

- (1) That the actual 2020/21 prudential and treasury indicators be approved;
- (2) That the annual Treasury Report for 2020/21 be noted.

REASONS FOR DECISIONS:

- (1) Members are able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.
- (2) Changes to the Council's balances are monitored and approved.

13 RISK MANAGEMENT QUARTERLY UPDATE AND ANNUAL REPORT

Audio Recording – 49 Minutes 22 Seconds

The Executive Member for Finance and IT, Councillor Ian Albert, presented the report entitled Risk Management Quarterly Update And Annual Report, including:

- Two risks had been considered by Risk Management Group this quarter as detailed in recommendation 2.1; and
- The proposal was that the Cyber risk remained unchanged and the risk score for the Brexit (EU transition) risk be reduced to a 5.

The Service Director – Resources presented the referral from the Finance, Audit and Risk Committee on 23 June 2021 and advised that FAR were happy to forward the report and recommendations to Cabinet.

Councillor Sam Collins raised that although the Brexit EU Transition Risk had decreased, it was important to be mindful that the risk could increase again.

Upon being put to the vote, it was:

RESOLVED:

- (1) That the reviews of the Corporate Risks for the quarter, namely the review of the Cyber risks with no change to the Current risk score of 8 and a Target Risk score of 6 and the review of the Brexit (EU Transition) Risk with a decrease in the Current risk score from a 7 to a 5, and a Target risk score of 3, be noted;
- (2) That the Annual report on Risk Management be noted.

RECOMMENDED TO COUNCIL:

- (1) That the Annual Report on Risk Management be noted.

REASONS FOR DECISIONS:

- (1) The responsibility for ensuring the management of risks is that of Cabinet.
- (2) This Committee has responsibility to monitor the effective development and operation of Risk Management.

14 EXCLUSION OF PRESS AND PUBLIC

Audio Recording – 52 Minutes

Councillor Elizabeth Dennis-Harburg proposed and Councillor Paul Clark seconded.

Upon being put to the vote, it was:

RESOLVED: 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 GROUNDS MAINTENANCE CONTRACT REVIEW

No Audio Recording taken

The Executive Member for Environment and Leisure, Councillor Steve Jarvis, presented the report entitled Grounds Maintenance Contract Review.

Following a discussion, it was voted upon and:

RESOLVED: That the Part 2 report entitled Grounds Maintenance Contract Review be noted.

REASON FOR DECISION: A contract review process has been undertaken in the lead up to an agreed possible break point (31st March 2022) within the existing contract with John O'Conner Grounds Maintenance Ltd (JOC). The review was via a series of Project Board Meetings undertaken between January 2021 and May 2021. Additionally, this is the ideal opportunity to adjust the existing contract standards to accommodate the "Wilding" agenda and the economic impacts of Covid 19 upon the authority's finances.

16 GROUNDS MAINTENANCE CONTRACT REVIEW

Audio Recording – 1 Hour 3 Minutes 18 Seconds

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that the Officers joining remotely had successfully re-joined the Part 1 meeting.

The Executive Member for Environment and Leisure, Councillor Steve Jarvis, presented the report entitled Grounds Maintenance Contract Review, including:

- The report looked at whether to extend the Grounds Maintenance contract or make changes to it in order to help the Council meet its environmental and climate change objectives as well as cost savings; and
- Specific considerations regarding the specific proposals were identified in the table at Paragraph 8.3 within the report.

The following Members asked questions and/or made comment:

- Councillor Ian Albert;
- Councillor Gary Grindal; and
- Councillor Ian Mantle.

In response to questions and points raised, the Executive Member advised:

- It was an achievement that changes to the contract would allow the Council to meet its environmental objectives whilst at the same time saving money;
- Communication work was key and needed to be done in order to ensure the public were aware of the areas where grass maintenance would be visibly different;
- There were complications over the maintenance of street trees.

Upon being put to the vote, it was:

RESOLVED:

- (1) That the existing contract with John O'Conner Grounds Maintenance Ltd is not retendered and that the specification is varied to accommodate 2.1.2 below, be approved
- (2) That the contract review process has identified an annual saving, as detailed in the Part 2 report, which is implemented from the 1st April 2022 for a period of 10 years with a mutual break clause after 5 years. This will extend the current arrangements with John O'Conner Grounds Maintenance Ltd by a further 5 years up to 2032, be approved;
- (3) That the future Greenspace Management Strategy from April 2022 - 2027 reflects the proposals that make up the savings value as identified in 2.1.2 above, be approved;
- (4) That the proposed approach to the structure of the Greenspace Team as discussed in section 15 of the report and detailed within the Part 2 report be approved and adopted.

REASON FOR DECISIONS: A contract review process has been undertaken in the lead up to an agreed possible break point (31st March 2022) within the existing contract with John O'Conner Grounds Maintenance Ltd (JOC). The review was via a series of Project Board Meetings undertaken between January 2021 and May 2021. Additionally, this is the ideal opportunity to adjust the existing contract standards to accommodate the "Wilding" agenda and the economic impacts of Covid 19 upon the authority's finances.

The meeting closed at 8.43 pm

Chair

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**CABINET
20 JULY 2021**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: WAIVER OF ELEMENTS OF THE COUNCIL'S CONTRACT PROCUREMENT RULES FOR THE PROCESS FOR SELECTING TREASURY INVESTMENT FUNDS

REPORT OF THE SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: FINANCE AND IT

COUNCIL PRIORITY: BE A MORE WELCOMING, INCLUSIVE AND EFFICIENT COUNCIL

1. EXECUTIVE SUMMARY

- 1.1 The report seeks a waiver of the Council's Contract Procurement Rules relating to the standard process for seeking and selecting tenders in relation to long-term Treasury Investments (Multi-Asset Funds and Property Funds). The process to be followed will be a process that has been advised by our Treasury Advisors (Link). The potential value of the procurement could exceed the World Trade Organisation (WTO)'s Government Procurement Agreement (GPA) threshold and so approval is being sought from Cabinet.
- 1.2 Following the procurement process, Cabinet are asked to delegate the selection of the fund(s) to the Service Director: Resources in consultation with the Executive Member for Finance and IT. The decisions will be in accordance with the approved Investment Strategy.

2. RECOMMENDATIONS

- 2.1. That Cabinet agree a waiver of the Contract and Procurement Rules to allow the selection process for long-term Treasury Investments (Multi-Asset Funds and Property Funds) to follow the process that has been advised by the Council's Treasury Advisors.
- 2.2. That the decision on selecting the funds to be invested in, be delegated to the Service Director: Resources in consultation with the Executive Member for Finance and IT.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To follow a selection process that has been recommended by the Council's Treasury Advisors and they have found to be effective.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. Following the Council's standard Contract Procurement Rules would require (as an example) the use of the Intend system. It is highly unlikely that Investment Fund Managers would use this process and this would therefore limit (or eliminate) the options available.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Finance and IT has been kept informed.

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.
- 6.2 The selection of the Investments at the end of the process will be a key decision. This will be added for the Forward Plan.

7. BACKGROUND

- 7.1 The Council has determined in its Investment Strategy that it has sufficient long-term cash to invest in a Property Fund (or Funds) (up to £2m) and a Multi-Asset Fund (or Funds) (up to £2m). There are a number of funds on the market and it is important to get one that suits the Council's appetite for risk and requirements in relation to Ethical / Environmental/ Corporate/ Social responsibility.
- 7.2 The Council has procured Link Asset Services ('Link') to support the Fund selection process. The process that the Council is looking to use is the one that has been designed by Link, and used across their client base and is one that the Fund market is used to. Link are one of the two main treasury advisers in the Local Authority market. Link are the Council's general treasury adviser.
- 7.3 As part of an investment in a Fund the Council will have to pay various fees. These include:
- Entry/ Exit fees- these are particularly relevant for a Property Fund as they will invest the actual costs incurred (e.g. Stamp Duty) incurred by the Fund Manager in investing/ divesting money.
 - Ongoing transaction fees- these are particularly relevant for a Multi-Asset Fund as the fund will invest in other products (to diversify risk) that will incur management fees.
 - Fund Management Fee- likely to be in the region of 0.5-1% per year. For a £2m investment this would equal £10-20k per year. The Council would expect to retain the investment for at least 5 years. A higher fee may mean that the Manager is more active and generating higher returns, so it would not be appropriate to just target the lowest fee.
- 7.4 The two investment (Property and Multi-Asset) procurements would be two separate exercises and are likely to be with two different Investment Managers.

- 7.5 The selection of funds will be based on criteria that includes the following:
- Past investment performance (net of fees), although past performance is not a guarantee of future performance.
 - The extent to which the Fund targets annual returns versus capital growth, The Council will look to prioritise annual returns.
 - The extent to which the Funds satisfy requirements in relation to Ethical / Environmental/ Corporate/ Social responsibility
 - General confidence in the Funds future outlook. The extent to which they can justify their target investment areas.
- 7.6 Link will provide advice and guidance on all the above areas. It is not possible to say upfront what weighting will be applied. It is likely that some will just not feel right for the Council and be rejected. This is accepted by the Investment Fund market.

8. RELEVANT CONSIDERATIONS

- 8.1 This waiver relates to using the following procurement process in selecting the Investment Funds, instead of the process detailed in the Contract and Procurement Rules. The same general process will be used for each Fund type:
- Supported by Link determine a questionnaire for potential Fund Managers to complete. This will include red flags in relation to Ethical / Environmental/ Corporate/ Social responsibility.
 - The questionnaires will be returned to Link, who will summarise the information and draw out the key details. Supported by Link, a short-list will be compiled with a written justification.
 - The short-listed Fund Managers will be invited to an interview. Again, supported by Link, this will allow for more detailed questions.
 - One (or more) Funds will be selected to invest in. A written justification will be compiled.
- 8.2 The above process is intended to be a fair and transparent process, but it is one that reflects what the Fund Managers market would expect to use.
- 8.3 As detailed in paragraph 7.3 the management fees for each Fund could be around £20k per year. This is intended to be a medium to long-term investment, so the Council could keep it for 10 years (or more). This could mean that the total cumulative fees to the Fund Manager could exceed the current World Trade/ Government Procurement Agreement ('GPA') threshold, which is currently £189,330 for sub-central services. This is why approval is being sought from Cabinet. It would be undesirable for the Council to end up in a position in the future to have to disinvest from a fund to keep the total fees that had been paid below a certain threshold. That could mean disinvesting at a time when market prices were low and suffering a capital loss (or reduced capital gains). The national procurement system is currently in a state of flux, and what levels will apply, and systems applicable is not fully known (see 9.4). Link's view is that the investment can be withdrawn at any time and the fee value therefore change accordingly. Therefore no guarantee can be provided at this stage by the Treasury Advisors as to compliance in terms of the procurement investment process. The delegation at 2.2 should, however, provide the Council with the necessary oversight and assurance on this issue.

9. LEGAL IMPLICATIONS

- 9.1. The cumulative fees payable under this procurement is currently unknown as this will depend on how long the Council invests for. According to the CPRs, for procurements above the threshold, only few elements of the CPRs may be waived (rule 22.2) while for procurement values below the threshold, any individual rules in the CPRs may be waived (rule 22.3).
- 9.2. Both rules 22.2 and 22.3 of the CPRs allow the Service Director: Legal and Community and the Service Director: Resources to refer a waiver to Cabinet for approval where the value is either below the GPA threshold or above it.
- 9.3. For a waiver to be approved, officers must justify the need for a waiver in a report and rule 22.4 list five (5) justification points that may be relied on. In that respect, points (a) and (d) are considered to apply i.e.:
 - (a) the nature of the market for the works to be carried out or the supplies or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of CPR is justifiable.
 - (d) where it is in the Council's overall interest.
- 9.3 If the cumulative fees payable under this procurement are eventually equal to or higher than the GPA threshold, the Public Contracts Regulation (PCR) 2015 may apply. Legal officers have been informed that a tender process will still be carried out for this procurement and the waiver requested is solely to depart from the Council's own procurement rules rather than the legislation if applicable.
- 9.4 The UK Government introduced The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020/1319 in November 2020, which has the effect of aligning England to the EU procurement law to the extent required under the Withdrawal Agreement. The UK became a party to the WTO GPA, which provides access to above threshold procurement contracts, such threshold as set out above in 8.3. The EU-UK Trade and Co-operation Agreement (TCA) was agreed between UK and EU negotiators on 24 December 2020. Its provisions are now binding under domestic law by virtue of the European Union (Future Relationship) Act 2020; there are, however, elements of discretionary approaches in relation to procurement and following the UK exit from the EU, government is in the process of introducing a new procurement regime. It is therefore legally sensible to seek Cabinet's approval at this stage for the waiver, in the knowledge that the Treasury Advisors are unable to confirm necessary compliance with a regime, as indicated in 8.3 above.

10. FINANCIAL IMPLICATIONS

- 10.1. The financial and risk justifications for undertaking these investments was covered in the Investment Strategy that was approved by Council in February. This report does not incorporate any new costs that were not known about at that time.

11. RISK IMPLICATIONS

- 11.1 The financial and risk justifications for undertaking these investments was covered in the Investment Strategy that was approved by Council in February. This report adds a new risk in relation to Investment Management Fees exceeding the GPA threshold over a long period of time. This risk is considered to be lower than the risk of being required to disinvest from a fund to keep fees under a threshold. The risk is also being managed through this report (i.e. openly reporting to Cabinet) and still following a selection process that is in line with industry practise. It should also be noted that in the realms of these Fund Investments, the value of the Council's planned investment is very small.

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 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. As detailed previously there is the potential for this contract to exceed the GPA threshold over time. But this is not considered to be the most likely outcome and therefore Social Value has not been directly considered. Ethical, Environmental and Social Responsibility factors will be considered in selecting these Investment Funds.

14. ENVIRONMENTAL IMPLICATIONS

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

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no HR implications arising from this report.

16. APPENDICES

- 16.1 None

17. CONTACT OFFICERS

- 17.1 Ian Couper, Service Director: Resources ian.couper@north-herts.gov.uk; ext 4243
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18. BACKGROUND PAPERS

18.1 Investment Strategy- Council Meeting 11 February 2021, Item 6b

<https://srvmodgov01.north-herts.gov.uk/ieListDocuments.aspx?CId=136&MId=2391&Ver=4>

**CABINET
20 JULY 2021**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: COMMUNITY GRANTS POLICY REVIEW, NHDC FUNDING CRITERIA HEALTH PROTECTION BOARD COMMUNITY USE; & REVIEW OF CABINET PANELS' TERM OF REFERENCE

REPORT OF THE SERVICE DIRECTOR - LEGAL AND COMMUNITY, AND THE POLICY AND COMMUNITY ENGAGEMENT MANAGER

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR COMMUNITY ENGAGEMENT

COUNCIL PRIORITY: WELCOMING, INCLUSIVE AND EFFICIENT COUNCIL

1. EXECUTIVE SUMMARY

This report provides:

- 1.1. An overview for the Grants awarded in the previous civic year following the revision of the Community Grants policy and criteria and suggested amendments;
- 1.2. Suggested Protocol for application and award of the recent Health Protection Board Funding of £100K;
- 1.3. Suggested updated terms of reference for all 4 Cabinet Panels.

2. RECOMMENDATIONS

- 2.1. That Cabinet consider the following revisions of the Grant Policy criteria as set out below under section Two for eligibility of organisation (Appendix A) for approval:

Paragraph F – 'be able to demonstrate financial need and that other sources and options for funding have been considered and exhausted before application to the district council'.

Paragraph G – 'be able to demonstrate the award of the grant provides 'Additionality' to the service provision of the organisation (i.e. is innovative in nature and beyond the normal scope of organisation's current activities).

- 2.3 That Cabinet approves the Protocol for the NHDC / Health Protection Board Funding (Appendix B) and approve the amendments to the District Wide Community Facilities Capital & Revenue Grants Panel (Appendix C); and
- 2.4 That Cabinet reviews the Cabinet Panel terms of reference and approves these amendments (Appendices D, E & F) or such other amendments as are deemed appropriate.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Reviewing the new Protocol or revised criteria that have been put in place on a regular basis, provides the Council with assurances that the grant process achieves its stated aim, that the revised criteria has made the funding more accessible to a wider range of organisations who are working to support the community work in North Hertfordshire. with vulnerable people or people of protected characteristics.
- 3.2 The NHDC/ Health Protection Board ('HPB') Funding detailed, has been secured and must be used by the end of March 2022. It is proposed that this is to be considered by the District Wide Community Facilities Capital & Revenue Grants Panel, whose terms of reference therefore should be updated to reflect remit.
- 3.3 The Administration has requested a review of the three other Cabinet Panels to align to the Council's renewed priorities.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There are no alternative options to be considered.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has taken place with relevant officers in Legal, Finance, Policy and Community Engagement.
- 5.2 Consultation has taken place with Policy & Community Engagement team, the Executive Members and Deputy Executive Members for Community Engagement, and need to update the District Wide Community Facilities Capital & Revenue Grants Panel.
- 5.3 The Leader and Deputy Leader have requested a review of the three remaining Cabinet Panels and all other Executive and Deputies were made aware of this by the Leader.

6. FORWARD PLAN

- 6.1 This report contains a recommendation (2.1-2.3) on a key Executive decision that was first notified to the public in the Forward Plan on the 14 November 2020. The review of the remaining Cabinet Panel's terms of reference relates to name change, portfolios alignments and minor clarifications, and is not a key Executive decision (and not therefore required to be specifically addressed in the Forward Plan).

7. BACKGROUND Grants Policy

- 7.1. Before the introduction of the amended Policy in January 2020, the Grant Policy was last reviewed in late 2015 / agreed by Cabinet in June 2016. A review has been undertaken to see how the new Policy has been operating. As a result, the amendments to the Policy have been proposed.

NHDC /HPB Funding Protocol

- 7.2. In May 2021 a joint application was successfully made to the HPB by Dacorum, Hertsmere, East Herts, NHDC, Stevenage, Broxbourne, Welwyn Hatfield, Watford and Three Rivers for community group funding. NHDC secured £100K. The funding needs to be committed/ spent by March 2022.

District Wide Community Facilities Capital & Revenue Grants Panel terms of reference

- 7.3. It is proposed that this Panel will consider the NHDC/ HPB funding applications and make recommendations to the Executive Member for Community Engagement. The terms of reference for that Panel therefore need to be updated.

Cabinet Panels: (Environment; Community Engagement, Enterprise and Co-operative Development; Housing, Strategic Planning and Transport)

- 7.4. Three Cabinet Panels were established in 2019/20; in 2019 Environment and the other two in 2020 as part of the Constitutional review. Some amendments were made to the terms of reference by Cabinet in June 2020.
- 7.5. Post-election in May 2021, the Administration has expressed a desire to revisit the terms of reference.

8. RELEVANT CONSIDERATIONS Grants Policy

- 8.1 The revised criteria has allowed for a wider range of organisations to apply for a community grant in the last year. It is anticipated that when the impact of the pandemic has subsided that other groups will apply for funding in future years.
- 8.2 It is proposed that the two amendments are made to the current criteria. The amendments are to clarify the conditions under which the Council consider Area Committee funding. Currently Section 2 Eligibility Criteria states at paragraph F, that organisations should “*be able to demonstrate financial need and that other sources and options for funding have been considered*”. It proposed that this is amended to the following – “***be able to demonstrate financial need and that other sources and options for funding have been considered and exhausted before application to the District Council***”. Some organisations are able to raise funds through precepts, levies or other fund-raising activities.
- 8.3 Paragraph G. states – “*be able to demonstrate the award of the grant provides additionality to the service provision of the organisation*”. It is proposed that this paragraph be amended to read – “***be able to demonstrate the award of the grant provides additionality to the service provision of the organisation (i.e. is innovative in nature and beyond the normal scope of organisation’s current activities)***”. This provides further clarity as when referring to ‘additionality’ to service provision.

NHDC/ HPB funding Protocol and amendment to the District wide Panel's terms of reference:

- 8.4 As per Appendix B, the funding was provided to NHDC to distribute to community groups for specific HPB criteria (detailed as 6 & 7). The funding is to support organisations which were directly involved in service delivery to /prevention of the impact of Covid-19 on North Hertfordshire residents, but are now facing financial difficulties. The funding is to provide notional *retrospective* funding to support these organisations. The fund for these organisations will seek to ensure that they remain viable and sustainable as they deliver on-going support to residents affected by the pandemic. The HPB funding is therefore restricted, in that it will relate to the organisations rather than the projects that they provide. It is proposed that the Panel will consider these applications, which as detailed in the Protocol (to reflect the HPB requirements) will be applications that include e.g., a contribution to running costs such as rent, rates, insurance, PPE and other Covid-19 compliant infrastructure. Specific amounts and costings must be provided for all of the above.
- 8.5 The amendments to the terms of reference for this Panel are set out as tracked changes in Appendix C.

Cabinet Panels:

- 8.6 The amendments to the terms of reference relate to the changing of name for two of the Panels, aligning Chair and Vice Chair to the revised portfolios and making it clear that stakeholders, or Members not on a Panel may be invited to present. These are set out in Appendices D,E & F, with the proposed names of 'Environment', 'Community' and 'Place'. All Members appointed to those previously named Panels would continue as Members of the newly named Panels as before.

9. LEGAL IMPLICATIONS

- 9.1 The Area Committees' have delegated Executive Grants functions under section 9E (2)(iv) but these may also be discharged by the Senior Executive Member as per (2)(a) and (ii) the Executive Member.
- 9.2 Section 9.1 of the constitution states that 'Area Committees must operate within Council policy and decisions must be consistent with the Budget and Policy framework and service specific policies.'
- In order to promote close working with our communities there are five Area Committees which cover different geographical areas of the district. The Area Committees are given substantial powers and responsibilities, within the parameters of the policies set by the Council and Cabinet and as set out in the terms of reference, including the ability to consider and report to Cabinet and Council on any matter affecting their area. Area Committees must operate within Council policy and decisions must be consistent with the Budget and Policy framework and service specific policies.
- 9.3 Section 9.3 of the Constitution sets the delegations as the following – 'The Council and Cabinet will include details of the delegations to Area Committees. The delegations to 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.

Section 9.8 sets the Terms of Reference for the Area Committees as:

9.8.1 Policy - exercise of decisions by resolution - (in relation to the budgets)

- (a) To allocate discretionary budgets within the terms determined by the Council.
- (b) To allocate devolved budgets and activities within the terms determined by the Council.

9.4 9.8.2 and 14.6.8 (b) (iii) of the Constitution provide delegations to: 'The Executive Member for Community Engagement, having consulted the Chair or Vice Chair of the relevant Area Committee, or where no Chair or Vice Chair – the Members of the Area Committee by majority or those responding, or confirming via virtual means, and Service Director: Legal and Community; of on recommendation of Grants Panel'.

9.5 The Cabinet has Panels that are advisory and has the remit to update their terms of reference.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications arising from the amendments to the grant criteria, and the Area Committee grants budget will remain at £42k in 2021/22. The amendments seek to make best use of council revenue by funding appropriate district voluntary and community sector organisations projects which increase local impact. In 2020/21 there was an additional £10k District-wide budget, which has now concluded.

10.2 During 2020/21, additional funding was made available from the Special Reserve to provide funding to community groups that were providing support in response to the Covid-19 pandemic. Securing the additional £100k revenue funding from the Health Protection Board will replace the Special Reserve fund going forward. This additional pot of funding will seek to provide additional support whilst the impact of the pandemic is still being felt.

11. RISK IMPLICATIONS

11.1. There are no direct risk implications arising from the changes highlighted in the report. The recommendations seek to improve governance arrangements relating to grant funding and to maximise the opportunities for relevant grant processes to achieve their stated objectives.

12. EQUALITIES IMPLICATIONS

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

12.2 For organisations to be compliant with both the current grant criteria they must demonstrate an open-door membership policy and provide services that are accessible to all. This does not preclude single-gender organisations from applying as long as they can demonstrate that they comply with the Equality Act 2010.

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 There are no direct human resource implications relating to this report.

16. APPENDICES

16.1 Appendix A – Grants Policy Amended

16.2 Appendix B – NHDC/ HPB Funding Protocol

16.3 Appendix C - District Wide Community Facilities Capital & Revenue Grants Panel Terms of Reference Amended.

16.4 Appendix D – Cabinet Panel Environment Panel Terms of Reference Amended.

16.5 Appendix E - Community Engagement, Enterprise and Co-operative Development, as described ‘Community’ Terms of Reference as Amended;

16.6 Appendix F - Housing, Strategic Planning and Transport, as described ‘Place’ Terms of Reference as Amended.

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18. BACKGROUND PAPERS

18.1 None other than those indicated and linked in the documents and Appendices detailed.

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Community Grants Policy

1. INTRODUCTION

- 1.1 North Hertfordshire District Council is committed to providing support to community groups and organisations working in the district to deliver services, build capacity and sustainability, and contribute positively to the achievement of the Council's priorities for the District.
The Council recognises the significant contribution made by the voluntary and community sector to deliver services and contribute positively to the achievement of the Council's priorities for the District.
The Council's Area Committees will seek to establish and maintain relationships with outside bodies/voluntary organisations operating specifically within their area including, where appropriate, the provision of grant aid / financial support etc.
- 1.2 Any provision of grant funding will seek to support activities that are 'open to all' and do not exclude any specific group of people.
- 1.3 North Hertfordshire District Council will not authorise the award of a grant which goes against the Council's policies or seeks to reverse a previous decision.
- 1.4 This document sets out the terms and conditions under which funding applications to the council should be made, the criteria for the award, and the context in which applications will be considered.

2. ELIGIBILITY CRITERIA

2.1. Applications will be accepted from organisations that are:

- A. Volunteer led or operated on a not-for-profit basis, such as, but not limited to:**
- Registered Charities (*that have a charity number*)
 - Un-registered Charities (with income under £5000), Constituted Groups or Clubs (*e.g. including children, youth and the elderly, etc*) -
 - Community Interest Companies (CIC) or Community Interest Organisations (CIO)
 - Schools / Academies (*providing the activity is beyond their statutory responsibilities*)
 - Social Enterprises
 - Sports Clubs
 - Resident Groups / Clubs
 - Faith based organisations (*where they are including the wider community*)
 - Business Groups and Organisations, including Business Improvement Districts (*on condition that the funding is for something that provides Additionality*)
 - Parish, Town and Community Councils (*on condition that the funding is for something that provides Additionality*)

- B.** Be for the benefit of residents of North Hertfordshire.
- C.** Be able to demonstrate financial viability by providing details of income and expenditure and, where relevant, demonstrate compliance with previous grant conditions.
- D.** Have an open-door membership policy and provide services that are accessible to all. This does not preclude single gender organisations from applying as long as they can demonstrate that they comply with the Equality Act 2010.
- E.** Either be formally constituted or demonstrate a good governance structure, including a Management Committee or Board of Trustees that are not all immediately related.
- F.** Be able to demonstrate financial need and that other sources and options for funding have been considered and exhausted before application to the district council.¹
- G.** Be able to demonstrate the award of the grant provides Additionality to the service provision of the organisation (i.e. is innovative in nature and beyond the normal scope of organisation's current activities).²

2.2 In the case of projects that involve work on a building or outdoor space, the group or organisation must:

- *Own the freehold of the land or building, or have a lease which cannot be brought to an end by the landlord for at least five years after the work has been completed.*
- *Have the relevant permissions/ licences in place (e.g. planning consent).*

2.3 In the case of projects that involve working with children, young people or vulnerable adults, the group or organisation must:

- *Have a safeguarding policy.*
- *Have completed DBS checks as appropriate.*
- *Have undertaken safeguarding training as necessary.*

¹ Amended Cabinet July 2021.

² Amended Cabinet July 2021.

3. **FUNDING INFORMATION**

3.1. The Council may support and provide financial assistance as outlined below:

ELIGIBLE for funding	NOT ELIGIBLE for funding
<ul style="list-style-type: none">• Activities• Events• Equipment• Publicity and Publications• Repairs and Maintenance• Site and Building works• Training/Workshops• Travel and Transport (not overseas)• Venue Hire• Refreshments (not alcohol)	<ul style="list-style-type: none">• Retrospective funding e.g. for items already purchased or events that have already happened.• Goods and Services already received or paid for• Purchase of Alcohol• A service that the state is obligated to provide.• Charitable donations.• Contingency cost, loans, endowments or interest.• Land or building where ownership (freehold or eligible lease) is not yet established.• Political or religious activities.• Purchase of items on behalf of another• Recoverable VAT

4. **APPLICATION SUBMISSION PROCESS**

- 4.1. All requests for funding must be submitted on the council's Community Grant application form along with all the required supporting documentation.
- 4.2. The form is available as a Microsoft Word file downloadable from the Council's website. *(Wherever possible this should be completed and returned electronically in Microsoft Word.)*
- 4.3. Community Grant applications are considered at the relevant Committee/Panel and a listing of application deadlines is published on the Council's website.
- 4.4. District wide Community Grant applications may be considered by a District- wide panel. The panel will meet at least twice a year, and once in July of each civic year, after Cabinet have approved any revenue carry-forwards from the Area Committees and another date to be agreed. *
- 4.5. You can find the Community Grant application forms at <https://www.north-herts.gov.uk/home/community/grants/area-committee-grants>

5. **ASSESSMENT CRITERIA**

- 5.1. All applications for grant funding will be carefully assessed to ensure that funding is allocated to projects or activities and areas that will have the most beneficial impact on the residents of North Hertfordshire
- 5.2. The assessment process will use three main criteria:

A. Feasibility Assessment	B. Priority Assessment
<ul style="list-style-type: none">• Will the funding benefit residents of North Hertfordshire?• Will it be spent within 12 months from receiving the funding)?	<ul style="list-style-type: none">• Does the project fulfil a need for the local community?
	C. Economic Assessment
	<ul style="list-style-type: none">• Does it provide good value for the money?• Is the applicant financially viable?

- 5.3. **Other areas for consideration, which may strengthen an application:**
- Partnership with other groups involved in this type of work.
 - Efforts to seek additional joint funding from other sources
 - If the organisation has not applied to NHDC in the past or for a long period of time

6. **TERMS OF THE AWARD**

- 6.1. Grant monies awarded must only be spent on activities as described in the application, within one year of the decision.
- 6.2. The Council will require details of how the grant was spent, and the provision of receipts, within one year of the decision.
- 6.3. Grant recipients may be requested to report back to the relevant committee / panel either by presentation or writing.
- 6.4. Any unspent funds must be returned to the Council.
- 6.5. Details later proved to be incorrect may prejudice a subsequent application and could result in a requirement to repay any funding awarded.

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NHDC / Health Protection Board Funding Protocol

Background

North Hertfordshire District Council put in a bid for Health Protection Board ('HPB') funding (allocated via Hertfordshire County Council) as part of a joint bid for community group funding and were successful in securing £100,000 to be used by March 2022 under the following two of the HPB criteria:

- Targeted interventions for specific sections of the local community and workplaces
- Harnessing capacity within local sectors (e.g. voluntary, academic, commercial)

The £100,000 has been provided to NHDC to provide a fund for local Community and Voluntary organisations to ensure they remain viable and sustainable whilst delivering support to residents who have been and continue to be affected by the COVID-19 pandemic.

Community organisations have offered key services such as food deliveries, befriending services, and mental health support through the pandemic, as demand for these services arose. This increase in demand has led to higher running costs, while organisations are also unable to carry out their usual fundraising activities. Such organisations are therefore facing financial difficulties as a result of the pandemic.

Evidence from existing Community Grants Scheme, Herts Community Foundation, and key partners shows that many VCS organisations are at threat of closure as they are unable to cover rents and property costs, while other organisations are reporting concerns that they will be unable to open again and deliver services as they cannot afford the infrastructure to make their services or venues COVID-19 compliant. With a reduced VCS service, statutory organisations will become overwhelmed with requests for support, and residents will suffer as a result.

This grant fund will therefore aid the continued operation of such groups, helping prevent redundancies or total closure, and subsequently will enable residents' physical and mental health to continue to be supported. The groups will potentially be able to access the funding, as per the HPB bid as per the examples detailed below.

Criteria and Award

Funding must be used under the following criteria

6. Targeted interventions for specific sections of the local community and workplaces; and/ or
7. Harnessing capacity within local sectors (e.g. voluntary, academic, commercial).

Examples of what organisations can apply for funding for include rent, property costs, insurance, PPE and other COVID-19 compliant infrastructure required to continue to provide their services. For example, this may cover 3/6 months' rent up until March 2022.

Applicants should be able to provide evidence that their service or operation benefits residents of North Hertfordshire, and must have either charitable, voluntary, or not-for-profit status.

Applicants will be considered under the Council's existing Community Grants criteria, available here under 2.1: [CLICK HERE Community Grants Policy](#)

The District Wide Community Facilities Capital & Revenue Grants Panel ('the Panel') will be convened to ensure a robust and impartial assessment of each application and evidence of how the applicant has been supporting the community during the COVID-19 pandemic.

(Central Government set out in the 'Coronavirus: Action Plan'¹ four stages of the plan to respond to Covid 19. These are 1. Contain, 2. Delay, 3. Research and 4. Mitigate). The funding is to support organisations which have been and continue to be directly involved in supporting residents who have been impacted by Covid-19 pandemic, but which are now facing financial difficulties.

The Panel will, following these deliberations make recommendations on any awards to the Executive Member for Community Engagement, who will consider such recommendations under relevant delegations in consultation with the Service Director: Legal and Community.

Background documents (relevant to the Protocol)

Community Grants Policy (specifically sections 2.1 Applicants and 4 process).

Grant Funding Agreement

Application form

District Wide Community Facilities Capital & Revenue Grants Panel Terms of Reference

¹ <https://www.gov.uk/government/publications/coronavirus-action-plan/coronavirus-action-plan-a-guide-to-what-you-can-expect-across-the-uk>

Appendix C

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THE DISTRICT WIDE COMMUNITY FACILITIES CAPITAL & REVENUE GRANTS PANEL

MEMBERSHIP

1. The Panel shall comprise ten Members.
2. The Panel shall be politically balanced;
3. Two members will be drawn from each of the five areas.
4. The quorum shall be three.
5. Appointments will be made by the Council at its Annual Meeting or at other times, under delegated responsibility, by the Democratic Services Manager in consultation with Group Leaders.
6. The Panel will appoint its own Chairman.

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TERMS OF REFERENCE

1. To comment on and act as an advisory panel to the Executive Member for Community Engagement, in approving grants in consultation with the Service Director Legal and Community made under the Community Facilities Capital Grant Funding Scheme and district wide community revenue grants.
2. To comment on and act as an advisory Panel to the Executive Member for Community Engagement, in approving grants in consultation with the Service Director Legal and Community made under the NHDC/ Health Protection Board Funding Protocol.

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2. To comment on grant applications in accordance with the criteria for the Community Facilities Capital Grant Funding Scheme and District Wide grants in accordance with the community grant policy.

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ADMINISTRATION

1. Meetings will be called as necessary by the Policy & Community Engagement Manager.
3. Administrative support will be provided by the Communities Engagement Team Leader.

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CABINET PANEL ON THE ENVIRONMENT

Appendix D

MEMBERSHIP

1. The Panel shall comprise of nine (9) Members.
2. The Panel shall be politically balanced.
3. The quorum shall be three (3).
4. Appointment by Full Council at its Annual Meeting or at other times, under delegated responsibility, by the Democratic Services Manager in consultation with Group Leaders.
5. Substitutes to be allowed, as per the Council's Procedure Rules.

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TERMS OF REFERENCE

The Panel's Terms of Reference are to consider a range of climate, and environmental issues and in particular to:

1. Engage with individuals and the community, act as a sounding board on community ideas and projects and seek evidence and views as appropriate;
2. Consider a range of views on issues relating to climate change (both mitigation of and adaption to) and environmental matters;
3. Help and where appropriate maintain any links with relevant external (public, research and industrial) bodies;
4. Consider any relevant government or agency consultations and advise Cabinet or the relevant Executive Member and Service Director of a proposed response;
5. Contribute towards the review of the Climate Change Strategy;
6. Act as Act as an advisory Panel to Cabinet in relation to the above.

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The Leader and Deputy Leader, together with the Chair and Vice-Chair of Overview and Scrutiny Committee and relevant officers will agree a work programme for the Panels to ensure that there is not duplication with the work of the Overview and Scrutiny Committee or its Task and Finish Groups, ensuring the Panels and the Committee use their time to positively benefit the Council and our communities.

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PROCEDURE & ADMINISTRATION

1. The Panel is advisory and has no decision making powers. It is therefore the intention that the Panel meetings, style and tone are informal and that the community and any person or body are welcomed and enabled to participate.
2. The Panel shall be Chaired by the Executive Member for Environment, Leisure & Green Spaces, and Recycling and Waste alternatively, or in the event of the absence of the other, by the attending Executive Member, (or by such Chair(s) as appointed at the Annual Council in the event of portfolio change).
3. The Panels may invite relevant stakeholders to present and support their work, which includes other Executive Members or Deputies.
4. The Panel shall aim to meet approximately 6 times per year, once before each Cabinet cycle.
5. Any recommendation of the Panel shall, in so far as possible, be by consensus. Where voting is necessary, then the normal Council voting procedures will apply.
6. Administrative support will be organised by the Committee, Member and Scrutiny Team.

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CABINET PANEL ON THE ENVIRONMENT

Appendix D

7. Officer support shall be provided by the Policy officer(s) from Policy and Community Engagement and where relevant other Directorate officers, as requested by the Panel.

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CABINET PANEL ON COMMUNITY

MEMBERSHIP

1. The Panel shall comprise of nine (9) Members.
2. The Panel shall be politically balanced.
3. The quorum shall be three (3).
4. Appointment by Full Council at its Annual Meeting or at other times, under delegated responsibility, by the Democratic Services Manager in consultation with Group Leaders.
5. Substitutes to be allowed, as per the Council's Procedure Rules.

TERMS OF REFERENCE

The Panel's Terms of Reference are to consider a range of community engagement, arts and leisure issues and in particular to:

1. Engage with individuals and the community, act as a sounding board on community ideas and projects and seek evidence and views as appropriate;
2. Consider a range of views on issues relating to community engagement, arts and leisure matters;
3. Help and where appropriate maintain any links with relevant external (public, research, professional/trade, commercial and industrial) bodies;
4. Act as an advisory Panel to Cabinet in relation to the above.

The Leader and Deputy Leader, together with the Chair and Vice-Chair of Overview and Scrutiny Committee and relevant officers will agree a work programme for the Panels to ensure that there is not duplication with the work of the Overview and Scrutiny Committee or its Task and Finish Groups, ensuring the Panels and the Committee use their time to positively benefit the Council and our communities.

PROCEDURE & ADMINISTRATION

1. The Panel is advisory and has no decision making powers. It is therefore the intention that the Panel meetings, style and tone are informal and that the community and any person or body are welcomed and enabled to participate.
2. The Panel shall be Chaired by the Executive Member for Enterprise, the Arts and Transport, or Community Engagement on a meeting by meeting basis (or by such Chair(s) as appointed at the Annual Council in the event of portfolio change).
3. The Panels may invite relevant stakeholders to present and support their work, which includes other Executive Members or Deputies.
4. The Panel shall aim to meet approximately 6 times per year, once before each Cabinet cycle.
5. Any recommendation of the Panel shall, in so far as possible, be by consensus. Where voting is necessary, then the normal Council voting procedures will apply.
6. Administrative support will be organised by the Committee, Member and Scrutiny Team.
7. Officer support shall be provided by the most relevant Directorate for the subject of the meeting and where relevant other Directorate officers, as requested by the Panel.

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CABINET PANEL ON PLACE

MEMBERSHIP

1. The Panel shall comprise of nine (9) Members.
2. The Panel shall be politically balanced.
3. The quorum shall be three (3).
4. Appointment by Full Council at its Annual Meeting or at other times, under delegated responsibility, by the Democratic Services Manager in consultation with Group Leaders.
5. Substitutes to be allowed, as per the Council's Procedure Rules.

TERMS OF REFERENCE

The Panel's Terms of Reference are to consider a range of Housing, Strategic Planning, Transport, and economic development issues and in particular to:

1. Engage with individuals and the community, act as a sounding board on community ideas and projects and seek evidence and views as appropriate;
2. Consider a range of views on issues relating to new Housing, Strategic Planning, Transport and economic development matters²;
3. Help and where appropriate maintain any links with relevant external (public, research and industrial) bodies;
4. Act as an advisory Panel to Cabinet in relation to the above.

The Leader and Deputy Leader, together with the Chair and Vice-Chair of Overview and Scrutiny Committee and relevant officers will agree a work programme for the Panels to ensure that there is no duplication with the work of the Overview and Scrutiny Committee or its Task and Finish Groups, ensuring the Panels and the Committee use their time to positively benefit the Council and our communities.

PROCEDURE & ADMINISTRATION

1. The Panel is advisory and has no decision making powers. It is therefore the intention that the Panel meetings, style and tone are informal and that the community and any person or body are welcomed and enabled to participate.
2. The Panel shall be Chaired by the Executive Member for Enterprise, The Arts, and Transport, or Housing and Environmental Health on a meeting by meeting basis (or by such Chair(s) as appointed at the Annual Council in the event of portfolio change).
3. The Panels may invite relevant stakeholders to present and support their work, which includes other Executive Members or Deputies.
4. The Panel shall aim to meet approximately 6 times per year, once before each Cabinet cycle.
5. Any recommendation of the Panel shall, in so far as possible, be by consensus. Where voting is necessary, then the normal Council voting procedures will apply.
6. Administrative support will be organised by the Committee, Member and Scrutiny Team.
7. Officer support shall be provided by the Regulatory Directorate and where relevant other Directorate officers, as requested by the Panel.

² The Panel will not substitute or duplicate the ongoing Local Plan process or consider planning/ development control matters.

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**CABINET
20 JULY 2021**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: DEVELOPER CONTRIBUTIONS SPD

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING

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 seeks to extend the July 2020 resolutions of Cabinet in relation to the proposed Developer Contributions Supplementary Planning Document (SPD) pending the outcomes of the Local Plan Examination.

2. RECOMMENDATIONS

- 2.1. That, subject to Recommendations 2.2 and 2.3 below, the Developer Contributions SPD approved by Cabinet in July 2020 continue to be used as a material consideration in the negotiation and determination of relevant schemes;
- 2.2. That, pending the updated Green Space Strategy and revised programme of Supplementary Planning Documents, *Fields in Trust* standards be used to assess open space provision in new development;
- 2.3. That officers, in consultation with the Executive Member for Planning, determine whether any areas of the Developer Contributions SPD require additional work prior to adoption and present any revised draft or final version(s) to Cabinet for their approval.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To allow the continued use of the detailed guidance in the Developer Contributions SPD in the negotiation of relevant schemes.
- 3.2. To ensure the provision of appropriate levels of open space in new development.
- 3.3. To enable officers, in consultation with the Executive Member and Deputy, to consider whether any matters arising since the July 2020 resolutions of Cabinet necessitate substantive additional work before the Developer Contributions SPD is formally adopted.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None – the July 2020 resolutions of Cabinet were time limited and will expire without being renewed or replaced at this meeting. The July 2020 Cabinet report concluded that it would not be appropriate to adopt the Developer Contributions SPD as a subsidiary document to the current saved policies of the District Plan.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Executive Member for Planning and Deputy have been briefed on the relevant matters in this report.

6. FORWARD PLAN

- 6.1 This report relates to a Key Decision that was first notified to the public in the Forward Plan on 24 May 2021.

7. BACKGROUND

- 7.1. In July 2020, Cabinet resolved to adopt the Developer Contributions SPD, subject to the adoption of the Local Plan within 12 months of the date of that meeting. Cabinet additionally resolved that, in the interim, the proposed adoption version of the Developer Contributions SPD be used as a material consideration in the determination of relevant schemes.
- 7.2. The July 2020 Cabinet report is linked as a background paper to this report and should be referred to for additional information.
- 7.3. The July 2020 resolutions were based upon an assumed timetable for the resumption and conclusion of the Local Plan examination. Those assumptions have not been realised for various reasons making it necessary to renew / extend the resolutions to allow time for that process to conclude and for the Council to reach a decision upon adoption of the Plan.

8. RELEVANT CONSIDERATIONS

Extending the use of the previously approved SPD pending adoption of the Plan

- 8.1. For the reasons above, and set out in the July 2020 report, it is advised to renew the Cabinet resolution enabling the Developer Contributions SPD to be applied as a material consideration pending any formal adoption.
- 8.2. The Council is in receipt of a number of planning applications upon sites proposed for allocation in the emerging Local Plan. The Developer Contributions SPD has been written to complement and provided additional advice upon the policies in the new plan. Continuing to have regard to this advice will help in the negotiation and determination of these schemes.

- 8.3. Early engagement is beginning with representatives of a number of the proposed strategic and significant sites within the emerging Plan which are captured by the enhanced masterplanning requirements now set out in Policy SP9 of the new Local Plan. Masterplanning guidelines were approved by Cabinet in March 2020 and the contents of the Developer Contributions SPD will be similarly applied as relevant to these discussions.

Use of Fields in Trust standards for open space

- 8.4. The current version of the SPD includes standards for the provision of open space in new development. These are local standards based upon an assessment of open space provision in the District conducted in 2016.
- 8.5. These standards pre-date more recent developments including (but not necessarily limited to) the increased emphasis on design and biodiversity in the planning system, the Council's declaration of a Climate Change Emergency and the Covid-19 pandemic which has changed the ways and frequency with which many people interact with open spaces in their local area. Practical experience has additionally shown that the combined standards in the Council's current guidance can be too generic to accurately guide proposals.
- 8.6. It is therefore recommended, in conjunction with the Council's Greenspace Manager, that *Fields in Trust* standards are adopted as an interim measure. These would supercede the standards set out in Section 8.4 of the currently approved SPD. *Fields in Trust* is a nationally recognised and widely used standard for open space provision. Around three-quarters of local authorities use this or an equivalent standard. The standards and further guidance are linked as a background document to this report and should be referred to for more information.
- 8.7. The *Fields in Trust* standards are broadly comparable to the Council's standards in a number of areas, they also provide greater differentiation between different forms of open space. A comparison of the two standards is set out below:

Open space standards for new development (hectares per 1,000 population)

Type	Fields in Trust	NHDC current
Playing pitches	1.2	1.6
Other outdoor sports	0.4	(combined)
Equipped / designated play	0.25	0.57*
MUGAs / skateboard etc	0.3	(combined)
Parks and Gardens	0.8	No standard – case by case consideration
Amenity Green Space	0.6	2.0
Natural and semi-natural	1.8	(combined)
Allotments	0.3	0.25

**NHDC standard expressed as number of equipped sites per 1,000 population, not area*

- 8.8. The most appropriate long-term standards for the District will be further explored through:
- Ongoing work to review open space provision across the District to provide an up-to-date baseline;
 - The update of the Greenspace Strategy approved in principle under delegated powers in March 2020 following the cancellation of Cabinet due to the Covid-19 situation; and
 - Developing the revised suite of supplementary planning documents to support the Local Plan and associated evidence base as approved by Cabinet in March 2021. This includes proposed SPDs on biodiversity, design and sustainability and updated evidence on green infrastructure provision.
- 8.9. Any recommended standards arising from this work (which could still be based upon *Fields in Trust*) will be formally set out for approval in one or more of these documents in due course and / or any update to the Developer Contributions SPD prior to adoption (see below).

Consideration of other matters

- 8.10. Given the delays in adoption of the SPD, and the time elapsed since consultation on the draft SPD (approved January 2020), officers will consider whether any other elements of the SPD may now require updating prior to adoption. This might include updated advice to reflect more recent Government announcements such as the new *First Homes* tenure reported in June's Strategic Planning Matters report. The Service Director and Executive Member were granted delegated authority to make minor amendments prior to formal adoption under the July 2020 decision. However, if more substantive changes are need, a revised draft of the SPD would be produced for approval and / or further consultation (if required) in due course.
- 8.11. The preparation of the Developer Contributions SPD was one of the actions agreed in the Council's Housing Delivery Test (HDT) Action Plan approved by Cabinet in June 2020. Following the publication of updated HDT results in January 2021, the Council has to update its Action Plan. Government guidance states that this should be completed within six months of HDT results being published (i.e. by July 2021 in this instance).
- 8.12. However, it has been agreed with the Executive Member and Deputy that an update of the Action Plan should be delayed until the outcomes of the Local Plan examination are known. An updated Action Plan prepared at this time would not identify any substantively different actions from those currently approved. Following conclusion of the examination, the Council will be able to update its HDT results in line with the Inspector's recommendations and review its proposed actions in light of these. This, in turn, may also result in some amendments to the currently approved SPD.

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.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no new financial implications arising from this report. The general costs of preparing Supplementary Planning Documents are met through existing revenue budgets.
- 10.2. Continuing to apply the requirements of 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 Corporate 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 and maintaining up-to-date guidance on developer contributions 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. There are no known Environmental impacts or requirements that apply to this report. Further information is set out in the July 2020 Cabinet report.

15. HUMAN RESOURCE IMPLICATIONS

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

16. APPENDICES

- 16.1. None

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 [Report to Cabinet July 2020: Developer Contributions Supplementary Planning Document](#)
- 18.2 [Report to Cabinet June 2020: Housing Delivery Test Action Plan](#)
- 18.3 [Fields in Trust Standards](#)

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**CABINET
20 JULY 2021**

PART 1 – PUBLIC DOCUMENT

**TITLE OF REPORT: DESIGNATION OF A NEIGHBOURHOOD PLANNING FORUM AND
NEIGHBOURHOOD PLANNING AREA FOR CHARLTON**

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

- 1.1. This report details the applications to designate a neighbourhood planning forum for Charlton and to designate a neighbourhood planning area for the area of Charlton following consultation on the application.
- 1.2. Designation of a neighbourhood planning forum and neighbourhood planning area would allow a neighbourhood plan to be prepared for the area.

2. RECOMMENDATIONS

- 2.1. That delegated authority is granted to the Service Director – Regulatory in consultation with the Executive Members for Community Engagement and Planning to:
 - i. determine the current applications for the neighbourhood planning area and neighbourhood planning forum within the statutory 13-week time limit following the conclusion of the public consultation period; and
 - ii. work with the Charlton Neighbourhood Forum and other parties interested in neighbourhood planning in the area to address the issues of concern raised in this report and explore the opportunities to progress neighbourhood planning for Charlton.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure the Council meets its statutory duties in relation to neighbourhood planning within the prescribed time periods.
- 3.2. As part of an unparished area of the District, the application to designate a neighbourhood planning area and neighbourhood planning forum must be considered by the local planning authority. However, for the reasons discussed in Section 8, it would be appropriate for further discussions to be held with the Charlton Neighbourhood Forum and other (potential) neighbourhood planning bodies before a decision is taken.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. That Cabinet agree to delegate the decision to approve the neighbourhood planning area and neighbourhood planning forum for Charlton following the conclusion of public consultation on the two applications.
- 4.2. That following public consultation, no decision is taken, and the neighbourhood planning area and neighbourhood planning forum are designated by default upon expiration of the statutory 13-week period.
- 4.3. That Cabinet agree that the applications for the neighbourhood planning area and the neighbourhood planning forum are refused under delegated powers following conclusion of public consultation on the two applications. In this case, the local planning authority would need to exercise its powers to designate part or all of the area as part of a different neighbourhood planning area.
- 4.4. These options are not recommended for the reasons set out in the report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. Members for Hitchin wards were informed that the application for the neighbourhood planning forum and the neighbourhood planning area as part of the wider consultation in June 2021.
- 5.2. Consultation has taken place with key stakeholders, including Parish Councils, statutory consultees, local community and voluntary organisations, local developers and landowners. The consultation period was open between 9 June and 21 July 2021.
- 5.3. The Executive Member for Planning and deputy and the Executive Member for Community Engagement have been briefed on the matters raised in this report.

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1. Neighbourhood planning was introduced into the planning system by the Localism Act 2011, allowing local communities to shape development in their area. If a neighbourhood plan is prepared, examined and receives a majority vote in a referendum it becomes part of the statutory development plan for the designated neighbourhood planning area and is used in determining planning applications, alongside the Council's local plan.
- 7.2. The Neighbourhood Planning Regulations 2012 (as amended) set out the statutory process that must be followed when designating a neighbourhood planning forum and neighbourhood planning area and then subsequently preparing a neighbourhood plan.
- 7.3. The first stage in the process requires an application to be made for the designation of a neighbourhood planning forum in an unparished area and an application to designate a neighbourhood planning area.

- 7.4. An application must be determined within 13-weeks of the start of public consultation on the proposal. In this instance, the 13-week period will expire on 8 September 2021.

8. RELEVANT CONSIDERATIONS

- 8.1. The Charlton Society Neighbourhood Forum submitted applications to designate a neighbourhood planning forum and a neighbourhood planning area in May 2021. The application letter, supporting documentation and a plan of the proposed area for designation are attached as Appendices to this report.
- 8.2. Previously, all applications for a neighbourhood planning area designation in the district have been made by a Parish Council, which are recognised as a Qualifying Body. This application for a neighbourhood planning area designation is made for an unparished area of the district and is therefore accompanied by an application to designate a neighbourhood planning forum.
- 8.3. On receipt of an application for a neighbourhood planning area and neighbourhood planning forum, the local planning authority must consult on the applications for six weeks. Consultation started on 9 June 2021 and closes after this Cabinet meeting on 21 July 2021.

Designation of the neighbourhood planning area

- 8.4. The Charlton Society Neighbourhood Forum have defined a proposed neighbourhood planning area for Charlton which is shown in [Appendix C](#). The application also includes an explanation of why the area is considered to be appropriate for the purposes of neighbourhood planning, as required by the Regulations. This is set out in [Appendix A](#).
- 8.5. The application for the designation of a neighbourhood planning area must be assessed to ensure that the area is coherent, consistent and appropriate in planning terms. Any representations received in respect of the proposed neighbourhood planning area must also be considered. Consultation on the proposed neighbourhood planning area started on 9 June 2021 and closes on 21 July 2021.
- 8.6. To date, 6 representations have been received, four of which make no comment about the neighbourhood planning area and two which support the proposed neighbourhood planning area. A verbal update on the consultation will be provided at the meeting.
- 8.7. In considering the appropriateness of the application for the designation, it is considered relevant to have regard to the following factors:
- whether the proposed area is appropriate for neighbourhood planning purposes; and
 - the alternate neighbourhood planning arrangements that could be implemented.

- 8.8. In terms of considering whether the proposed neighbourhood planning area is appropriate there are a number of factors which should be considered, these are set out in full in Planning Practice Guidance ([Paragraph 033 Reference ID: 41-033-20140306](#)). A number of these factors are particularly relevant to this application:
- there is no village or settlement boundary defined for Charlton in the Local Plan. However, the small settlement of Charlton is well defined and the proposed neighbourhood planning area reflects this together with the surrounding farmland;
 - the application demonstrates that there is a network area of community based groups;
 - the historic character of the hamlet is recognised in that most of the settlement lies within the Charlton Conservation Area; and
 - the proposed neighbourhood planning area is defined by recognisable physical features, including the A505, A602 and public rights of way.
- 8.9. The application to designate a neighbourhood planning area for Charlton therefore meets a number of the spatial and geographical criteria set out in guidance. However, the guidance also identifies the size of the population (living and working) in the area as a potential consideration, stating

Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents

Designation of the neighbourhood planning forum

- 8.10. The second application to consider is the designation of a neighbourhood planning forum to act as the Qualifying Body for the proposed neighbourhood planning area. The requirements which must be met to designate a neighbourhood planning forum are set out in section 61F(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 8.11. In its application to be designated as a neighbourhood planning forum, the Charlton Society Neighbourhood Forum have included a copy of the constitution (Appendix B) which confirms that the group would meet the requirements set out in section 61F(5)(a), (b) and (d).
- 8.12. Section 61F(5)(c) sets out the requirements for the membership of a neighbourhood forum. It states that to be designated, a neighbourhood forum must have a minimum of 21 individuals who either:
- Live in the neighbourhood area;
 - Work there; and/or
 - Are elected members for a local authority that includes all or part of the neighbourhood area.
- Whilst a neighbourhood forum is not required to have a member from each category to be designated, the neighbourhood forum must have an open membership policy.

- 8.13. However, it is not clear that the Charlton Society Neighbourhood Forum can meet the requirements of section 61F(5)(c). Within the proposed neighbourhood planning area there are 34 properties and an electorate of 54 people. Whilst the constitution states that membership of the forum is open to all members of the community it is not clear whether there are 21 active members of the forum and no details of the membership have been provided in the application. There is a concern whether this level of membership of a neighbourhood forum could be sustained for the duration of preparing a neighbourhood plan given the very small population of the application area.
- 8.14. Once a neighbourhood plan has been prepared, it becomes part of the statutory development plan if there is a successful referendum. The referendum is held within the designated neighbourhood planning area and requires a simple majority to “make” the neighbourhood plan. In the context of Charlton, this would mean that if there was a 100% turnout to vote, 27 people would have to vote “yes” to making the neighbourhood plan. Turnout figures for previous neighbourhood plan referenda in the district have been between 29% and 56%.

Way forward

- 8.15. In July 2018 Cabinet delegated a number of decisions and functions in relation to neighbourhood planning to the (now) Service Director Regulatory in consultation with the (now) Executive Member for Planning. However, it remains necessary to bring applications for neighbourhood planning areas and forums in unparished areas of the District before Cabinet.
- 8.16. The statutory thirteen-week period for this application expires on 8 September 2021, prior to the next scheduled meeting of Cabinet on 21 September 2021. If no decision is made within the thirteen-week period, the neighbourhood planning area and forum would become designated by default.
- 8.17. The consultation does not close until after this meeting of Cabinet. It is therefore recommended that the decision on this application is delegated to the Service Directory Regulatory in consultation with the Executive Members for Planning and Community Engagement to allow for a timely decision to be made in light of all consultation responses that might be received.
- 8.18. As set out above, there are some areas of concern with the current application particularly around the membership of the statutory neighbourhood forum and its required size relative to the electorate of the proposed area.
- 8.19. The delegation will allow an opportunity to consider these matters further and determine, in consultation with representatives of the proposed neighbourhood forum, whether they can be satisfactorily resolved within the 13-week period.
- 8.20. In the event that the application is refused, the Council is then under a statutory obligation to ensure that some or all of the area applied for becomes designated for neighbourhood planning purposes under alternate arrangements.
- 8.21. There are several alternatives which could be considered in terms of defining a neighbourhood planning area for Charlton.

- 8.22. An alternative way for a neighbourhood plan to be progressed would be to “add” the proposed area to a neighbourhood planning area where a Parish Council would become the Qualifying Body. Of the parishes which adjoin the proposed neighbourhood planning area, Preston already has a “made” neighbourhood plan and Offley Parish Council have not pursued any neighbourhood planning initiatives.
- 8.23. There is a designated neighbourhood planning area in neighbouring St Ippolyts parish. It would be possible to investigate together with the Charlton Society Neighbourhood Forum and St Ippolyts Parish Council whether it would be an appropriate and acceptable way forward for neighbourhood planning in this area.
- 8.24. A much wider proposal would be to form a neighbourhood planning area and neighbourhood planning forum for a wider part of the unparished area of Hitchin. However, it is difficult to determine which parts of Hitchin would be appropriate to include in a coherent neighbourhood planning area for Charlton as the village is very different in character from the wider Hitchin area. A neighbourhood plan for the wider Hitchin area might result in very different planning policies which would not be suitable for a rural area. It is therefore considered unlikely that this is an appropriate way forward.
- 8.25. These issues will be collaboratively explored under the delegation. If required, a further report to Cabinet setting out proposed alternate arrangements would be presented for approval in due course.

9. LEGAL IMPLICATIONS

- 9.1. Section 61F (5), (6) and (7) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 states that a local planning authority can designate a neighbourhood planning forum, sets out the conditions that must be met and if an application to designate a neighbourhood forum is refused states that the local planning authority must set out its reasons.
- 9.2. Section 61G F (5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 states that if a local planning authority refuse the application because it is considered that the area is not appropriate to be designated, the authority must exercise their power of designation to secure some or all of the specified area forms part of one or more areas designated as neighbourhood areas.
- 9.3. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 requires that the local planning authority must determine the application for a neighbourhood planning forum within 13 weeks from the start of the consultation period.
- 9.4. Section 38A (3A) of the Planning and Compulsory Purchase Act 2004 states that a neighbourhood plan is part of the Development Plan if it has been approved by referendum and Section 38 (6) states that decisions on planning proposals must be made in accordance with the development plan unless material considerations indicate otherwise.

- 9.5. The terms of reference for Cabinet confirm that they should exercise the Authority's functions as Local Planning Authority and to receive reports on: strategic planning matters, applications for, approval/designation, revocation (or recommend revocation of) neighbourhood plans and orders (except where functions are reserved by law to the responsibility of the Council or delegated to the Strategic Director – Regulatory).

10. FINANCIAL IMPLICATIONS

- 10.1. The Ministry of Housing, Communities and Local Government have announced that that a local authority can apply for a grant of £5,000 for designating a neighbourhood planning forum, up to a maximum of five neighbourhood planning forums. No neighbourhood planning forums have been designated in the district because other neighbourhood plans have been undertaken by Parish Councils.
- 10.2. Historically, neighbourhood planning activity has predominantly been funded through an annual allocation of £10,000 in the approved revenue budget. Any expenditure above this level in a given year has been funded from the neighbourhood plan reserve. The annual £10k has been removed for 2021/22 as a cost saving. Any neighbourhood planning expenditure (including that which requires 'forward funding' by the Council such as the examination of plans prior to referendum) will be funded from the reserve which stands at £98,200.
- 10.3. If a neighbourhood planning forum is designated, the additional £5,000 funding from central government will be used to help offset any costs of helping the forum to prepare a neighbourhood plan and to undertake any public consultation. Any funding left will be transferred to the reserve and will be ringfenced for any future neighbourhood plan expenditure.

11. RISK IMPLICATIONS

- 11.1. The Council's new risk Management Framework specifies that we will now actively manage and monitor risks scoring 4 or higher on the risk matrix.
- 11.2. The Local Plan holds a current risk score of 9. In relation to this report, the preparation of a neighbourhood plan could provide a policy framework for planning proposals for the proposed neighbourhood planning area.

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.
- 14.2. If a neighbourhood planning forum and neighbourhood planning area are designated, the District Council, as “responsible authority” would determine if a neighbourhood plan would have significant environmental effects.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 None.

16. APPENDICES

- 16.1. Appendix A - Charlton Society Application to designate a Neighbourhood Planning Forum and Neighbourhood Planning Area
- 16.2. Appendix B - Charlton Society – Constitution
- 16.3. Appendix C - Map of the Proposed Neighbourhood Planning Area

17. CONTACT OFFICERS

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- 17.7. Reuben Ayavoo, Policy and Community Engagement Manager
01462 – 474212 reuben.ayavoo@north-herts.gov.uk

18. BACKGROUND PAPERS

- 18.1. [Planning and Compulsory Purchase Act 2004](#)
- 18.2. [The Neighbourhood Planning \(General\) Regulations 2012](#)
- 18.3. [The Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#)
- 18.4. [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#)
- 18.5. [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2017](#)
- 18.6. [MHCLG letter to Chief Planning Officers, June 2021](#)

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Charlton Society Neighbourhood Forum
Mill Corner, 22 Charlton Road, Hitchin, Herts SG5 2AE
07985 421139

Clare Skeels
Senior Planning Officer
North Herts District Council
Council Offices
Gernon Road
Letchworth
Herts SG6 3JF

24 May 2021

Dear Clare

**APPLICATION FOR DESIGNATION AS A NEIGHBOURHOOD FORUM &
ACCEPTANCE OF PROPOSED PLAN AREA**

In accordance with Part 3 of the Neighbourhood Planning (General) regulations 2012 (as amended), please accept this letter and accompanying documents as a formal application from the Charlton Society Neighbourhood Forum for the designation of the said Forum and acceptance of the proposed Neighbourhood Area.

NEIGHBOURHOOD FORUM

Part 3 Regulation 8 of the Neighbourhood Planning Regulations 2012 states the following:

Where an organisation or body submits a neighbourhood forum application to the local planning authority, it must include –

- a) *the name of the proposed Neighbourhood Forum;*
- b) *a copy of the written constitution of the proposed neighbourhood forum;*
- c) *the name of the neighbourhood area to which the application relates and a map which identifies the area;*
- d) *the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10: and*
- e) *a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act*

We supply herewith the information required by the above regulations:

a. The name of proposed neighbourhood forum

The name of the proposed neighbourhood forum is the Charlton Society Neighbourhood Forum

b. **A copy of the written constitution of the proposed neighbourhood forum**

A copy of our written constitution is enclosed.

c. **The name of the neighbourhood area to which the application relates and a map which identifies the area**

The area will be known as 'Charlton Village Neighbourhood Area'. A map of the area to which this application relates is enclosed with this application. The boundary of the area is drawn as a bold black line on the map.

d. **The contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10**

Philip Jarvis (Chair)
Mill Corner, 22 Charlton Road, Hitchin, Herts SG5 2AE

Email: jarvisphil@hotmail.com

e. **A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act**

Schedule 9 61F (5) of the 1990 act states:

"A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions -

- (a) It is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),*
- (b) Its membership is open to –*
 - I. Individuals who live in the neighbourhood area concerned,*
 - II. Individuals who work there (whether for businesses carried on there or otherwise), and*
 - III. Individuals who are elected members of a county council, district council, or London Borough Council any of whose area falls within the neighbourhood area concerned*
- c) Its membership includes a minimum of 21 individuals each of whom-*
 - I. Lives in the neighbourhood area concerned,*
 - II. Works there (whether for a business carried on there or otherwise), or*
 - III. Is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,*
- (d) it has a written constitution, and*
- (e) such other conditions as may be prescribed."*

Statement of Compliance with the above conditions

The Charlton Society Neighbourhood Forum already meets these conditions and conducts itself in accordance with them as follows:

Schedule 9 61F (5a) – The Charlton Society came into existence in 1976 and has been governed by a constitution since 2015, with the express purpose of promoting the social, economic and environmental well-being of those that it represents. The constitution was further updated on 15 March 2021 to fully encompass the requirements for being a designated neighbourhood forum.

Schedule 9 61F (5b) – Membership of the Forum is open to all of the categories listed above with no exceptions.

Schedule 9 61F (5c) – At the date of this application, the Charlton Society Neighbourhood Forum has more than 42 members including some who work in the village and who are elected to represent it. On 5 March 2021, a special Zoom meeting of the Charlton Society was attended by 22 members, including some who work within the village, when the attached constitution was unanimously agreed. Prior to and subsequent to this meeting, several further members who were unable to attend, confirmed their support and membership.

Schedule 9 61F (5d) – A copy of our written constitution is enclosed.

Schedule 9 61F (5e) – No other conditions have been prescribed.

Furthermore, Schedule 9 61F (7) (a) (i-iii) states that:

A local planning authority -

- (a) must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard for the desirability of designating an organisation or body –
 - i. which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of the sub-paragraphs (i) to (iii) of subsection (5)(b),
 - ii. whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and
 - iii. whose purpose reflects (in general terms) the character of that area

The Charlton Society Neighbourhood Forum meets conditions (i) and (ii) as it has members who fulfil at least one of the criteria listed in subsection (5)(b), and it has sought to actively recruit, and continues to recruit, by means of email, Whatsapp and word of mouth, eligible members drawn from different sections of the Charlton community, regardless of age, gender, disability and ethnic group, and from a wide range of locations in the neighbourhood area.

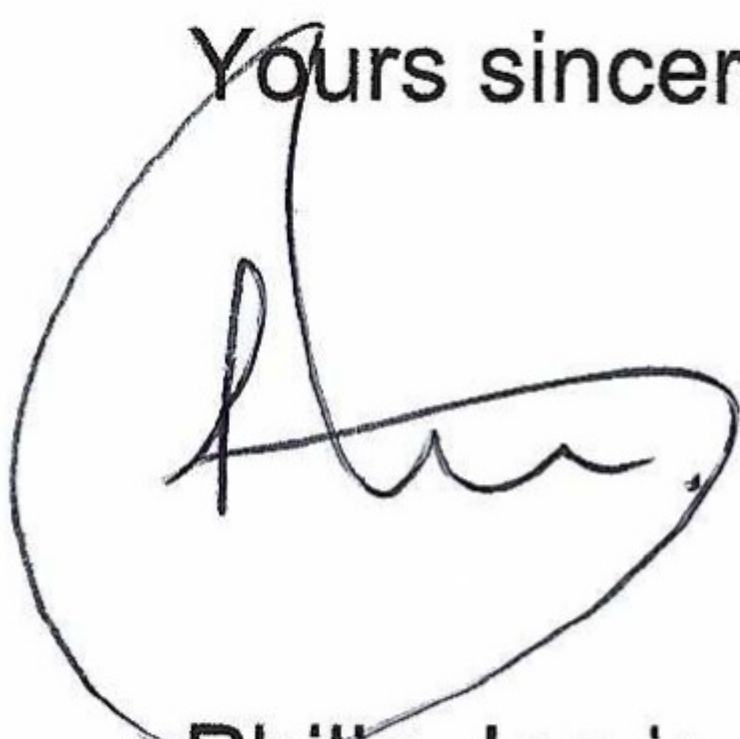
Furthermore, the Charlton Society Neighbourhood Forum meets condition (iii). The Charlton Society is a well-established organisation which originally sprang from concerns that threatened the character of this historic rural village setting. It has continued to maintain a broad membership encompassing the community that it represents.

NEIGHBOURHOOD PLAN AREA

Finally, Part 2 Regulation 5 (b) of the Neighbourhood Planning (General) Regulations 2012 requires that a statement explaining why this area is considered appropriate to be designated as a neighbourhood area is included with this application. The area is considered appropriate to be designated as a neighbourhood area for the following reasons. It encompasses the built core of the ancient settlement of Charlton and extends out to include the outlying properties that have been part of The Charlton Society since its formation in 1977, with the exception of Wellhead Farm and properties on the South side of Temple End Close which fall within the parishes and Neighbourhood Plan areas of St Ippolyts and Preston. The area also includes the Charlton Conservation area with the same exception for Well Head Farm. From North East to North West the area boundary is defined by the public footpaths and roads that lie just beyond each last neighbouring Charlton property. The only exception to this being the Northern boundary which extends up to Willow Lane. Along Willow Lane runs the main pedestrian footpath to Charlton from Hitchin which is considered integral to the Charlton Area. Indeed the society has with the permission of NHDC cleared this footpath of litter and vegetation on a number of occasions. The area was determined following full consultation with Charlton Society Neighbourhood Forum members.

I trust that the foregoing provides sufficient information for North Herts District Council to consider the designation of the proposed Neighbourhood Forum and Neighbourhood Area for Charlton Village.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Jarvis', enclosed within a large, loopy circular flourish.

Philip Jarvis
Chairman

Encs

The Charlton Society Neighbourhood Forum Constitution

Name

The name of the group shall be The Charlton Society Neighbourhood Forum (hereafter called the Society). The Name of the Local Authority is North Hertfordshire District Council (hereafter called the Council).

Brief Background and History

Charlton is mentioned in the Domesday book as a small settlement including a mill. It retains its ancient dispersed milling landscape comprising of approximately 30 houses scattered along the length of the mill stream which runs beside Charlton Road from the springs at Wellhead Farm to Hitchin Priory. In 1977 the area was given conservation area protection by NHDC.

The Charlton Society came into existence in 1976 over concerns to preserve an ancient woodland copse at the centre of the village. A successful campaign led to this area being acquired by a woodland society in whose care it remains. From this point it was decided that the village should have a permanent residents association and The Charlton Society was founded. The Society agreed and signed a constitution which was later updated in March 2021 to meet the legislative requirements of the 2012 Neighbourhood Plan Regulations. At the same time the Society changed its title to include Neighbourhood Forum as recognition of its expanding role and responsibilities.

Goal

The overall aim of the Society is to provide a welcoming, democratic forum that is open to all aged 16+ years that live or work in Charlton, as well as those elected to represent the area. Its expressed purpose is to promote social cohesion and enhance the lives and environment for those who live and work in the area, and to produce a Neighbourhood Plan which embodies these aims.

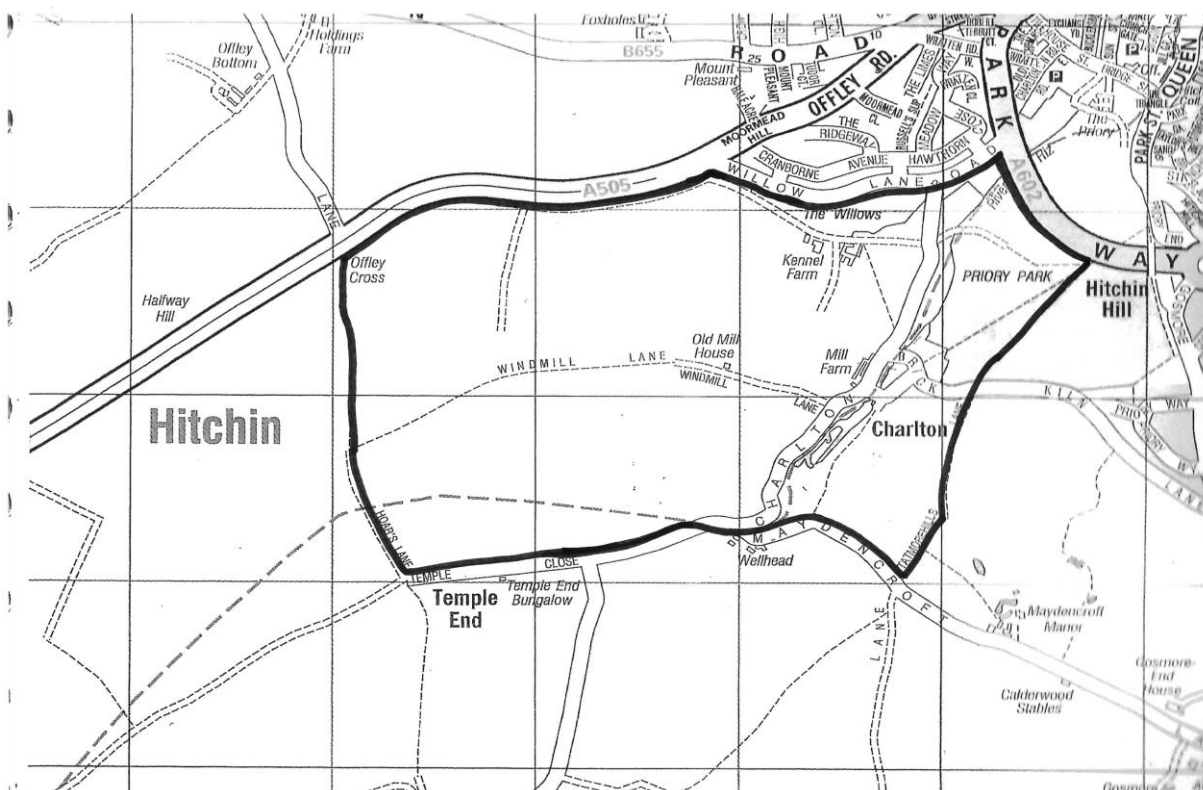
Objectives

The objectives of the Society shall be:

1. To promote the social, economic and environmental well-being for those living and working within the Charlton neighbourhood plan area as defined by this document.
2. To produce a Neighbourhood Plan.
3. To campaign for, and to protect, the housing standards, amenities, general welfare and the rights of all the residents in this area.
4. To encourage a community spirit within the area by generating interest, awareness and opportunities to influence local decision making.
5. To meet, consult and negotiate with the Council and other organisations in pursuance of these objectives.
6. To raise funds, receive grants and donations and apply funds to carry out the work of the Society.
7. To encourage all members to work together in an inclusive and supportive environment to achieve the objectives of the Society.

Charlton Neighbourhood Plan Area

The following map defines the geographical area for membership of the Society and the area covered by the Charlton Neighbourhood Plan.



Membership

Membership of the Society is open to all those over the age of 16 who live and work as well as to elected members of NHDC and Hertfordshire County Council within whose ward the neighbourhood area is located. Membership for those who work (but who do not live) in the area is through completion of a membership form which can be obtained from the chair whose email address is jarvisphil@hotmail.com. Membership of the Society is free of charge and shall imply acceptance of this constitution and any amendments that may be passed at Annual General Meetings. To encourage openness of membership, a notice is placed on the village notice board explaining how relevant individuals can apply for membership of the Society.

Members shall receive notification of Society activities either via email or letterboxes and all members are encouraged to participate fully in activities and at all Society meetings including Annual General Meetings and Special General Meetings.

Records of membership held electronically for the purposes of operating and administering the Society shall not be used for any other purpose.

All those within the Society are expected to conduct themselves in a legal manner befitting the Society ethos and the local community as a whole.

Members who demonstrate behaviour or actions that are deemed by the Committee to be detrimental to the functioning of the Society, or run against the overall aims and objectives of the Society, will be asked to cease such behaviour/actions or be prepared to stand down and relinquish their membership. In exceptional circumstances, the Committee may decide to suspend the membership of an individual in order to facilitate the objectives of the Society.

Any such individual will have the right to appeal via any member of the Committee or, where possible, an independent village resident determined by mutual agreement of the individual and the Committee.

Any member of the Society may resign his/her membership by providing the Secretary with written notice.

Annual General Meetings

The Society shall hold an Annual General Meeting (AGM) once per year and within 15 months of the last AGM.

The business of the AGM shall include:

1. Receiving annual reports from the Chairperson, Vice-Chairperson, Secretary and Treasurer, plus other reports on the work the Society has undertaken since the last AGM.
2. The election of Officers and Committee members.
3. Reviewing and agreeing the priorities for the forthcoming year.
4. Reviewing and agreeing any changes to the constitution.

Each nomination proposing the appointment of an Officer (Chairperson, Vice-Chairperson, Secretary and Treasurer) or Committee member shall need a proposer and seconder. There must be consent from the nominee of the nomination. Proposals for the appointment of Officers and Committee members can be received by the Secretary on any date up to and including the date and time of the AGM.

The quorum for an AGM shall be 8 members from at least 5 households, of whom at least 2 must be Committee members including one officer.

Voting

Each Society member has one equal vote. Voting at all meetings (General meetings, AGM's or Special General Meetings) will usually be by a show of hands which requires a simple majority. In the event of a tied vote, the Society Chairperson will have the casting vote. If the vote is considered by the Committee to have the potential for a significant impact on the operation or management of the Society, the Secretary can be asked by the Committee to arrange a confidential ballot.

On occasion, the Committee may deem it necessary to invite postal/email voting, for decisions which benefit from a wider consultation, but which cannot await the next Society meeting. This vote must be submitted to the Secretary and must identify the sender. On occasion, the Committee may deem it necessary to invite votes by proxy when a prearranged vote is being held at a meeting. This vote must be submitted in writing to the Secretary prior to the vote being conducted and must identify the sender.

Affiliations

The Society shall remain independent and shall not be affiliated to political, religious or other organisations.

Management

The Society shall meet at least 4 times per year including an AGM. These meeting will usually be composed of 3 General meetings and an AGM.

All members are welcome to contribute their time, expertise and votes to help define the activities of the Society. The overall management of these Society activities shall be vested in the Committee who will be tasked with:

1. Prioritising activities of the society as laid out in the Society objectives.
2. Authorising and instructing expenditure in line with the Society objectives
3. Generating awareness of current and proposed Society activities.
4. Filling vacancies occurring on the Committee until the next AGM.
5. Establishing sub-committees for the purpose of undertaking specific tasks.
6. Deciding on matters not covered by the constitution.

The quorum for a General meeting shall be 5 members from 5 households, of whom at least 2 must be Committee members including one Officer. If a quorum is not reached, the meeting shall be reconvened, and all members informed (via email and letterboxes) of the new date, time and venue. The quorum for a reconvened General meeting shall be those present.

Special General Meetings

A Special General Meeting (SGM) may be called by the Committee or by a group of not less than 6 members from at least 4 households by requisition. The Secretary will call such a meeting within four weeks from the date of the requisition. The notice of meeting shall detail the motion and be issued to all residents by email or letterboxes.

Only the business stated in the requisition may be debated at the SGM.

The quorum for a SGM shall be 8 members from at least 5 households, of whom at least 2 must be Committee members including one Officer.

Notice of Meetings

The date time and location of any General meeting, AGM or SGM shall be published via email or letterboxes giving at least 2 weeks of notice.

Responses indicating plans to attend or apologies, are kindly requested and should be sent to the Secretary at the earliest opportunity.

The Committee

The Committee shall be composed of a Chairperson, Vice-Chairperson, Secretary, Treasurer (the Officers) and between 4 and 8 other Committee members. Members will be elected at the AGM for a period of one year until the following AGM. If a position must be competed, a vote by the Society members present shall determine the winner. Any Committee member or Officer can stand for re-election in consecutive years without restriction.

The Officers

The Chairperson shall:

1. Ensure the Society is properly conducted according to the constitution.
2. Chair and delegate the conduct of meetings.
3. The Vice-Chairperson shall:
4. Step in to assist the Chairperson in his/her duties when required and under the instruction of the Chairperson
5. Fulfil the role of Chairperson should the Chairperson resign or be unavailable to continue in their role, until the next AGM.

The Secretary shall:

1. Give notice of the dates and time and venue of all meetings to all members via email or letterboxes. This should be done no later than 2 weeks prior to a meeting.
2. Give notice of meeting agendas. This should be done no later than one week prior to a meeting.
3. Keep minutes of meetings and records of attendance.
4. Arrange distribution of minutes to all members via email or letterboxes within 4 weeks of a meeting
5. Keep records of Society membership, including a Committee list and contact details.
6. Keep records of key correspondence received and sent regarding the work of the Society.
7. Make available the constitution and any amendments agreed to it.

The Treasurer shall:

1. Account for and deposit with the Society's bank account, all monies received.
2. Sign cheques drawn on the account in accordance with the Committee's instructions.
3. Keep proper accounts at all times and make an account statement and overview of transactions available at all meetings, and upon request.

Any Officer can temporarily delegate their duties to another member. It will remain the responsibility of that Officer to ensure this duty is fully completed within a reasonable timeframe.

Alterations to the Constitution

Any changes to the constitution can be agreed at an AGM.

Complaints Procedure

If any resident has cause for complaint against the Society, any other village resident or any affiliated group, then the nature of the complaint should be submitted in writing to the Chairperson in the first instance. By agreement between the complainant and Chairperson, the matter shall then be handled by the Chairperson alone, the Committee or an independent third party, to help resolve the matter. The third person can be either a Council representative or a village resident deemed by the relevant parties to be impartial and who agrees to mediate. Involvement of the individual or group about whom the complaint is raised, shall be encouraged early and without judgement. If the process is unable to reach a conclusion, the Chairperson shall bring the matter to a conclusion and his/her decision will be final.

If the complaint is against the Chairperson, the written complaint can be submitted to any other Committee member who will further the complaint as above, to help bring about a resolution. If the matter cannot be resolved with satisfaction, the Committee shall bring the matter to a conclusion and their decision will be final.

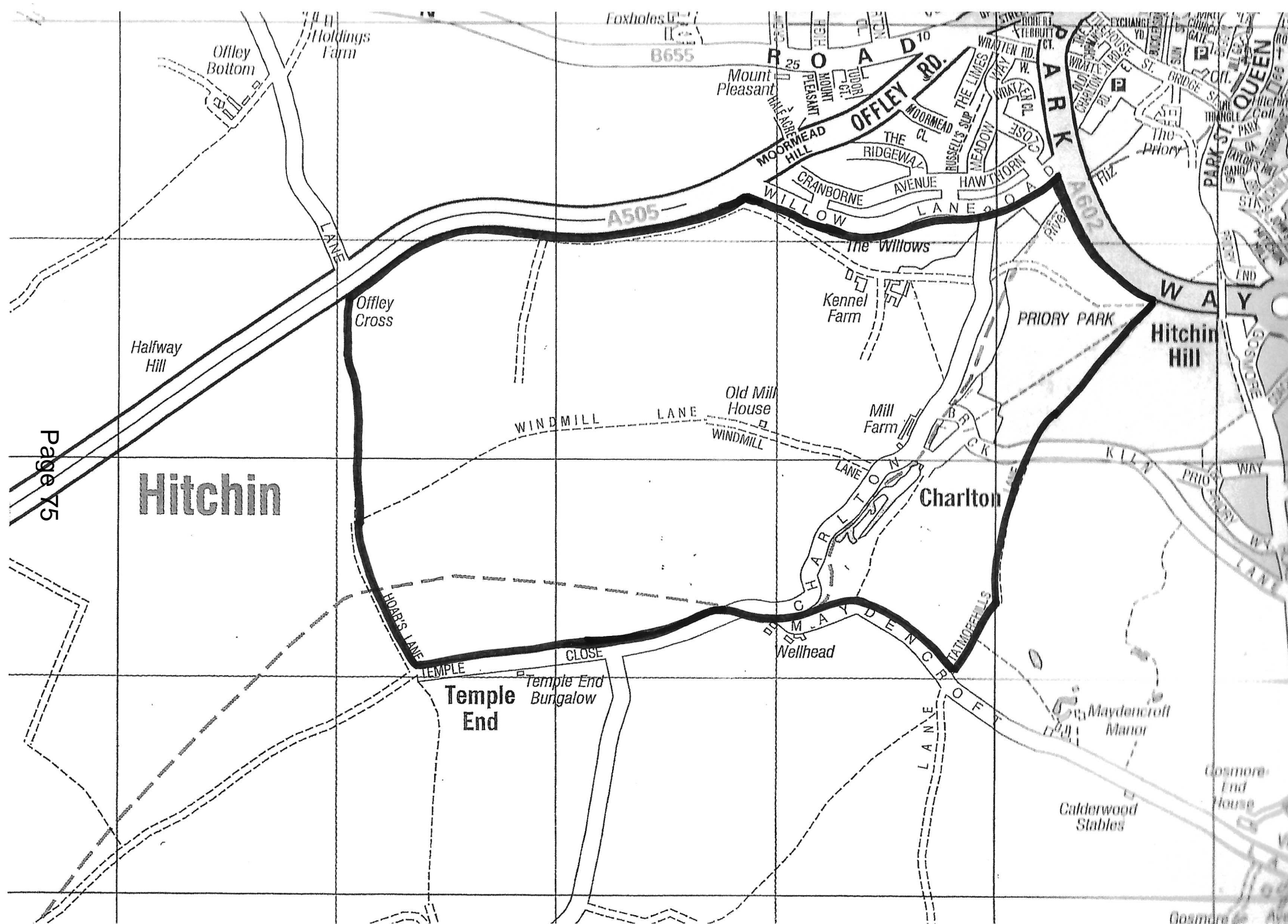
The matters of complaints shall remain confidential to those involved.

Dissolution

The Society may be dissolved if deemed necessary by members at a Special General Meeting. Any assets or remaining funds after debts have been paid shall be returned to their providers or transferred to local charities or other voluntary groups, having similar objectives of the Society.

Hitchin

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**CABINET
20 JULY 2021**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LAND SOUTH OF CLARE CRESCENT, BALDOCK, SG7 6JR

REPORT OF THE INTERIM PROPERTY CONSULTANT

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR ENTERPRISE, THE ARTS AND TRANSPORT

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES & SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

- 1.1 To seek Cabinet's declaration that land south of Clare Crescent, Baldock is surplus to NHDC's requirements.
- 1.2 To seek Cabinet's authority to dispose of NHDC's freehold interest in the land south of Clare Crescent, Baldock based on transaction terms presented in the Part 2 report to Cabinet.

2. RECOMMENDATIONS

- 2.1 That Cabinet declares the land surplus to NHDC's requirements.
- 2.2 That Cabinet authorises disposal of the land on the transaction terms presented in the Part 2 report to Cabinet.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To release surplus property to provide a financial receipt to help fund the capital programme.
- 3.2 To enable the development of new homes, including affordable homes for local applicants in North Hertfordshire.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To retain the land. This option is rejected. The site is landlocked by the absence of adjacent vehicular access, and is very difficult for pedestrians to access. These features significantly constrain the land's utility. If retained, the land is likely to remain vacant and overgrown, attracting anti-social behaviour.

- 4.2 To consider a sale programme for discussion with other adjoining residential owners as extensions to their respective gardens. This option is rejected. In all likelihood, such a programme would involve dividing the land up into multiple parcels of varying size, given the irregular shape and depth of the site. This option carries inherent risks associated with creating a fragmented land ownership; with sporadic areas left unsold if not all adjoining owners engage in the sale programme. It is considered that even if the land were divided up and all segments successfully sold, the overall capital receipt would be significantly below the purchase price currently on offer, as set out in the Part 2 report.
- 4.3 There are currently no other realistic sale or development options open to NHDC. The proposed sale of the whole provides greatest certainty of a capital receipt and supports a new housing development on the combined sites, including flats to let at affordable rents.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Cllr Sam Collins, Executive Member for Enterprise, the Arts and Transport, has been consulted.
- 5.2 The relevant Ward Members for Baldock Town Ward have been consulted, namely Cllr Jim McNally, Cllr Michael Muir and Cllr Michael Weeks.
- 5.3 NHDC's Asset Management Group has been consulted.
- 5.4 NHDC's intention to dispose of this land was advertised in accordance with section 123 of the Local Government Act 1972 in the Comet newspaper on 10th & 17th June 2021. Comments and objections to the proposed disposal were invited by 12 noon on 2nd July 2021. No such feedback has been received.

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 22nd June 2021.

7. BACKGROUND

- 7.1 The land considered for disposal is owned freehold by NHDC and registered at HM Land Registry Under Title HD497506. The land area is circa 1.18 acres (0.48 hectares).
- 7.2 The land is irregular in shape and landlocked by surrounding residences, and so cannot be accessed by vehicle. Pedestrian access is poor, being inefficiently served by two very narrow, indirect, elongated alleyways.
- 7.3 The land has been vacant and overgrown for many years, attracting anti-social behaviour including fly tipping. Refer to Appendix A for the Site Plan: NHDC's land is indicated by the area edged blue tinted pink.

- 7.4 On 22nd March 2011, the land formed the subject matter of Item 124 of a Cabinet meeting. Cabinet resolved:

(1) That, [.....] the sites and buildings within the report [which included subject land] be declared surplus to the Council's requirements, in principle, subject to a further report back to Cabinet;

REASON FOR DECISION: To facilitate the provision of new social housing through the use of Council owned land that might otherwise remain of limited benefit to the community; and to provide financial receipts to help fund the 2011 to 2015 Capital Programme.

- 7.5 The most direct, efficient and realistic option for providing NHDC's land with vehicular access is Knights Court located adjacent to the south-west corner of the land. Knights Court is owned by Foxberry Developments (who also own the adjoining land at 68 London Road) and provides a route through to Weston Way which is a public adopted highway.
- 7.6 Following negotiations between NHDC and Foxberry Developments, a joint planning application (ref: 20/02507/FP) between the two parties has been submitted. The application is for development of 24 units on the combined sites, including 8 flats (on NHDC's land) for affordable rent to local applicants. The combined sites measure circa 2.6 acres (1.05 hectares).

The development comprises the following dwellings:

Dwelling Type	Number of Private Market	Number of Affordable Rent
1 bedroom flats		3*
2 bedroom flats		5*
2 bedroom houses	1	
3 bedroom houses	11	
4 bedroom houses	4	

* Proposed for NHDC's land.

- 7.7 Refer to Appendix B for the Proposed Development Layout Plan.

8. RELEVANT CONSIDERATIONS

- 8.1 NHDC has been in negotiation with Foxberry Developments to sell NHDC's land to Foxberry. A sale price and subsequent development scheme of the combined sites by Foxberry have been agreed, subject to contract, Cabinet authority and also receipt of planning consent.
- 8.2 Foxberry proposes a scheme of 24 dwellings, comprising 16 houses (for market sale) and 8 flats for affordable letting to local applicants. Foxberry has agreed to pay the Section 106 obligations for the joint planning application.

- 8.3 The land has been valued for NHDC by a local firm of Chartered Surveyors. Further details are in the Part 2 report. The sale price offered and terms of the disposal are considered to secure best consideration for NHDC.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet in exercising its functions have power to dispose of land or buildings where the consideration is between £250,000 and £2,500,000. On 22nd March 2011, Cabinet resolved to declare the land surplus to the Council's requirements, in principle, subject to a further report back to Cabinet.
- 9.2 Section 123 of the Local Government Act 1972 allows a Council to dispose of land in any manner it wishes provided that the consideration is the best that can reasonably be obtained, unless the Secretary of State consents to the disposal for less than best value.
- 9.3 NHDC has advertised the proposed disposal of the land in accordance with section 123 of the Local Government Act 1972.
- 9.4 The Contract Procurement Rules and specifically Appendix I apply to the sales of land or property. If Cabinet were to sell this land, the Officers seeking to market and dispose of the land would be required to do so within the remit of the Contract Procurement Rules.

10. FINANCIAL IMPLICATIONS

- 10.1 The sale will not generate revenue for NHDC.
- 10.2 The sale on the terms agreed will generate a significant capital receipt for NHDC.
- 10.3 Disposal of the land will eliminate spending further financial resources to address anti-social behaviour on the land.
- 10.4 The future of New Homes Bonus is very uncertain, but an increase in residential property numbers may result in a Bonus being received following build completion.

11. RISK IMPLICATIONS

- 11.1 The sale of the District Council's land will reduce the risks to NHDC arising from the Occupiers Liability Act 1957 and 1984.
- 11.2 Risks relating to the sale of this land are governed by the terms of the contract and are subject to the purchaser progressing to an exchange of contracts.

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. Any land that is offering potential for new housing may benefit the wider community. There may be those who exhibit a protected characteristic within this wider community. The addition of suitable housing may support the more vulnerable in the community.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” requirements do not apply to this report. 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 *Environmental Impact Assessment (Sustainability Appraisal) has been undertaken. This has been considered and is detailed in the following Local Plan submissions and the allocation of this site (BA7):*
<https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/examination-library>

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications from this report.

16. APPENDICES

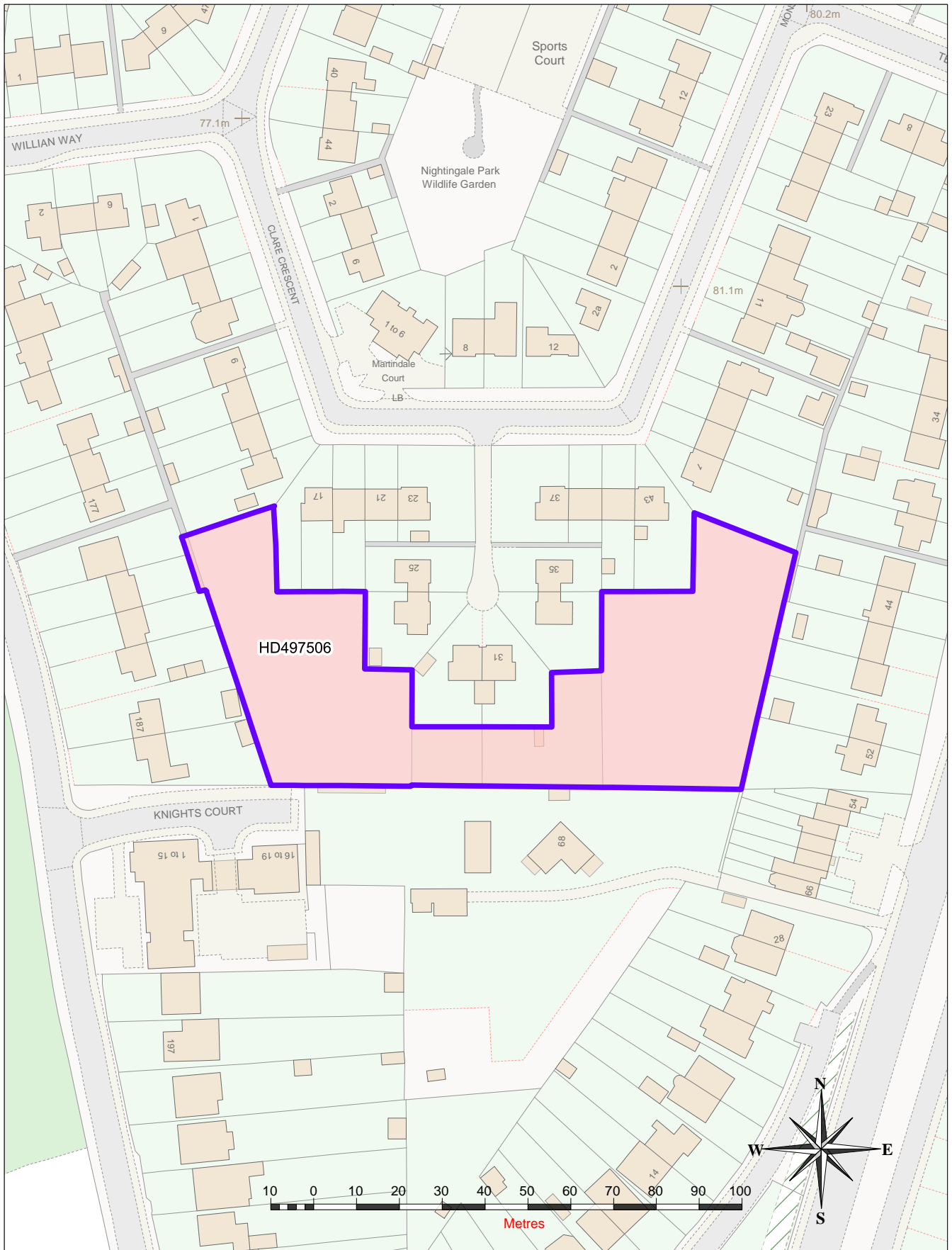
- 16.1 Appendix A - Site Plan.
16.2 Appendix B - Proposed Development Layout Plan.

17. CONTACT OFFICERS

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Land south of Clare Crescent, Baldock, Hertfordshire SG7 6JR



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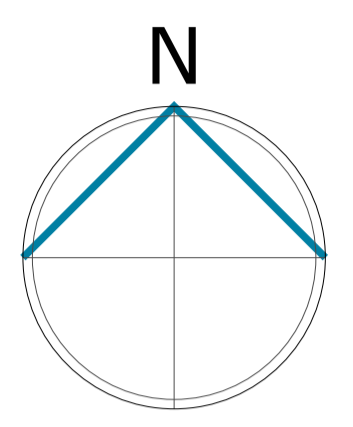
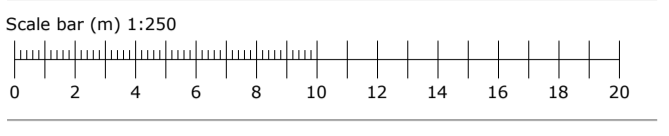


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